Adopting Ordinance

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ADOPTING ORDINANCE

Title I Government Code

Chapter 100

GENERAL PROVISIONS

ARTICLE I
City Incorporation and Seal

Section 100.010. Municipal Incorporation.

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

Section 100.020. City Seal.

A. The Seal of the City of Country Club Hills shall be circular in form, one and seven-eighths (1 7/8) inches in diameter, with the words "St. Louis County, Missouri" engraved across the face thereof, and the words "Seal of the City of Country Club Hills" engraved on the face thereof and near the outer edge of said Seal, and the same is hereby declared to be adopted as the Seal of the City of Country Club Hills.

B. The City Clerk shall be the keeper of the common Seal of the City of Country Club Hills, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in cases authorized by law or the ordinances of this City.

ARTICLE II
General Code Provisions

Section 100.030. Contents of Code.

This Code contains all ordinances of a general and permanent nature of the City of Country Club Hills, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order and similar objects.

Section 100.040. Citation of Code.

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

Section 100.050. Official Copy of Code.

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. Two (2) additional copies of this Code shall be kept in the City Clerk's office available for public inspection.

Section 100.060. Altering or Amending Code.

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

B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which may be prepared by the City Clerk for insertion in this Code.

Section 100.070. Numbering of Code.

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. Both figures shall consist of three (3) digits.

Section 100.080. Definitions and Rules of Construction.

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

BOARD OF ALDERMEN — The Board of Aldermen of the City of Country Club Hills, Missouri.

CITY — The words "*the City*" or "*this City*" or "*City*" shall mean the City of Country Club Hills, Missouri.

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

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

MAY — Is permissive.

MAYOR — An officer of the City known as the Mayor of the Board of Aldermen of the City of Country Club Hills, Missouri.

MONTH — A calendar month.

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

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

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

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

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

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

PROPERTY — Includes real and personal property.

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

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

SHALL — Is mandatory.

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

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

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

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

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

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

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

Section 100.090. Words and Phrases — How Construed.

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

Section 100.100. Headings.

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

Section 100.110. Continuation of Prior Ordinances.

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

Section 100.120. Effect of Repeal of Ordinance.

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

Section 100.130. Repealing Ordinance Repealed — Former Ordinance Not Revived — When.

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

Section 100.140. Severability.

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

Section 100.150. Tense.

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

Section 100.160. Notice.

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

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;

2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or

3. If the person to be served is unknown or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear

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

Section 100.170. Notice — Exceptions.

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

Section 100.180. Computation of Time.

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

Section 100.190. Gender.

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

Section 100.200. Joint Authority.

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

Section 100.210. Number.

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

ARTICLE III
Penalty

Section 100.220. General Penalty.

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

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

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

Chapter 105

ELECTIONS

ARTICLE I
In General

Section 105.010. Conformance of City Elections With State Law.

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

Section 105.020. Date of Municipal Election. [Ord. No. 741 §5, 8-11-2010]

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

B. A general City election for the election of Mayor of the City shall be held on the general municipal election day, as prescribed by State law, to coincide with the end of the term of office for Mayor, which term shall be four (4) years and until his/her successor is elected and qualified.

C. On the general municipal election day in April, 2011, as prescribed by State law, one (1) Alderman shall be elected from each of the wards in the City for a term of three (3) years to succeed the Alderman whose term expires at such time.

D. Beginning in April, 2012, and 2013 respectively, on the general municipal election day, as prescribed by State law, of each year in which a term will expire, one (1) Alderman shall be elected from each of the wards in the City for a term of four (4) years to succeed the Alderman whose term expires at such time.

Special elections for any lawful purpose may be called by the Board of Aldermen at any time.

Section 105.030. Declaration of Candidacy — Dates for Filing.

Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M. on the sixteenth (16th) Tuesday prior to nor later than 5:00 P.M. on the eleventh (11th) Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

Section 105.035. Candidates for Municipal Office — No Arrearage for Municipal Taxes or User Fees Permitted.[1]

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

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

Section 105.040. Declaration of Candidacy — Notice to Public.

The City Clerk shall, on or before the sixteenth (16th) Tuesday prior to any election at which City offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing, and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the City.

Section 105.050. Declaration of Candidacy — Form.

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

DECLARATION OF CANDIDACY

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, _____, being first duly sworn, state that I reside at _____, City of Country Club Hills, County of St. Louis, Missouri; that I am a qualified voter; that I do hereby declare myself a candidate for the office of _____, to be voted upon at the municipal election to be held on the first (1st) Tuesday after the first (1st) Monday in April, _____, and I meet all the qualifications required of a candidate for said office, 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 _____, _____.

_____

City Clerk

City of Country Club Hills

(SEAL)

Section 105.060. Notice of Elections.

In City elections, the City Clerk shall notify the Board of Election Commissioners prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any City election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Aldermen is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The notice and any other information required by this Section may, with the

prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission.

ARTICLE II
Wards

Section 105.070. Dividing City Into Wards — Designation and Definition.[2] [Ord. No. 324 §§1 — 2, 1-24-1973]

A. *Designation Of Wards*. The City of Country Club Hills shall be and the same is hereby divided into two (2) wards to be known as First Ward and Second Ward, the boundaries of which are described as follows, to wit:

1. *First Ward.* Beginning at the intersection of the centerline of Sunbury Avenue with the northeast City limits; thence southwestwardly along and with the centerline of Sunbury Avenue to the center of the intersection of Sunbury Avenue and Sharon Drive; thence southeastwardly, more or less, along and with the centerline of Sharon Drive to the center of the intersection of Sharon Drive and Esterbrook Drive; thence westwardly along and with the centerline of Esterbrook Drive to the extension of the property line separating Lot 30 and Lot 29 in Block 2; thence southwestwardly along the extension of the property line and property line separating Lot 30 and Lot 29 in Block 2 to the southwest City limits; thence northwestwardly along and with the City limits to the westernmost corner of Lot 25 in Block 2; thence northeastwardly along and with the City limits to the juncture of Block 2 and Block 13; thence northwestwardly along and with the City limits to the westernmost point of the City limits on the Norwood Country Club grounds; thence northeastwardly along and with the City limits to the northernmost point of the City limits; thence southeastwardly along and with the City limits to the place of beginning.

2. *Second Ward.* Beginning at the intersection of the centerline of Sunbury Avenue with the northeast City limits; thence southwestwardly along and with the centerline of Sunbury Avenue to the center of the intersection of Sunbury Avenue and Sharon Drive; thence southeastwardly, more or less, along and with the centerline of Sharon Drive to the center of the intersection of Sharon Drive and Esterbrook Drive; thence westwardly along and with the centerline of Esterbrook Drive to the extension of the property line separating Lot 29 and Lot 30 in Block 2; thence southwestwardly along the extension of the property line and property line separating Lot 29 and Lot 30 in Block 2 to the southwest City limits; thence southeastwardly along and with the City limits to the southernmost point of the City limits; thence northeastwardly along and with the City limits to the corner of the northernmost property line separating the City of Country Club Hills from Memorial Park Cemetery; thence southeastwardly along

2. Editor's Note — As noted in ord. no. 324, at bottom of second (2nd) page: Ward Plat "Addendum A" is contained in safe deposit box at Northland Bank.

and with the City limits to the property line separating Lot 40 and Lot 39 of Sheppard Hills Plat No. 2; thence northeastwardly along and with the City limits to the northeasternmost point of Lot 88 of Sheppard Hills Plat No. 2; thence northwardly along and with the City limits to the northernmost point of Lot 87 of Sheppard Hills Plat No. 2; thence northeastwardly along and with the City limits to the northeast corner of Lot 63 of Sheppard Hills Plat No. 2; thence northwestwardly along and with the City limits to the northwest corner of Lot 63 of Sheppard Hills Plat No. 2; thence northeastwardly along and with the City limits to the southeast corner of McLaran Avenue and Harney Avenue; thence southeastwardly along and with the City limits 51 feet to a point in the southeast curb line of Harney Avenue; thence northeastwardly along and with the City limits to a point in the southeast curb line of Calvin Avenue 38 feet 5 inches southeast of the southeast corner of McLaran Avenue and Calvin Avenue; thence northeastwardly along and with the City limits to a point in the northeast curb line of Calvin Avenue 50 feet southeast of the northeast corner of McLaran Avenue and Calvin Avenue; thence northeastwardly along and with the City limits to is point in the southeast curb line of West Florissant Avenue 50 feet southeast of the southeast corner of McLaran Avenue and West Florissant Avenue; thence northeastwardly along and with the City limits to a point in the northeast curb line of West Florissant Avenue 50 feet southwest of the northeast corner of McLaran Avenue and West Florissant Avenue; thence northwestwardly along and with the City limits to the northeast corner of McLaran Avenue and West Florissant Avenue; thence northeastwardly along and with the City limits 125 feet to the easternmost point of the City limits; thence northwestwardly along and with the City limits to the place of beginning.

B. *Plat "Addendum A" To Govern Designation And Definition Of Wards.* Plat "Addendum A", which is on file in the City offices and incorporate herein by reference as if fully set forth herein, shall govern the designation and definition of said wards. The First Ward shall be designated and defined by that portion of Plat "Addendum A" shaded in green color and the Second Ward shall be designated and define by that portion of Plat "Addendum A" remaining unshaded by color within the City limits. In any case of variance between Subsection (A) hereinabove and Plat "Addendum A" of this Article, said Plat "Addendum A" of this Article shall govern the designation and definition of wards in the City of Country Hills.

Chapter 110

MAYOR AND BOARD OF ALDERMEN

ARTICLE I
Mayor and Board of Aldermen — Generally

Section 110.010. Aldermen — Qualifications.

No person shall be an Alderman unless he/she be at least twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he/she files and during the time he/she serves, of the ward from which he/she is elected.

Section 110.020. Mayor — Qualifications.

No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his/her election.

Section 110.030. Board to Select an Acting President — Term.

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

Section 110.040. Acting President to Perform Duties of Mayor — When.

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatever, the Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed or, in case of temporary absence, until the Mayor's return.

Section 110.050. Mayor and Board — Duties.

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

Section 110.060. Mayor May Sit in Board.

The Mayor shall have a seat in and preside over the Board of Aldermen but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she

shall exercise a general supervision over all the officers and affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

Section 110.070. Ordinances — Procedure to Enact.

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Country Club Hills, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto as herein provided.

Section 110.080. Bills Must Be Signed — Mayor's Veto.

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

Section 110.090. Board to Keep Journal of Proceedings.

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

Section 110.100. Board Shall Publish Semi-Annual Statements.

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

Section 110.110. No Money of City to Be Disbursed Until Statement Is Published — Penalty.

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

Section 110.120. Board May Compel Attendance of Witnesses — Mayor to Administer Oaths.

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

Section 110.130. Mayor to Sign Commissions.

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

Section 110.140. Mayor Shall Have the Power to Enforce Laws.

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

Section 110.150. Mayor — Communications to Board.

The Mayor shall, from time to time, communicate to the Board of Aldermen such measures as may, in his/her opinion, tend to the improvement of

the finances, the Police, health, security, ornament, comfort and general prosperity of the City.

Section 110.160. Mayor May Remit Fine — Grant Pardon.

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

Section 110.165. Approved Monthly Expenses Incurred by the Mayor. [Ord. No. 721 §§1 — 2, 5-13-2009]

A. The Mayor for the City of Country Club Hills is hereby authorized to incur monthly expenses up to five hundred dollars ($500.00) without prior approval of the Board of Aldermen, as long as said expense is for the benefit of the City.

B. All expenses of the City of Country Club Hills shall be consistent with the budget of the City.

ARTICLE II
Board of Aldermen Meetings

Section 110.170. Regular Meetings. [Ord. No. 314 §1, 4-28-1972; Ord. No. 759 §1, 5-22-2011]

The regular meetings of the Board of Aldermen of the City of Country Club Hills shall be held on the second (2nd) Wednesday of each month at the City Hall, 7422 Eunice Road. All regular meetings of the Board of Aldermen shall commence promptly at 6:30 P.M. on said day and at said place.

Section 110.180. Special Meetings.

Special meetings may be called by the Mayor or by any two (2) members of the Board by written request filed with the City Clerk who shall thereupon prepare a notice of such special meeting in conformance with Chapter 120, Open Meetings and Records Policy, of this Code.

Section 110.190. Quorum Must Be Present.

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

Chapter 115

CITY OFFICIALS

ARTICLE I
General Provisions

Section 115.010. Elective Officers — Terms. [Ord. No. 741 §4, 8-11-2010]

The following officers shall be elected by the qualified voters of the City and shall hold office for the term of four (4) years, except as otherwise provided in this Section, and until their successors are elected and qualified, to wit: Mayor and Board of Aldermen.

Section 115.020. Appointive Officers.

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a City Treasurer, City Attorney, City Assessor, Chief of Police, Street Commissioner and Night Watchman and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor, and the person elected Marshal may be appointed to and hold the office of Street Commissioner.

Section 115.030. Removal of Officers.

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

Section 115.040. Officers to Be Voters and Residents — Exceptions.

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

Section 115.050. Officers' Oath — Bond.

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

Section 115.060. Salaries Fixed by Ordinance.

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

Section 115.070. Vacancies in Certain Offices — How Filled.

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

Section 115.080. Powers and Duties of Officers to Be Prescribed by Ordinance.

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

ARTICLE II
City Clerk

Section 115.090. City Clerk — Election — Duties.

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

ARTICLE III
City Treasurer

Section 115.100. Treasurer — Duties — Bond.

The Treasurer shall receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his/her care and shall pay over all monies, bonds or other obligations of the City on warrants or orders duly drawn, passed or ordered by the Board of Aldermen and signed by the Mayor and attested by the City Clerk and having the Seal of the City affixed thereto and not otherwise and shall perform such other duties as may be required of him/her by ordinance. Before entering upon the duties of his/her office, he/she shall give bond in the amount of fifty thousand dollars ($50,000.00).

ARTICLE IV
City Collector

Section 115.110. Appointment.

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

Section 115.120. Duties Generally.

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

Section 115.130. Collector to Make Annual Report.

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

Section 115.140. Deputy Collector.

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

ARTICLE V
City Attorney

Section 115.150. Appointment — Term.

A. The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.

B. *Qualifications.* No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State.

ARTICLE VI
City Administrator

Section 115.160. Office of City Administrator. [Ord. No. 605 §1, 12-10-1997]

There is hereby created and established the office of City Administrator for the City of Country Club Hills, Missouri.

Section 115.170. Appointment and Tenure. [Ord. No. 605 §2, 12-10-1997]

A qualified person may be appointed City Administrator for the City of Country Club Hills by the Mayor; such appointment shall be approved by a majority of the Board of Aldermen. The person so appointed shall serve for an indefinite term.

Section 115.180. Qualifications. [Ord. No. 605 §3, 12-10-1997]

The person appointed to the office of City Administrator shall be at least twenty-five (25) years of age and need not be a resident of the City of Country Club Hills at the time of the effective date of such appointment; and shall be a graduate of an accredited university or college with a major in business administration or public administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields.

Section 115.190. Bond. [Ord. No. 605 §4, 12-10-1997]

The City Administrator, before entering upon the duties of his/her office, shall file with the City a bond in the amount of fifty thousand dollars ($50,000.00); such bond shall be approved by the Board of Aldermen and such bond shall insure the City of Country Club Hills for the faithful and honest performance of the duties of the City of Country Club Hills and for rendering a full and proper account to the City of Country Club Hills for funds and property which shall come into the possession or control of the City Administrator. The costs of such bond shall be paid by the City of Country Club Hills; however, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.

Section 115.200. Compensation. [Ord. No. 605 §5, 12-10-1997]

The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen.

Section 115.210. Duties. [Ord. No. 605 §7, 12-10-1997]

A. *Administrative Office.* The City Administrator shall be the chief administrative assistant to the Mayor and as such shall be the administrative officer of the City Government. Except as otherwise specified by ordinance or by the law of the State of Missouri, the City

Administrator shall coordinate and generally supervise the operation of all departments of the City of Country Club Hills.

B. *Purchasing.* The City Administrator shall be the purchasing agent for the City of Country Club Hills and all purchases amounting to less than five hundred dollars ($500.00) shall be made under his/her direction and supervision and all such purchases shall be made in accordance with purchasing rules and procedures approved by the Board of Aldermen.

C. *Budget.* The City Administrator shall be the budget officer of the City of Country Club Hills and shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and Board of Aldermen for their final approval.

D. *Financial Reports.* The City Administrator shall make monthly reports to the Mayor and Board of Aldermen relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the budget.

E. *Annual Report.* The City Administrator shall prepare and present to the Mayor and Board of Aldermen an annual report of the City's affairs, including in such report a summary of reports of department heads and such other reports as the Mayor and Board of Aldermen may require.

F. *Personnel System.* The City Administrator shall act as the personnel officer of the City and shall recommend an appropriate position classification system and pay plan to the Mayor and Board of Aldermen. The City Administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system. The City Administrator shall have the power to appoint and remove (in accordance with personnel system regulations approved by the Board of Aldermen) all subordinate employees of the City of Country Club Hills. The City Administrator shall make recommendations of appointment and removal of department heads.

G. *Policy Formulation.* The City Administrator shall recommend to the Mayor and Board of Aldermen adoption of such measures as he/she may deem necessary or expedient for the health, safety or welfare of the City or for the improvement of administrative services for the City.

H. *Board Of Aldermen Agenda.* The City Administrator shall submit to the Mayor and Board of Aldermen a proposed agenda for each Board meeting at least forty-eight (48) hours before the time of the regular Board meeting.

I. *Boards And Committees.* The City Administrator shall work with all City boards and committees to help coordinate the work of each.

J. *Attend Board Of Aldermen Meetings.* The City Administrator shall attend all meetings of the Board of Aldermen.

K. *Bid Specifications.* The City Administrator shall supervise the preparation of all bid specifications for services and equipment and receive sealed bids for presentation to the Board of Aldermen.

L. *State And Federal Aid Programs.* The City Administrator shall coordinate Federal and State programs which may have application to the City of Country Club Hills.

M. *Conference Attendance.* The City Administrator shall attend State and regional conferences and programs applicable to his/her office and the business of the City of Country Club Hills, whenever such attendance is directed and approved by the Board of Aldermen and Mayor.

N. *Press Releases.* The City Administrator shall be responsible for keeping the public informed in the purposes and methods of City Government through all available news media.

O. *Record Keeping.* The City Administrator shall keep full and accurate records of all actions taken by him/her in the course of his/her duties and he/she shall safely and properly keep all records and papers belonging to the City of Country Club Hills and entrusted to his/her care; all such records shall be and remain the property of the City of Country Club Hills and be open to inspection by the Mayor and Board of Aldermen at all times.

P. *Miscellaneous.* In addition to the foregoing duties, the City Administrator shall perform any and all duties or functions prescribed by the Mayor and Board of Aldermen.

Section 115.220. Powers. [Ord. No. 605 §8, 12-10-1997]

A. *City Property.* The City Administrator shall have responsibility for all real and personal property of the City of Country Club Hills. He/she shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the Board of Aldermen. Real property may be sold only with the approval of the Board of Aldermen. Real property may be sold only with the approval of the Board of Aldermen by resolution or ordinance.

B. *Set Administrative Policies.* The City Administrator shall have the power to prescribe such rules and regulations as he/she shall deem necessary or expedient for the conduct of administrative agencies subject to his/her authority and he/she shall have the power to revoke, suspend or amend any rule or regulation of the administrative service except those prescribed by the Board of Aldermen.

C. *Coordinate Departments.* The City Administrator shall have the power to coordinate the work of all the departments of the City and, at times of

an emergency, shall have authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government.

D. *Investigate And Report.* The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under his/her jurisdiction and shall report on any condition or fact concerning the City Government requested by the Mayor or Board of Aldermen.

E. *Coordinate Officials.* The City Administrator shall have the power to overrule any action taken by a department head and may supersede him/her in the functions of his/her office.

F. *Appear Before The Board Of Aldermen.* The City Administrator shall have the power to appear before and address the Board of Aldermen at any meeting.

G. At no time shall the duties or powers of the City Administrator supersede the action by the Mayor and Board of Aldermen.

Section 115.230. Interference by Members of the Board of Aldermen. [Ord. No. 605 §9, 12-10-1997]

No member of the Board of Aldermen shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of the Board of Aldermen or with the approval of the City Administrator.

ARTICLE VII
Miscellaneous Provisions

Section 115.240. Officers to Report Receipts and Expenditures.

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

Section 115.250. Mayor or Board May Inspect Books and Records of Officers.

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

Section 115.260. Expense Reimbursement and Advances.[3] [Ord. No. 724 §1, 9-9-2009]

A. For purposes of this Section, the term "*expenses*" shall refer only to expenses actually and necessarily incurred in the performance of the official business of the City. The term "*employee*" shall include all persons employed by the City and all elected and appointed officials.

B. Any employee incurring any expense as defined in this Section and seeking reimbursement of same may submit to the City Clerk a voucher certified as being true and correct. Said voucher shall be submitted in a form as required by the City Clerk not more than ten (10) days after the expense is incurred. The City Clerk shall review such expense vouchers, shall make such investigation as may be appropriate and shall reimburse to the employee only those expenses properly incurred. Travel expense for City purposes in personal vehicles shall be reimbursed at the rates established by the Internal Revenue Service from time to time.

C. The City Clerk may advance payment of projected expenses as authorized by the Board of Aldermen when the projected expenses to be incurred would pose a financial burden on the employee. If such an advance is authorized, within ten (10) days after such expenses are actually incurred the employee shall submit to the City Clerk a voucher for the expenses actually incurred and necessarily incurred and any balance of the advance remaining after expenditure.

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3. Cross Reference — As to approved monthly expenses incurred by the Mayor, §110.165.

Chapter 116

CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS

Section 116.010. Definitions. [Ord. No. 726 §1, 9-9-2009; Ord. No. 785 §1, 8-14-2013]

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

CHIEF ADMINISTRATIVE OFFICER AND CHIEF PURCHASING OFFICER — The Mayor of the City of Country Club Hills.

Section 116.020. Disclosure of Conflicts of Interest and Substantial Interests. [Ord. No. 726 §1, 9-9-2009; Ord. No. 785 §1, 8-14-2013]

A. *Disclosure Statements.* Each elected official, the Chief Administrative Officer of the City and the Chief Purchasing Officer of the City shall disclose the following information by May 1 of each year if any such transactions occurred during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars ($500.00), if any, that such person had with the City, other than compensation received as an employee of the City or payment of any tax, fee or penalty due to the City, and any other transfers for no consideration to the City.

2. The date and identities of the parties to each transaction known to any such person with a total value in excess of five hundred dollars ($500.00), if any, that any business entity in which such person had a substantial interest had with the City, other than the payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.

B. *Financial Interest Statements.* By May 1 of each year, the following information for the previous year must be disclosed by the Chief Administrative Officer and the Chief Purchasing Officer. In addition, any other elected or appointed official of the City may file a financial interest statement in lieu of compliance with the requirements of Section 116.030.

1. The name and address of each of the employers of such person from whom income of one thousand dollars ($1,000.00) or more was received during the year covered by the statement;

2. The name and address of each sole proprietorship owned by such person;

3. The name, address and general nature of business conducted by each general partnership and joint venture in which such person was a partner or participant;

4. The name and address of each partner or coparticipant for each partnership or joint venture identified according to the preceding Subsection, unless such names and addresses are filed by the partnership or joint venture with the Missouri Secretary of State;

5. The name, address and general nature of the business conducted by any closely held corporation or limited partnership in which such person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units;

6. The name of any publicly traded corporation or limited partnership that is listed on any publicly regulated stock exchange or automated quotation system in which such person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;

7. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

C. Financial interest statements shall be filed at the following times, but no person shall be 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 not later than May 1, and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any person may supplement his or her financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

2. Each person appointed to an office for which a financial interest statement is required by this Section shall file the statement within thirty (30) days of such appointment or employment.

3. Financial interest statements shall be filed with the Clerk of the City and with the Missouri Ethics Commission. All reports shall be available for public inspection and copying during normal business hours of the City offices.

Section 116.030. Disclosure of Interest Required. [Ord. No. 726 §1, 9-9-2009; Ord. No. 785 §1, 8-14-2013]

Any member of the Board of Aldermen who has a substantial personal or private interest in any measure, bill, order or ordinance proposed or pending before the Board of Aldermen shall, before passing on the measure, bill, order or ordinance, file a written report of the nature of the interest

with the Secretary of the City, and such statement shall be recorded in the minutes of the meeting.

Chapter 117

BOARDS AND COMMISSIONS

ARTICLE I
Park Board

Section 117.010. Park Board — Appointment. [Ord. No. 487 §1, 2-13-1985]

The Mayor of the City of Country Club Hills shall, with the approval of the Board of Aldermen, appoint a Park Board of nine (9) Directors chosen from the citizens at large with reference to their fitness for such office. No member of the municipal government shall be a member of the Park Board.

Section 117.020. Park Directors — Terms of Office. [Ord. No. 487 §2, 2-13-1985]

The directors shall hold office, one-third (1/3) for one (1) year, one-third (1/3) for two (2) years and one-third (1/3) for three (3) years from the first (1st) of June, 1985, and at their first (1st) regular meeting shall cast lots for their respective terms; and annually thereafter the Mayor shall, before the first (1st) of June of each year, appoint as before three (3) directors who shall hold office for three (3) years and until their successors are appointed. The Mayor may, by and with the consent of the Board of Aldermen, remove any director for misconduct or neglect of duty.

Section 117.030. Park Board — Vacancies — No Compensation. [Ord. No. 487 §3, 2-13-1985]

Vacancies in the Board of Directors, occasioned by removal, resignation or otherwise, shall be reported to the Mayor and Board of Aldermen and be filled in like manner as original appointments and no Director shall receive compensation as such.

Section 117.040. Park Board — Organization — Powers. [Ord. No. 487 §4, 2-13-1985]

Said directors shall, immediately after their appointment, meet and organize by the election of one (1) of their number President and by the election of such other officers as they may deem necessary. They shall make and adopt such bylaws, rules and regulations for their guidance and for the government of the parks as may be expedient, not inconsistent with the ordinances of the City of Country Club Hills and the Statutes of the State of Missouri. They shall have the exclusive control of the expenditures of all money collected to the credit of the Park Fund and of the supervision, improvement, care and custody of said park. All monies received for such parks shall be deposited in the Treasury of said City to the credit of the Park Fund and shall be kept separate and apart from the other monies of such City and drawn upon by the proper officers of said City upon the properly authenticated vouchers of the Park Board. Said Board shall have power to purchase or otherwise secure ground to be used for such parks, shall have 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 power

to remove such appointees and shall, in general, carry out the spirit and intent of the ordinances of the City of Country Club Hills and the Statutes of the State of Missouri in establishing and maintaining public parks.

Section 117.050. Park Board — Annual Report. [Ord. No. 487 §5, 2-13-1985]

The said Board of Directors shall make, on or before the second (2nd) Monday in June, an annual report to the Mayor and Board of Aldermen 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 Fund and other sources and how much monies have been expended and for what purposes, with such other statistics, information and suggestions as they may deem of general interest. All such portion of such report as relate to the receipt and expenditure of money shall be verified by affidavit.

Section 117.060. Public Park — Private Donations. [Ord. No. 487 §6, 2-13-1985]

Any person desiring to make donations of money, personal property or real estate for the benefit of such park shall have a right to vest the title to the money or real estate so donated in the Board of Directors created under the ordinances of the City of Country Club Hills and the Statutes of the State of Missouri, to be held and controlled by such 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.

Chapter 120

OPEN MEETINGS AND RECORDS POLICY

ARTICLE I
In General

Section 120.010. Definitions.

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

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

COPYING — If requested by a member of the public, copies provided as detailed in Section 120.110 of this Chapter, if duplication equipment is available.

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

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

1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.

2. Any department or division of the City.

3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.

4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.

5. Any quasi-public governmental body. The term "*quasi-public governmental body*" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:

    a. Has as its primary purpose to enter into contracts with public governmental bodies or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or

    b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity, to confer or otherwise advance, through approval, recommendation or other means, the allocation or

issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record or vote relates to such appropriation.

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

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

PUBLIC VOTE — Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

Section 120.020. Meetings, Records and Votes to Be Public — Exceptions.

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

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged

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

2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.

3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subsection, the term "*personal information*" means information relating to the performance or merit of individual employees.

4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.

5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.

6. Welfare cases of identifiable individuals.

7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.

8. Software codes for electronic data processing and documentation thereof.

9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.

10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.

11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.

12. Records which are protected from disclosure by law.

13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.

14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.

15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.

16. Operational guidelines and policies developed, adopted or maintained by any public agency responsible for law enforcement, public safety, first response or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008.

17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and

information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.

a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.

b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.

c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed.

d. This exception shall sunset on December 31, 2008.

18. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.

19. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

Section 120.030. Electronic Transmissions — Public Record — When.

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

Section 120.040. Notices of Meetings.

A. All public governmental bodies shall give notice of the time, date and place of each meeting and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.

C. The City shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. The City may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provisions of Section 120.020 shall be permitted without permission of the City; any person who violates this provision shall be guilty of an ordinance violation.

D. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or

vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.

E. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

Section 120.050. Closed Meetings — How Held.

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

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

Section 120.060. Journals of Meetings and Records of Voting.

A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body, consisting of members who are all elected, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body,

with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

B. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent, and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

Section 120.070. Accessibility of Meetings.

A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

Section 120.080. Segregation of Exempt Material.

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

Section 120.090. Custodian Designated — Response to Request for Access to Records.

A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and

such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.

B. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

C. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third (3rd) business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.

D. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.

Section 120.100. Violations — Remedies, Procedure, Penalty — Validity of Actions by Governing Bodies in Violation — Governmental Bodies May Seek Interpretation of Law.

A. The remedies provided by this Section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of this State may seek judicial enforcement of the requirements of Sections 610.010 to 610.026, RSMo. Suits to enforce Sections 610.010 to 610.026, RSMo., shall be brought in the Circuit Court for the County in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim or cross-claim in a civil action brought to enforce the provisions of Sections 610.010 to 610.027, RSMo., the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant

to Section 610.021, RSMo., or the assertion that the requested record is not a public record until the court directs otherwise.

B. Once a party seeking judicial enforcement of Sections 610.010 to 610.026, RSMo., demonstrates to the court that the body in question is subject to the requirements of Sections 610.010 to 610.026, RSMo., and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of Sections 610.010 to 610.026, RSMo.

C. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated Sections 610.010 to 610.026, RSMo., the public governmental body or the member shall be subject to a civil penalty in an amount up to one thousand dollars ($1,000.00). If the court finds that there is a knowing violation of Sections 610.010 to 610.026, RSMo., the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated Sections 610.010 to 610.026, RSMo., previously.

D. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated Sections 610.010 to 610.026, RSMo., the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars ($5,000.00). If the court finds that there was a purposeful violation of Sections 610.010 to 610.026, RSMo., then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated Sections 610.010 to 610.026, RSMo., previously.

E. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of Sections 610.010 to 610.026, RSMo., a court shall void any action taken in violation of Sections 610.010 to 610.026, RSMo., if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of Sections 610.010 to 610.026, RSMo., outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement shall be brought within one (1) year from which the violation is ascertainable and in no event shall it be brought later than two (2) years after the violation. This Subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body

if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

F. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the Circuit Court of the County of the public governmental body's principal place of business to ascertain the propriety of any such action or seek a formal opinion of the Attorney General or an attorney for the governmental body.

Section 120.110. Fees for Copying Public Records — Limitations.

A. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents ($.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.

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

request for records or information, the fees for compliance may include the actual cost of such programming.

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

ARTICLE II

Law Enforcement Arrest Reports and Records, Incident Reports, Etc.

Section 120.120. Definitions.

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

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

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

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

1. A decision by the law enforcement agency not to pursue the case.

2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations or ten (10) years after the commission of the offense, whichever date earliest occurs.

3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

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

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

Section 120.130. Police Department Records.

A. The Police Department of the City shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty

(30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in Section 120.150.

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

C. Any person, a family member of such person within the first degree of consanguinity of such person if deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section or Section 120.150 for purposes of investigation of any civil claim or defense as provided by this Subsection. Any individual, his/her attorney or insurer involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.

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

Agency has purposely violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars ($5,000.00) and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in Section 610.027, RSMo. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the Law Enforcement Officer or Agency has violated this Section previously.

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

Section 120.140. Effect of Nolle Pros, Dismissal and Suspended Imposition of Sentence on Records.

A. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated, except as provided in Subsection (B) of this Section and Section 120.150 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 120.150.

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

Section 120.150. Public Access of Closed Arrest Records.

A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to Section 43.500, RSMo., criminal justice employment, screening persons with access to criminal justice facilities, procedures and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit,

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

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

Section 120.160. "911" Telephone Reports.

Except as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location, and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 120.130. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

Section 120.170. Daily Log or Record Maintained by Police Department of Crimes, Accidents or Complaints — Public Access to Certain Information.

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

1. The time, substance and location of all complaints or requests for assistance received by the Police Department;

2. The time and nature of the Police Department's response to all complaints or requests for assistance; and

3. If the incident involves an alleged offense or infraction:

a. The time, date and location of occurrence;

b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;

c. The factual circumstances surrounding the incident; and

d. A general description of any injuries, property or weapons involved.

Chapter 125

MUNICIPAL COURT

ARTICLE I
General Provisions

Section 125.010. Court Established. [Ord. No. 406 §1, 12-13-1978]

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

Section 125.020. Jurisdiction.

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City.

Section 125.030. Selection of Municipal Judge. [Ord. No. 406 §3, 12-13-1978]

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

Section 125.040. Municipal Judge — Term of Office.

The Municipal Judge shall hold his/her office for a period of at least two (2) years. If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete that term of office, even if the same be for less than two (2) years.

Section 125.050. Municipal Judge — Vacation of Office.

A. The Municipal Judge shall vacate his/her office under the following conditions:

   1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges as provided in Missouri Supreme Court Rule 12;

   2. Upon attaining his/her seventy-fifth (75th) birthday; or

   3. If he/she should lose his/her license to practice law within the State of Missouri.

Section 125.060. Municipal Judge — Qualifications for Office. [Ord. No. 406 §6, 12-13-1978]

A. The Municipal Judge shall possess the following qualifications before he/she shall take office:

1. He/she must be a licensed attorney, qualified to practice law within the State of Missouri.

2. He/she need not reside within the City.

3. He/she must be a resident of the State of Missouri.

4. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.

5. He/she may serve as a Municipal Judge for any other municipality.

6. He/she may not hold any other office within the City Government.

7. The Municipal Judge shall be considered holding a part-time position and as such may accept (within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2) other employment.

Section 125.070. Superintending Authority.

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

Section 125.080. Report to Board of Aldermen.

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

A list of all cases heard or tried before the Judge during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of costs, the names of defendants committed, and the cases in which there was an application for trial de novo, respectively. The Court Clerk or the Judge shall verify such lists and statements by affidavit and shall file the same with the City Clerk who shall lay the same before the Board of Aldermen of the City for examination at its first (1st) session thereafter. The Municipal Court shall, within the ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding month, if not previously paid to the Municipal Treasurer.

Section 125.090. Docket and Court Records.

The Municipal Judge shall be a conservator of the peace. He/she shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein and he/she shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of St. Louis County. The Municipal Judge shall deliver said docket,

records and all books and papers pertaining to his/her office to his/her successor in office or to the Presiding Judge of the Circuit.

Section 125.100. Municipal Judge — Powers and Duties Generally.

A. The Municipal Judge shall be and is hereby authorized to:

1. Establish a Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.

2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her and may fine and imprison for contempt committed before him/her while holding Court in the same manner and to the same extent as a Circuit Judge.

3. Stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.

4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court, and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts.

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.

Section 125.110. Compensation.

The Municipal Judge for the City of Country Club Hills shall be paid a sum as fixed by ordinance from time to time.

Section 125.115. Prosecutions Based on Information Only, Proceedings.

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

Section 125.120. Violations Bureau.

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

Section 125.130. Issuance and Execution of Warrants.

All warrants issued by a Municipal Judge shall be directed to the Chief of Police or any other Police Officer of the municipality or to the Sheriff of the County. The warrants shall be executed by the Chief of Police, Police Officer or Sheriff at any place within the limits of the County and not elsewhere, unless the warrants are endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other Counties as provided for in warrants in criminal cases.

Section 125.140. Arrests Without Warrants.

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

Section 125.150. Jury Trials.

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury as in prosecutions for misdemeanors before an Associate Circuit Court Judge. Whenever a defendant accused of a violation of a municipal ordinance has a right to and demands such trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment.

Section 125.160. Duties of the City's Prosecuting Attorney.

It shall be the duty of an attorney designated by the City to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the number of cases tried, the number of guilty verdicts reached, or the amount of fines imposed or collected.

Section 125.170. Summoning of Witnesses.

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

Section 125.180. Transfer of Complaint to Associate Circuit Judge.

If, in the progress of any trial before the Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit Court Judge of the County.

Section 125.190. Jailing of Defendants.

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to such Sheriff for the keeping of other prisoners in his/her custody. The same shall be taxed as cost.

Section 125.200. Parole and Probation.

A. Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such Judge. When a person is placed on probation, he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.

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

   1. Restitution to the victim or any dependent of the victim in an amount to be determined by the Judge; and

   2. The performance of a designated amount of free work for a public or charitable purpose or purposes as determined by the Judge.

C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization or agency or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for

intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.

D. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

Section 125.210. Right of Appeal.

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

Section 125.220. Appeal From Jury Verdicts.

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

Section 125.230. Breach of Recognizance.

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

Section 125.240. Disqualification of Municipal Judge From Hearing a Particular Case.

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

Section 125.250. Absence of Judge — Procedure.

If a Municipal Judge be absent, sick or disqualified from acting pursuant to the general administrative authority of the Presiding Judge of the Circuit

Court over the Municipal Divisions within the Circuit contained in Section 478.240, RSMo., a special Municipal Judge may be designated in accordance with the provisions of Section 479.230, RSMo., until such absence or disqualification shall cease.

Section 125.260. Failure to Appear in Municipal Court.

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

1. He/she has been issued a summons for a violation of any ordinance of the City of Country Club Hills and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;

2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;

3. He/she has been placed on Court supervised probation and fails to appear before the Judge of the Municipal Court at the time specified by said Judge as a condition of the probation.

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

ARTICLE II
Court Clerk

Section 125.270. Office Established.

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

Section 125.280. Selection and Term of Court Clerk.

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

Section 125.290. Hours and Authorization of Compensation.

The Court Clerk shall attend all sessions of the Country Club Hills Municipal Division of the 21st Judicial Circuit Court and may be required to be present at the Country Club Hills City Hall to perform the duties of the office at such additional times as the Mayor or Board of Aldermen may specify. Compensation for the Court Clerk shall be established by ordinance from time to time.

Section 125.300. Duties.

A. The Court Clerk's duties shall include the following:

1. To prepare and maintain the Municipal Court docket;
2. To log and file all tickets, information, complaints, summonses, bonds, bond receipts and reports;
3. To prepare all warrants, summonses, bonds, bond forfeitures and notices pertaining to same;
4. To receipt and account for all bonds, fines, costs or other monies paid to the Municipal Court;
5. To deliver monies collected in Court to the City Clerk for deposit into appropriate City accounts;
6. To maintain and respond to all correspondence directed to the Municipal Court;
7. To prepare and forward to the Director of Revenue all records of moving violations as required by law;
8. To report to City Treasurer each month on the amount of Crime Victims' Compensation (CVC) Fund and any other funds collected for distribution to parties or entities other than the City in association with Court proceedings;

9. To serve as the Violations Clerk for the Country Club Hills Municipal Division of the 21st Judicial Circuit Court and receive entries of appearance, waivers of appearance, pleas of guilty, and payments of fines and costs in accord with the laws of the State of Missouri and the rules of the Circuit Court for St. Louis County;

10. To perform such other duties as may be directed by the Judge of the Municipal Division;

11. To administer oaths and affirmations; and

12. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City of the municipality which shall constitute prima facie evidence of such ordinance before the Court.

Section 125.305. Additional Court Clerk Duties Regarding Suspension of Licenses for Failure to Pay Certain Fines. [Ord. No. 736 §1, 5-20-2010]

The Municipal Court Clerk is hereby authorized and directed to notify the Director of Revenue of the State of Missouri to suspend any license of a Missouri resident who fails to dispose of fines and Court costs for any moving traffic violations in the City in accord with the provisions of Section 302.341.1, RSMo.

Section 125.310. Bond.

Within fifteen (15) days after appointment and before entering upon the discharge of the above-described duties of office, the Court Clerk shall give bond to the City in the sum of fifty thousand dollars ($50,000.00) conditioned upon the faithful performance of said duties and the said Court Clerk will pay over all monies belonging to the City, as provided by law, that may come into the Court Clerk's hands.

ARTICLE III
Fines and Court Costs

Section 125.320. Installment Payment of Fine.

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

Section 125.330. Court Costs.

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

1. Costs of Court in the amount of twelve dollars ($12.00).

2. *Police Officer training fee.* A fee of three dollars ($3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.

   a. Two dollars ($2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars ($1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.

   b. One dollar ($1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.

3. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents ($7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:

   a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.

   b. Five percent (5%) shall be paid to the City Treasury.

4. There may also be assessed a two dollar ($2.00) cost per case for each criminal case, including violations of any County or municipal ordinance, for the purpose of providing operating expenses for shelters for battered persons as set out in Section 488.607, RSMo.

5. 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.

6. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail or costs assessed against the City by any other detention facility.

7. 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.

8. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Subsection (9) hereof.

9. *Reimbursement of certain costs of arrest.*

    a. Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the City of Country Club Hills involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.

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

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

    d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer 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 by the Board of Aldermen 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.

10. A two dollar ($2.00) fee is hereby established and assessed as additional court costs in each proceeding except those where the proceedings have been dismissed. Said fee shall be kept in a restricted fund to be used solely for cost of an Inmate Security Fund in such cases as the Municipal Judge shall determine is appropriate under the law. **[Ord. No. 829 § 1, 2-8-2017]**

11. A two dollar ($2.00) fee is hereby established and assessed as additional court costs in each proceeding except those where the proceedings have been dismissed. Said fee shall be kept in a restricted fund to be used solely for cost of an Domestic Violence Shelter Fund in such cases as the Municipal Judge shall determine is appropriate under the law. **[Ord. No. 829 § 1, 2-8-2017]**

Section 125.340. Court Costs — Assess Against Prosecuting Witness. [Ord. No. 406 §24, 12-13-1978]

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

Chapter 130

TAXATION AND FINANCE

ARTICLE I
Fiscal Year

Section 130.010. Fiscal Year Established. [Ord. No. 758 §1, 6-22-2011]

The fiscal year for the City of Country Club Hills shall begin on July first (1st) of each year.

ARTICLE II
Budget

Section 130.020. Budget Required — Contents — Expenditures Not to Exceed Revenues.

A. Prior to the commencement of each fiscal year, a budget for the City shall be prepared and the same will be presented to and approved by the Board of Aldermen.

B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:

1. A budget message describing the important features of the budget and major changes from the preceding year;

2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;

3. Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;

4. The amount required for the payment of interest, amortization and redemption charges on the debt of the City; and

5. A general budget summary.

C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided, that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.

Section 130.030. Budget Officer.

A. The budget shall be prepared under the direction of a Budget Officer. Except as otherwise provided by law or ordinance, the Budget Officer shall be designated by the Board of Aldermen of the City. All officers and employees shall cooperate with and provide to the Budget Officer such information and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as defined herein.

B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and

other explanatory material as may be necessary for the proper understanding of the financial needs and position of the City, to the Board of Aldermen. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget.

Section 130.040. Board of Aldermen May Revise Budget, Limits — Approval.

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

Section 130.050. Increase of Expenditure Over Budgeted Amount to Be Made Only on Formal Resolution.

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

ARTICLE III
Levy of Taxes

Section 130.060. Board to Provide for Levy and Collection of Taxes — Fix Penalties.

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

Section 130.070. Fixing Ad Valorem Property Tax Rates, Procedure.

The Board of Aldermen shall hold at least one (1) public hearing on the proposed rates of taxes at which citizens may be heard prior to their approval. The Board of Aldermen shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one (1) newspaper qualified under the laws of the State of Missouri of general circulation in the County within which all or the largest portion of the City is situated, or such notice shall be posted in at least three (3) public places within the City; except that, in any County of the First Class having a Charter form of government, such notice may be published in a newspaper of general circulation within the City even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven (7) days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the City for the fiscal year for which the tax is to be levied as provided by Subsection (3) of Section 137.245, RSMo., the assessed valuation by category of real, personal and other tangible property in the City for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by Chapter 67, RSMo., and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this Chapter. Following the hearing the Board of Aldermen shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this Section absolves the City of responsibilities under Section 137.073, RSMo., nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

Section 130.080. Board to Fix Rate of Levy.

The Board of Aldermen shall, within a reasonable time after the Assessor's books of each year are returned, ascertain the amount of money to be raised thereon for general and other purposes and fix the annual rate of levy therefor by ordinance.

Section 130.090. Assessment — Method of.

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

Section 130.100. Clerk to Prepare Tax Books.

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

Section 130.110. Taxes Delinquent — When.

On the first (1st) day of January of each year, all unpaid City taxes shall become delinquent and the taxes on real estate are hereby made a lien thereon; and all such delinquent taxes shall bear interest thereon at the rate of two percent (2%) per month from the time they become delinquent, not to exceed eighteen percent (18%) per year, until paid and shall also be subject to the same fees, penalties, commissions and charges as provided by law of the State of Missouri for delinquent State and County taxes and shall be collected from the property owners, and the enforcement of all taxes, penalties, fees, commissions and charges authorized by law and provided for herein to be paid by property owners shall be made in the same manner and under the same rules and regulations as are or may be provided by law for the collection and enforcement of the payment of State and County taxes, including fees, penalties, commissions and other charges.

ARTICLE IV
Sales Tax

Section 130.120. City Sales Tax. [Ord. No. 309 §1, 12-1-1971]

Pursuant to the authority granted by and subject to the provisions of Sections 94.500 — 94.570, 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 — 144.510, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of the tax shall be one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Country Club Hills, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Section 144.010 — 144.510, RSMo. The tax shall become effective as provided in Subsection (4) of Section 94.510, RSMo., and shall be collected pursuant to the provisions of Sections 94.500 — 94.570, RSMo.

Section 130.130. Capital Improvement Sales Tax. [Ord. No. 586 §§1 — 3, 12-13-1995]

A. There is hereby imposed and levied a sales tax of one-half of one percent (.5%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Country Club Hills, Missouri, for the purposes of funding capital improvements, including the operation and maintenance of capital improvements, as authorized under House Bill No. 607 of the first (1st) regular session of the 88th Missouri General Assembly.

B. The City of Country Club Hills hereby chooses and selects that the distribution of proceeds of the City's capital improvement sales tax received by the Missouri Collector of Revenue shall be in accord with the terms and provisions of "Option 2" of Section 1 (4) of House Bill No. 607 such that one hundred percent (100%) of the said sales taxes collected shall be deposited in subaccount #2 of the "Municipal Capital Improvement Sales Tax Fund" established in accord with Section 1 (5) of House Bill No. 607 and distributed to the City of Country Club Hills for the purpose of funding capital improvements, based on the percentage ratio that the population of the said City bears to the total population of all the municipalities choosing Option 2.

C. The City Clerk is hereby authorized and directed to provide the Missouri Director of Revenue a certified copy of this Section and such other documents, materials and information as may be necessary to carry out the collection, allocation and distribution of the tax provided herein.

Section 130.140. County Sales Tax Distribution.[4] [Ord. No. 397 §1, 6-14-1978]

Pursuant to Subsection (2) of Section 66.620, RSMo., the City of Country Club Hills shall cease to be a part of Group A for the purposes of county sales tax distribution under Sections 66.600 — 66.635, RSMo., and shall become a part of Group B for the county sales tax distribution under the named sections.

Section 130.150. Parks and Stormwater Control Sales Tax. [Ord. No. 680 §1, 1-10-2007]

The City of Country Club Hills shall impose a sales tax of one-half of one percent (.5%) on all retail sales made in Country Club Hills for the purpose of providing funds for local parks and stormwater control for the City of Country Club Hills, Missouri.

Section 130.160. Economic Development Sales Tax. [Ord. No. 737 §1, 5-20-2010]

The City of Country Club Hills, Missouri shall impose a sales tax at a rate of one-half of one percent (0.5%) for economic development purposes.

Section 130.170. Additional One Fourth Of One Percent Sales Tax. [Ord. No. 802 § 1, 6-10-2015[5]]

Pursuant to the authority granted by, and subject to, the provisions of Section 94.850, RSMo., a tax of one fourth (1/4) of one percent (1%) is imposed on all retail sales made in the City which are subject to sales tax under Chapter 144, RSMo., for the purpose of providing general revenues that sustain police services, property protection and other critical City services.

Section 130.180. Local Use Tax. [Ord. No. 817 §§ 1 — 3, 6-8-2016[6]]

A. Pursuant to the provisions of Sections 144.757, RSMo., the Board of Aldermen of Country Club Hills does hereby authorize and direct the Missouri Department of Revenue to apply the local use tax to goods that are purchased from a source other than a Missouri seller.

B. The rate of the tax shall be one and seventy-five hundredths percent (1.75%).

C. The capital improvements portion of the tax shall be under Option 2.

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4. Cross Reference — As to tax upon public utilities, ch. 620.

5. Editor's Note: This tax was approved by voters at the election on 4-7-2015.

6. Editor's Note: This tax was approved by voters at the election on 4-7-2015.

Chapter 135

TAX INCREMENT FINANCING

ARTICLE I
General Provisions

Section 135.010. General Policy. [Ord. No. 672 §1, 3-8-2006]

It is the policy of the City to consider the use of tax increment financing for those projects that demonstrate a substantial and significant public benefit resulting from one (1) or more of the following: eliminating blight, financing desirable public improvements, strengthening the employment and economic base of the City and other taxing jurisdictions, increasing property values, reducing poverty, creating economic stability, upgrading older neighborhoods and areas and facilitating economic self-sufficiency.

Section 135.020. Procedures for Bids and Proposals. [Ord. No. 672 §2, 3-8-2006]

A. The City hereby adopts the following procedures for bids and proposals for the implementation of redevelopment projects:

1. The City or the TIF Commission shall solicit proposals with respect to the implementation of each proposed redevelopment project.

2. Each request for proposals, or notice thereof, shall be published in a newspaper of general circulation in the City. Each request for proposals shall provide at least fourteen (14) days for the submission of a proposal.

3. Criteria for the selection of proposals will include the impact of the proposed project on the City and other taxing jurisdictions, including the projected term for which tax increment financing will be utilized. The City or the TIF Commission may establish such additional criteria as it deems appropriate for the selection of bids and proposals. The City or the TIF Commission shall provide reasonable opportunity for any person to submit alternative proposals or bids.

Section 135.030. Ratification of Prior Proposals. [Ord. No. 672 §3, 3-8-2006]

The City hereby ratifies, confirms and adopts all requests for proposals for redevelopment projects prior to the date hereof which complied with the foregoing procedures.

ARTICLE II
Tax Increment Financing Commission

Section 135.040. Creation of TIF Commission. [Ord. No. 673 §1, 3-8-2006]

There is hereby created a commission to be known as the "Tax Increment Financing Commission of the City of Country Club Hills, Missouri" (the "TIF Commission").

Section 135.050. Authority of TIF Commission. [Ord. No. 673 §2, 3-8-2006]

A. The Commission shall serve as an advisory board to the City as it relates to the consideration of tax increment financing proposals submitted by interested parties or initiated by any public agency in accordance with the Act. The Board of Aldermen hereby authorizes and approves the exercise by the TIF Commission of only those powers that are required by the Act to be exercised by the TIF Commission, as follows:

1. The TIF Commission shall hold public hearings and give notices pursuant to Sections 99.825 and 99.830 of the Act on proposed redevelopment plans, redevelopment projects and designation of redevelopment areas and amendments thereto.

2. The TIF Commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas and amendments thereto, and in connection therewith make a determination as to the financial feasibility of the project to the extent required by Section 99.810 of the Act. The vote shall occur within thirty (30) days following completion of a hearing on any such plan, project designation or amendment. The TIF Commission shall make recommendations to the City within ninety (90) days of a hearing.

Section 135.060. Organization of TIF Commission. [Ord. No. 673 §3, 3-8-2006]

The TIF Commission shall elect from among its members a Chairman, Vice Chairman and Secretary. Meetings of the TIF Commission shall be open to the public to the extent provided by law and a record shall be kept of each meeting. The City Clerk is hereby designated as the custodian of records of the TIF Commission for purposes of Chapter 610, RSMo., as amended. The TIF Commission may establish rules and procedures not in conflict with City ordinances or policies or the Act and shall meet as required to fulfill its obligations set forth in the Act.

Section 135.070. Membership. [Ord. No. 673 §4, 3-8-2006]

The TIF Commission shall consist of twelve (12) members, six (6) of whom shall be appointed by the Mayor with the consent of a majority of the

Board of Aldermen, and six (6) of whom shall be appointed as provided in the Act. The members appointed by the Mayor shall serve terms of four (4) years. The members appointed by the other taxing jurisdictions as provided in the Act shall serve from the time that the affected school district(s) and other affected taxing jurisdictions are notified in writing of a proposed redevelopment plan or designation of a redevelopment area until final approval or disapproval of the redevelopment plan, redevelopment project or designation of a redevelopment area by the City.

Title II Public Health, Safety and Welfare

Chapter 200

POLICE DEPARTMENT

Section 200.005. Establishment of a Police Department. [Ord. No. 452 §1(3), 4-14-1982]

There is hereby established in the City of Country Club Hills a Police Department which shall consist of the Chief of Police and such regular Policemen and also such special Policemen, Police reserve, private watchmen, desk sergeants, school patrolmen, juvenile officers, clerks and employees of the Department as the Mayor and Board of Aldermen may from time to time determine to be necessary for the proper and efficient policing of the City. The terms "*Police*" or "*Policemen*", as used in this Chapter, shall refer to members of the Police Department as specified in this Section, except clerks and employees. The term "*regular Policeman*", as that term is used in this Chapter, shall mean a Policeman who performs general Police duties during his/her entire working time.

Section 200.010. Chief of Police — Appointment — Qualifications.

The Mayor with the approval of a majority of the members of the Board of Aldermen shall appoint a Chief of Police who shall perform all duties required of the Marshal by law and any other Police Officers found by the Board of Aldermen to be necessary for the good government of the City. The Chief of Police shall be twenty-one (21) years of age or older.

Section 200.020. Size of Police Force — Powers.

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

Chapter 205

ANIMAL REGULATIONS

ARTICLE I
Generally

Section 205.010. Definitions.

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

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

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

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

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

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

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

VICIOUS DOG — Any of the following dogs:

1. Any dog, whether or not running at large and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.

2. Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.

3. Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.

4. Any dog that has killed another dog, cat or other domestic animal without provocation.

Section 205.020. Vaccination and Tag.

The owner or keeper of any dog or cat in the City of Country Club Hills is hereby required to have such animals vaccinated against rabies by a licensed veterinarian and to procure a certificate of such vaccination from

the veterinarian and to present such certificate to the City Clerk on or before May first (1st) of each year; and the City Clerk shall register such certificate, which registration shall remain in force until the April thirtieth (30th) next following said registration; and upon registration, the City Clerk shall issue a tag evidencing the registration and certificate of vaccination, and the owner or keeper shall securely attach the tag so issued to a collar to be worn continuously by the animal for which the tag was issued. It shall be unlawful for the owner or keeper of any dog or cat to permit such animal to remain in the City of Country Club Hills unless wearing the tag above provided for herein.

Section 205.030. Running at Large Prohibited — Impoundment.

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large within the City of Country Club Hills at any time other than on the property of the owner within a fenced or otherwise enclosed area. Any dog or cat found without the tag provided in Section 205.020, and any dog or cat found running at large, shall be impounded.

Section 205.040. Vicious Dogs Prohibited — Exceptions.

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

1. *Leash and muzzle.* No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts or buildings. In addition, all vicious dogs on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

2. *Confinement.* All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such dogs are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. Also, such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

3. *Confinement indoors.* No vicious dog may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when

screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

4. *Signs.* All owners, keepers or harborers of vicious dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "*Beware of Dog*". In addition, a similar sign is required to be posted on the kennel or pen of such dog.

Section 205.050. Duty to Impound.

It shall be the duty of the Chief of Police, the City Police, and any other person of the City of Country Club Hills, especially designated by the Board of Aldermen and the Mayor for such purpose, to take up any dog or cat without the tag provided in Section 205.020, any dog or cat running at large, or any vicious dog in violation of Section 205.040 above and to impound the same. In effecting the capture of any dog or cat, the officers aforesaid are authorized and directed to use traps, nets, tranquilizer guns or any other humane method.

Section 205.060. Notice of Impoundment.

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

Section 205.070. Reimbursement of Costs.

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

Section 205.080. Term of Impoundment.

It shall be the duty of any officer impounding any dog or cat under this Chapter to keep the same impounded for a period of seven (7) days, unless such dog or cat shall be reclaimed by his/her owner or keeper under Section 205.070 of this Chapter. If, after the expiration of seven (7) days from the date of such impoundment, such dog or cat shall not have been reclaimed, the same shall be disposed of or destroyed in a humane manner.

Section 205.090. Number of Animals Allowed — Running at Large Prohibited — Animals Causing Annoyance Prohibited. [Ord. No. 405 §§1 — 4, 11-8-1978; Ord. No. 502 §1, 2-11-1987]

A. It shall be unlawful for any person or persons, family or occupant or occupants of a single-family residence within the City of Country Club Hills to keep and maintain within the premises more than three (3) animals over the age of six (6) months.

B. It shall be unlawful for any person or persons to keep or harbor upon his/her premises any animal or animals that carry on loud or frequent or habitual barking, yelping or howling thereby causing annoyance to the neighborhood or at least two (2) separate adjoining property owners or occupants.

Section 205.100. Animal Neglect or Abandonment.

A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.

B. A person is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.

C. Animal neglect or animal abandonment are ordinance violations. For a first (1st) offense of either violation, a term of imprisonment not to exceed fifteen (15) days, or a fine not to exceed five hundred dollars ($500.00), or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent violation of either offense, a term of imprisonment not to exceed ninety (90) days, or a fine not to exceed five hundred dollars ($500.00), or both such fine and imprisonment may be imposed. All fines and penalties for a first (1st) conviction of animal neglect or animal abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.

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

1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;

2. The disposal of any dead or diseased animals within the person's custody or ownership;

3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and

4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

Section 205.110. Animal Abuse.[7]

A. A person is guilty of animal abuse when a person:

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;

2. Purposely or intentionally causes injury or suffering to an animal; or

3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

Section 205.120. Knowingly Releasing an Animal.

A. A person commits the offense of knowingly releasing an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.

B. As used in this Section, "*animal*" means every living creature, domesticated or wild, but not including Homo sapiens.

C. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties.

Section 205.130. Animal Waste Prohibited on Public and Private Property — Exception.

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

Section 205.140. Quarantine Order to be Issued by Mayor — To be Published and Posted.

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

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

Section 205.150. Keeper of Dangerous Wild Animals Must Register Animals — Exceptions — Penalty.

No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, non-human primate, coyote, any deadly, dangerous or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge, unless such person has registered such animals with the local law enforcement agency in the County in which the animal is kept.

Section 205.155. Restrictions Concerning Certain Dogs. [Ord. No. 722 §§1 — 2, 5-13-2009]

A. The following dogs which are kept within the City of Country Club Hills, Missouri:

1. Any "pit bull dog" being defined to mean:

a. The bull terrier breed of dog;

b. The Staffordshire bull terrier breed of dog;

c. The American pit bull terrier breed of dog;

d. The American Staffordshire breed of dog;

e. Rottweiler breed of dog;

f. Dogs of mixed breed or other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terrier; or

g. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, Rottweiler, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

2. Rottweiler breed, including dogs of mixed breed and any dog which has the appearance and characteristics of being predominately of the Rottweiler breed;

shall be kept in compliance with this Section.

B. City of Country Club Hills residents who own pit bulls (Staffordshire Bull Terriers, American Staffordshire, American Pit Bull, or any dog that has the appearance and the Rottweiler characteristics of being predominantly of one (1) of the above breeds) are subject to the following restrictions. Failure to do so may result in fines up to one

thousand dollars ($1,000.00) and/or ninety (90) days jail time. There is a ten dollar ($10.00) annual license/fee with no grandfather clause.

1. The dog must be kept indoors, or in a fenced yard with a six (6) foot high fence, or in a locked pen. The pen must be at least six (6) feet wide, twelve (12) feet long and six (6) feet high. It must be capped if there is a doghouse inside or if the dog can climb the fence, and must have secure sides. It must provide proper protections from the elements for the dog, be suitable to prevent the entry of young children, and be designed to prevent the animal from escaping. It should include a walking surface made of impervious material easily cleaned and sanitized. A Sign must also be posted in a prominent place on your premises, and on the fence or pen, warning others that there is a vicious dog on the premises.

2. Any time the dog is off the premises of the owner, the dog must be securely leashed and muzzled. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human or animal.

3. Any time the dog is off the premises of the owner, the dog must also be under the control of a responsible person at least eighteen (18) years old who is familiar with the dog and has the size and experience to be able to keep the dog under complete control at all times.

4. You must also provide the City Clerk's office in City Hall with proof of public liability insurance in the amount of at least one hundred thousand dollars ($100,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog.

C. *Punishment.* The owner or keeper of any of the above defined dogs found within the City limits of the City of Country Club Hills may be punished by a fine of up to one thousand dollars ($1,000.00) and may be jailed for up to ninety (90) days or both. Additionally, the dog or dogs shall be immediately confiscated by the Animal Control Officer of the City. If a violation of this Section continues, each day's violation shall be deemed a separate violation.

Chapter 210

OFFENSES

ARTICLE I
General Provisions

Section 210.005. Definitions. [Ord. No. 823 § 1, 11-9-2016[8]]

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

ACCESS (RELATIVE TO COMPUTERS) — To instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network.

AFFIRMATIVE DEFENSE — The defense referred to is not submitted to the trier of fact unless supported by the evidence and if the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.

ALARM SYSTEM — Has the meaning specified in Section 610.020 of this Code.

AUTOMATIC DIALING DEVICE — Has the meaning specified in Section 610.020 of this Code.

BURDEN OF INJECTING THE ISSUE — The issue referred to is not submitted to the trier of fact unless supported by evidence and if the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

CHILD — Unless otherwise specified, a person under seventeen (17) years of age.

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

COMPUTER — The box that houses the central processing unit (cpu), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate.

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8. Editor's Note: Former Chapter 210, Offenses, containing Sections 210.010 through 210.740, which derived from Ord. No. 195 §§ 4, 5, 10, 12, 29, 30, 5-15-1952; Ord. No. 197 §§ 14 — 15, 18 — 19, 29, 6-19-1952; Ord. No. 368 §§ 1 — 2, 7-14-1976; Ord. No. 374 § 1, 11-10-1976; Ord. No. 438 § 1, 11-12-1980; Ord. No. 478 § 1, 8-8-1984; Ord. No. 513 §§ 1 — 3, 2-10-1988; Ord. No. 577 §§ 1 — 2, 11-9-1994; Ord. No. 578 §§ 1 — 2, 1-11-1995; Ord. No. 593A §§ 1 — 5, 5-8-1996; Ord. No. 598 §§ 1 — 2, 1-8-1997; Ord. No. 730 § 1, 11-11-2009; Ord. No. 738 § 1, 6-22-2010; Ord. No. 747, 11-10-2010; Ord. No. 754 § 1, 2-9-2011; Ord. No. 755 § 1, 3-9-2011; Ord. No. 760 § 1, 6-22-2011; Ord. No. 812 § 1, 3-9-2016; Ord. No. 814 § 1, 4-13-2016 was repealed 11-6-2016 by § 1 of Ord. No. 823. This ordinance also set an effective date of 1-1-2017.

When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data.

COMPUTER EQUIPMENT — Computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network.

COMPUTER HARDWARE — All equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware, includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two (2) or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks.

COMPUTER NETWORK — Two (2) or more interconnected computers or computer systems.

COMPUTER PROGRAM — A set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions.

COMPUTER SOFTWARE — Digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs.

COMPUTER SYSTEM — A set of related, connected or unconnected, computer equipment, data, or software.

COMPUTER-RELATED DOCUMENTATION — Written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items.

CONDUCT — Any act or omission.

CONFINEMENT —

A. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:

1. A court orders his/her release;

2. He/she is released on bail, bond or recognizance, personal or otherwise; or

3. A public servant having the legal power and duty to confine him/her authorizes his/her release without guard and without condition that he/she return to confinement.

B. A person is not in confinement if:

1. He/she is on probation or parole, temporary or otherwise; or

2. He/she is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him/her to or from a place of confinement.

CONSENT —

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

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;

2. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

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

CONTROLLED SUBSTANCE — A drug, substance, or immediate precursor in Schedule I through V as defined in Chapter 195, RSMo.

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

CRIMINAL NEGLIGENCE — Failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

CUSTODY (IN RELATION TO LAW ENFORCEMENT) — A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

DAMAGE — When used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network.

DANGEROUS FELONY — The felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to Subdivision (2) of Subsection (3) of Section 568.060, RSMo., and child kidnapping.

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

DATA — A representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form, including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer.

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

DISABILITY — A mental, physical, or developmental impairment that substantially limits one (1) or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings.

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

EMOTIONAL DISTRESS — Something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living.

FALSE ALARM — Has the meaning specified in Section 610.020 of this Code.

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

FORCIBLE COMPULSION — Either:

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

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

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

INHABITABLE STRUCTURE — A vehicle, vessel or structure: (a) where any person lives or carries on business or other calling; or (b) where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or (c) which is used for overnight accommodation of persons. Any such vehicle, vessel or structure is "inhabitable" regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another."

KNOWINGLY — When used with respect to: (a) conduct or attendant circumstances, means a person is aware of the nature of his/her conduct or that those circumstances exist; or (b) a result of conduct, means a person is aware that his/her conduct is practically certain to cause that result.

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

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

OF ANOTHER — As to property, property that any person or entity other than the actor, has a possessory or proprietary interest therein, other than only a security interest even if legal title is in the creditor by contract or arrangement.

OFFENSE — Any felony, misdemeanor or infraction.

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

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

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

PROPERTY — Anything of value, whether real or personal, tangible or intangible, in possession or in action.

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

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

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

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

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

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

SERVICES — When used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.

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

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

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

VEHICLE — A self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft.

VESSEL — Any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve (12) feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars or pedaling.

VOLUNTARY — Has the meaning specified in Section 562.011, RSMo.

ARTICLE II
Offenses Against The Person

Section 210.010. Assault. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury physical pain, or illness to another person;

2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon or dangerous instrument;

3. The person purposely places another person in apprehension of immediate physical injury;

4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;

5. The person knowingly causes or attempts to cause physical contact with another person knowing the other person will regard the contact as offensive or provocative;

6. The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or

7. The person knowingly attempts to cause or causes the isolation of a person with a disability by unreasonably and substantially restricting or limiting his/her access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 210.015. Domestic Assault. [Ord. No. 823 § 1, 11-9-2016]

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

1. The person attempts to cause or recklessly causes physical injury to such family or household member;

2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;

3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;

4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;

5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 210.020. Assault Of A Law Enforcement Officer, Corrections Officer, Emergency Personnel, Highway Worker, Utility Worker, Cable Worker Or Probation And Parole Officer, Police Animal. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer if:

1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer;

2. Such person purposely places a Law Enforcement Officer, Corrections Officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer in apprehension of immediate physical injury; or

3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer.

B. As used in this Section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.

C. As used in this Section, the term "Corrections Officer" includes any jailor or Corrections Officer of the State or any political subdivision of the State.

D. As used in this Section, the term "highway worker," "construction zone" or "work zone" shall have the same meaning as such terms are defined in Section 304.580, RSMo.

E. As used in this Section, the term "utility worker" means any employee while in the performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

F. As used in this Section, the term "cable worker" means any employee including any person employed under contract, of a cable operator, as such term is defined in Section 67.2677, RSMo.

G. A person commits the offense of assault on a police animal if he/she knowingly kills or disables, knowingly attempts to kill or disable, or knowingly causes or attempts to cause serious physical injury, to a police animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody or under the control of a Law Enforcement Officer or fire or rescue personnel.

Section 210.030. Harassment. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of harassment if he/she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

Section 210.035. Threatening Communications. [Ord. No. 823 § 1, 11-9-2016]

A. It shall be unlawful for any person to knowingly send or deliver or cause or intentionally allow to be sent or delivered any letter, e-mail, text message or other Internet or electronic communication or other writing, printing, circular or card or device, with or without a name subscribed thereto or signed with a fictitious name or any mark, threatening to accuse any other person of a crime or offense for any purpose other than to cause the other person to cease ongoing illegal activity or threatening to kill, maim or wound any other person or threatening to commit a crime or offense or do any injury to the person, property, credit or reputation of another, whether or not any money or property is demanded or extorted thereby.

B. A person commits the offense of unlawful posting of certain information over the internet if he/she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause substantial bodily harm or death, or threatening to cause substantial bodily harm or death to such person.

C. For purposes of this Section, an offense committed by means of writing, telephonic communication or electronic communication shall be

deemed to have occurred at the place from which the communication was made or sent and at the place where the communication was first heard or read by the recipient.

Section 210.037. Stalking. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of stalking if he/she purposely, through his/her course of conduct, disturbs or follows with the intent to disturb another person. As used herein, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

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

Section 210.040. False Imprisonment. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.045. Identity Theft. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of identity theft if he/she knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, transfer, or use, one (1) or more means of identification, not lawfully issued for his/her use.

Section 210.050. Endangering The Welfare Of A Child. [Ord. No. 823 § 1, 11-9-2016]

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

1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;

2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (I) of Section 211.031, RSMo.;

3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1)

or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;

4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.; or

5. He/she operates a vehicle in violation of Subdivision (2) or (3) of Subsection (1) of Section 565.024, RSMo., or Subdivision (4) of Subsection (1) of Section 565.060, RSMo., or Sections 342.020 or 342.030 of this Code, while a child less than seventeen (17) years old is present in the vehicle.

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

Section 210.052. Unlawful Transactions With A Child. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of unlawful transactions with a child if he/she:

1. Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such person, with criminal negligence buys or receives any personal property other than agricultural products from an unemancipated minor, unless the child's custodial parent or guardian has consented in writing to the transaction; or

2. Knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances, as defined in Chapter 579, RSMo., is maintained or conducted; or

3. With criminal negligence sells blasting caps, bulk gunpowder, or explosive to a child under the age of seventeen (17) years, or fireworks as defined in Section 320.110, RSMo., to a child under the age of fourteen (14) years, unless the child's custodial parent or guardian has consented in writing to the transaction.

B. Criminal negligence as to the age of the child is not an element of this offense.

Section 210.055. Leaving A Child Unattended In A Motor Vehicle. [Ord. No. 823 § 1, 11-9-2016]

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

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

INJURY — Physical harm to the body of a person.

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

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

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

ARTICLE III
Offenses Concerning Administration Of Justice

Section 210.060. Concealing An Offense. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of concealing an offense if:

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

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

Section 210.070. Hindering Prosecution. [Ord. No. 823 § 1, 11-9-2016]

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

1. Harbors or conceals such person;

2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;

3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or

4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

Section 210.080. Refusal To Identify As A Witness. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.090. Disturbing A Judicial Proceeding. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness and thereby to influence a judicial proceeding, he/she: (a) disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter concerning the conduct of the judicial proceeding or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding; or (b) threatens harm to or harasses such person or members of such person's family, including their spouse and the ancestors and descendants of such person or their spouse by blood or adoption, or any other person or property.

Section 210.100. Tampering With A Witness — Tampering With A Victim. [Ord. No. 823 § 1, 11-9-2016]

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

   1. Threatens or causes harm to any person or property;

   2. Uses force, threats or deception;

   3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or

   4. Conveys any of the foregoing to another in furtherance of a conspiracy.

B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:

   1. Making any report of such victimization to any Peace Officer or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;

   2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or

   3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Section 210.101. Tampering With Physical Evidence. [Ord. No. 823 § 1, 11-9-2016]

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

1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or

2. Makes, presents or uses any record, document or thing knowing it to be false with the purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

Section 210.102. Tampering With Public Record. [Ord. No. 823 § 1, 11-9-2016]

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, he/she knowingly makes a false entry or alteration thereto or if he/she knowingly without authority destroys or conceals any public record.

Section 210.110. Improper Communication. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.120. False Impersonation. [Ord. No. 823 § 1, 11-9-2016]

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

1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and

   a. Performs an act in that pretended capacity; or

   b. Causes another to act in reliance upon his/her pretended official authority.

2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and

   a. Performs an act in that pretended capacity; or

   b. Causes another to act in reliance upon such representation.

B. Upon being arrested, falsely represents himself/herself to a Law Enforcement Officer with the first and last name, date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, misdemeanor or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.

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

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

Section 210.130. False Reports. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of making a false report if he/she knowingly:

1. Gives false information to any person for the purpose of implicating another person in a crime or offense;

2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or

3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law

Enforcement Officer or any other person took substantial action in reliance thereon.

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

Section 210.132. Offenses Involving Officers Of The City. [Ord. No. 823 § 1, 11-9-2016]

A. No person shall:

1. Falsely represent himself/herself to be an officer of the City with purpose to induce another to submit to his/her pretended official authority;

2. Without being authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of a City Officer; or

3. Hinder, obstruct, resist or otherwise interfere with any City Officer in the discharge of his/her official duties.

Section 210.135. False Testimony; False Declarations Prohibited. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of providing false testimony or making false declarations when he/she:

1. Submits any written false statement which he/she does not believe to be true:

a. In an application for any pecuniary benefit or other consideration; or

b. On a form bearing notice, authorized by law, that false statements made therein are punishable; or

2. Submits or invites reliance on:

a. Any writing which he/she knows to be forged, altered or otherwise lacking in authenticity; or

b. Any sample, specimen, map, boundary mark or other object which he/she knows to be false.

B. Definitions And Elements.

1. MATERIAL FACT — A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect or did substantially affect the course or outcome of the cause, matter or proceeding.

2. PUBLIC SERVANT — Any person employed in any way by this City who is compensated by this City by reason of his/her employment.

It includes, but is not limited to, Aldermen, Municipal Judge and Law Enforcement Officers. It does not include witnesses.

3. Knowledge of the materiality of the statement is not an element of this offense and it is no defense that:

   a. The defendant mistakenly believed the fact to be immaterial; or

   b. The defendant was not competent, for reasons other than mental disability or immaturity, to make the statement.

4. The falsity of the statement or the item under Subsection (A) of this Section must be as to a fact which is material to the purposes for which the statement is made or the item submitted.

C. Defense Of Retraction. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or item, but this defense shall not apply if the retraction was made after:

1. The falsity of the statement or the item was exposed; or

2. The public servant took substantial action in reliance on the statement or item.

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

Section 210.137. Willfully Failing Or Refusing Law Enforcement. [Ord. No. 823 § 1, 11-9-2016]

A person commits an offense if they willfully fail or refuse to stop on signal of any Law Enforcement Officer or to obey any other reasonable signal or direction of a Law Enforcement Officer given in directing the movement of vehicular traffic or enforcing against any offense or infraction or otherwise properly discharging their duties.

Section 210.139. Leaving The Scene Of An Accident. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of leaving the scene of an accident when: (1) being the operator of a vehicle or a vessel involved in an accident resulting in injury or death to any person or damage to property of another person; and (2) having knowledge of such accident he/she leaves the place of the injury. Death, damage, or accident without stopping and giving the following information to the injured party or property owner or a Law Enforcement Officer, or if no Law Enforcement Officer is in the vicinity then to the nearest law enforcement agency: (a) his/her name; (b) his/her complete residence address; (c) the registration or license number of his/her vehicle or vessel; and (d) his/her operator's license number if any.

Section 210.140. Resisting Or Interfering With Arrest, Detention Or Stop. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:

1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

B. This Section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any offense, infraction or ordinance violation, and arrests for warrants issued by a court or a Probation and Parole Officer.

C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.

D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

Section 210.150. Escape Or Attempted Escape From Custody Or Confinement. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of escape from custody or confinement or attempted escape from custody or confinement if, while being held in custody after arrest or confinement after sentencing for any offense, he/she escapes or attempts to escape from such custody or confinement, including but not limited to by means of intentionally removing, altering, tampering, or damaging electronic monitoring equipment which a court has required such person to wear.

Section 210.152. Failure To Return To Confinement. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of failure to return to confinement if while serving a sentence for any offense wherein he/she is temporarily permitted

to go at large without guard, he/she purposefully fails to return to such confinement when required to do so.

Section 210.154. Possession Of Unlawful Items In Jail. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of possession of unlawful items in jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of the City jail any controlled substance except upon the written prescription of a licensed physician or dentist, any alkaloid, any intoxicating liquor as defined in Section 311.020, RSMo., any article or item of personal property otherwise prohibited by the City, or any gun, knife, or weapon.

Section 210.155. Interference With Legal Process. [Ord. No. 823 § 1, 11-9-2016]

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

B. An employer or agent who is in charge of a business establishment commits the offense of refusing to make an employee available for service of process if he/she knowingly refuses to assist any officer authorized by law to serve process who calls at such business establishment during the working hours of an employee for the purpose of serving process on such employee, by failing or refusing to make such employee available for service of process.

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

ARTICLE IV
Offenses Concerning Public Safety

Section 210.160. Abandonment Of Airtight Or Semi-Airtight Containers. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1 1/2) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

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

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

Section 210.165. Smoking In City-Owned Buildings Or Other Enclosed Structures. [Ord. No. 823 § 1, 11-9-2016]

A. Except as provided in this Section, the possession of lighted smoking materials in any form, including, but not limited to, the possession of lighted cigarettes, cigars, pipes or other tobacco products, is unlawful in any City of Country Club Hills owned or operated buildings or other enclosed structures.

B. It shall be unlawful for anyone to chew and/or spit any tobacco products in any motor vehicle, building or other enclosed structure within the City.

C. The restrictions on smoking or spitting set forth above shall not apply to area(s) of City owned or operated buildings or other enclosed structures which the City of Country Club Hills specifically designates as smoking area(s). Further, the City of Country Club Hills shall not be under an affirmative duty or obligation to designate any area(s) as a smoking area(s). In the event that the determination is made to create a designated smoking area within a building or other enclosed structure, then such area shall be clearly and conspicuously marked and identified as such to City employees and members of the general public by the posting of a sign on each of the walls or other partitions bounding the area which signs contain the clearly legible words "DESIGNATED SMOKING AREA."

D. The authority to administer and enforce the provisions of this Section is vested in the Police Department of the City of Country Club Hills and its duly authorized representative or representatives.

Section 210.170. Littering. [Ord. No. 823 § 1, 11-9-2016]

A. Definitions. As used in this Section, the following term shall have this prescribed meaning:

LITTER — Any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, metal, plastic and glass containers, glass, dead animals or intentionally or unintentionally discarded materials of every kind and description.

B. A person commits the offense of littering if the he/she places or deposits, or causes to be placed or deposited, any litter, or allows unsecured materials to drop or shift off of a vehicle load, onto any property in this City or any waters in this City unless:

1. The property is designated by the State or by any of its agencies or political subdivisions for the disposal of such litter and such person is authorized by the proper public authority to use such property for such purpose; or

2. The litter is placed into an appropriate receptacle or container installed on such property and such person is authorized by the proper authority to use such receptacle or container; or

3. The person is the owner of such property, has obtained consent of the owner or is acting under the personal direction of the owner, all in a manner consistent with the public welfare.

C. Evidence Of Littering.

1. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of this Section, it shall be prima facie evidence that the operator of the conveyance has violated this Section.

2. Except when applying Subsection (1) of (C) above, whenever any litter which is dumped, deposited, thrown or left on property in violation of this Section is discovered to contain any article, including, but not limited to, letters, bills, publications or other writing which display the name of the person thereon in such a manner to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Section.

D. Penalties. In addition to the penalties set out in the General Penalty Section of the City Code, the Municipal Court may order the violator to reimburse the City for the reasonable cost of removing the litter when the litter is removed by or is ordered removed by the City.

Section 210.180. Littering Via Carcasses. [Ord. No. 823 § 1, 11-9-2016]

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

B. If any person shall remove or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance to the annoyance of the citizens of this City, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second offense against the provisions of this Section.

Section 210.190. Tampering With Water Supply. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.200. Abandoning Motor Vehicle Or Trailer. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of abandoning a vehicle, vessel or trailer if he/she knowingly abandons any vehicle, vessel or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

B. For purposes of this Section, the last owner of record of a vehicle, vessel or trailer found abandoned and not shown to be transferred

pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed by prima facie evidence to have been the owner of such vehicle, vessel or trailer at the time it was abandoned and to have been the person who abandoned the vehicle, vessel or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle or trailer shall not be subject to the penalties provided by this Section if the motor vehicle or trailer was in the care, custody or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle or trailer is alleged to have been stolen, the owner of the motor vehicle or trailer shall submit proof that a Police report was filed in a timely manner indicating that the vehicle was stolen at the time of the alleged violation.

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

Section 210.205. Fireworks. [Ord. No. 823 § 1, 11-9-2016]

A. No person shall sell, use, manufacture, display or possess fireworks, as hereinafter defined, within the City at any time.

B. The term "fireworks," as used in this Section, is any composition or device for producing a visible, audible or both visible and audible effect by combustion, deflagration or detonation and that meets the definition of consumer, proximate or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations.

C. The discharge of toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (0.25) grains or less of explosive mixture and the sale and use of same shall not constitute a violation of this Section.

D. The prohibition of this Section shall not apply to any public demonstrations or displays of fireworks. However, any such public demonstrations or displays of fireworks may be conducted only after application has been made in writing to the Fire Chief and a permit has been issued for such demonstration or display by the Fire Chief.

Section 210.207. Aircraft — Restrictions On Use. [Ord. No. 823 § 1, 11-9-2016]

A. No person shall operate, or cause to be operated, over the City any aircraft which is flying in a manner commonly known as stunt flying, or at an unreasonably low altitude, or in any other manner that may be a hazard or dangerous to persons or property within the City.

B. No person shall broadcast by loud speakers or in any other manner, loud, disturbing or unnecessary noises from any aircraft or cause, aid or abet the operation of any aircraft over the City from which is emanated by means aforesaid any such noises.

C. No person shall operate, or cause or to be operated, any aircraft for commercial sound advertising purposes in or over the City.

ARTICLE V
Offenses Concerning Public Peace

Section 210.210. Peace Disturbance. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of peace disturbance if he/she:

1. Unreasonably and knowingly disturbs or alarms another person or persons by:

a. Loud noise; or

b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or

c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or

d. Fighting; or

e. Creating a noxious and offensive odor.

2. Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

a. Vehicular or pedestrian traffic; or

b. The free ingress or egress to or from a public or private place.

3. Willfully interrupts, disrupts or disturbs any lawful meeting or assembly.

4. While on private property, unreasonably and purposely causes alarm to another person or persons on the same premises by threatening to commit an offense against any person or by fighting. For purposes of this Subsection, if a building or structure is divided into separately occupied units, such units are separate premises.

B. For purposes of this Section, an offense committed by means of writing, telephonic communication or electronic communication shall be deemed to have occurred at the place from which the communication was made or sent and at the place where the communication was first heard or read by the recipient.

Section 210.212. Public Disturbance Noises. [Ord. No. 823 § 1, 11-9-2016]

A. No person shall cause, nor shall any person in possession of property allow to originate from the property, sound that is a public disturbance

noise. The following sounds are hereby determined to be public disturbance noises:

1. Frequent, repetitive or continuous sounds made by any animal which unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors except that such sounds made in animal shelters or commercial kennels, veterinary hospitals, pet shops or pet kennels licensed under and in compliance with the provisions of the Code of Ordinances shall be exempt from this Subsection; provided, that notwithstanding any other provision of this Section, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this Subsection, the animal may be impounded;

2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

3. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine, within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

4. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property or the contents therein, except as permitted by law;

5. The making of any loud or raucous sound within one thousand (1,000) feet of any school, hospital, sanitarium, nursing or convalescent facility;

6. The creation by use of a musical instrument, whistle, sound amplifier or other device capable of producing or reproducing sound, of loud or raucous sounds which emanate frequently, repetitively or continuously from any building, structure or property located within the City, such as sounds originating from a band session or social gathering and without limiting the foregoing, any loud or raucous sounds from social gatherings between the hours of 11:00 p.m. and 9:00 a.m.;

7. The erection (including excavating), demolition, alteration or repair of any building or structure other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on weekends, except in case of urgent necessity in the interest of public safety and then only with a permit from the Director of Community Development and Public Works for a period not to

exceed three (3) days which, however, may be renewed for like or less periods while the emergency continues; or

8. The operation of any lawn mower, lawn care equipment, chain saw, wood chipper, stump grinder, leaf blower, or similar type of powered device before 7:00 a.m. or after 9:00 p.m. on weekdays and before 8:00 a.m. or after 9:00 p.m. on weekends, except that the use of electricity generators during extended power outages and equipment used in the care and maintenance of the City Golf Course shall not be subject to such restrictions.

B. No sound source specifically exempted from a maximum permissible sound level by this Section shall be a public disturbance noise, insofar as the particular source is exempted.

C. The following sounds are exempt from the provisions of this Section at all times:

1. Sounds originating from aircraft in flight;

2. Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;

3. Sounds created by fire alarms; and

4. Sounds created by emergency equipment and emergency work necessary in the interest of law enforcement or of the health, safety or welfare of the community, including but not limited to snow removal and other equipment involved in clearing streets, parking lots and driveways.

Section 210.215. (Repealed).

Section 210.220. (Repealed).

Section 210.223. Disturbance Of Funeral And Burial Services. [Ord. No. 823 § 1, 11-9-2016]

A. No person shall knowingly picket or engage in other protest activities, nor shall any association or corporation knowingly cause picketing or other protest activities to occur, within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue, or other establishment or location during or within one (1) hour before or one (1) hour after 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" services 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-foot zone that is established under Subsection (A) above.

Section 210.225. Unlawful Assembly. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.227. Allowing Unruly Conduct. [Ord. No. 823 § 1, 11-9-2016]

It shall be unlawful for any person who owns, maintains, leases or is otherwise in possession or control of any real property to permit or allow persons thereon to conduct themselves in a loud or unruly manner so as to cause hurt, injury, annoyance, inconvenience or danger to the public or any member thereof, and it shall be the duty of any such person in possession or control to take such steps as are available to disperse such loud or unruly persons.

Section 210.229. Disturbing Lawful Assembly. [Ord. No. 823 § 1, 11-9-2016]

Any person who shall in this City disturb any lawful assembly of people by rude and indecent behavior or shall be found loitering at the corners of the streets or in the vicinity of any place of amusement, restaurant or hotel or thoroughfare and refuse to disperse or vacate such place when requested to do so by a Police Officer shall be deemed guilty of a misdemeanor.

Section 210.230. Rioting. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.235. Refusal To Disperse. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.236. Failure To Comply. [Ord. No. 823 § 1, 11-9-2016]

It is unlawful for any person to fail or refuse to obey any reasonable order or direction of a Police Officer.

Section 210.237. Obstructing Public Places. [Ord. No. 823 § 1, 11-9-2016]

A. Definition. The following term shall be defined as follows:

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

B. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto;

3. Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.

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

Section 210.238. Obstruction Of Government Operations. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of obstructing government operations if he/she purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle.

Section 210.239. Disorderly Conduct. [Ord. No. 823 § 1, 11-9-2016]

A. Any person who, with the intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned, does within the City

of Country Club Hills, Missouri, commit any of the following acts shall be deemed to have committed the offense of disorderly conduct:

1. Uses offensive, disorderly, threatening, abusive or insulting language, conduct or behavior.

2. Acts in such a manner as to annoy, disturb, interfere with, obstruct or be offensive to others or to any lawful assemblage.

3. Congregates with others on a public street and refuses to move on when ordered by the Police.

4. Shouts or makes a noise either outside or inside a building during the nighttime to the annoyance or disturbance of any considerable number of persons.

5. Interferes with any person in any place by jostling against such person or unnecessarily crowding him/her or by placing hand in the proximity of such person's pocket, pocketbook or handbag.

6. Stations himself/herself on the public streets or follows pedestrians for the purpose of soliciting alms or who solicits alms on the public streets unlawfully.

7. Frequents or loiters about any public place soliciting another person for the purpose of committing a crime against nature or other lewdness or sexual acts.

8. Masturbates, manipulates or sexually stimulates himself/herself or attempts to sexually stimulate himself/herself, either alone or with the assistance of another, in any public place including restroom facilities provided for public accommodation and any other premises required to be licensed by ordinance to provide any mercantile or public service.

9. Causes a disturbance in any railroad car, omnibus or other public conveyance by running through it, climbing though windows or upon the seats or annoying passengers or employees therein.

10. Stands on sidewalks or street corners and makes insulting remarks to or about passing pedestrians or annoys such pedestrians.

11. Is engaged in some illegal occupation or who bears an evil reputation and with an unlawful purpose consorts with thieves and criminals or frequents unlawful resorts. In any prosecution under this Section, the fact that the defendant is engaged in an illegal occupation or bears an evil reputation and is found consorting with persons of like evil reputation, thieves or criminals shall be prima facie evidence that such consorting was for an unlawful purpose.

12. Wanders, prowls or loiters upon the private property of another in the nighttime and peaks or peers in the door or window of any building or structure located thereon which is inhabited by human

beings without any visible or lawful business with the owners or occupants thereof.

13. Knowing the same to be false, circulates or transmits to another or others, with intent that it be acted upon, any statement or rumor, written, printed or by word of mouth, concerning the location of a bomb or other explosive.

14. Willfully disturbs the peace of any family or of any neighborhood or persons by loud and unusual noises or by violent, tumultuous, offensive or obstreperous conduct or carriage or by using toward any person indecent, profane or offensive language or by challenging, assaulting striking or fighting any person.

15. Who shall disturb or disquiet any congregation or assembly of persons by making any noise or by loud talking, rude or indecent behavior or by profane discourse within or about the place of assembly or so near the same as to disturb the order or solemnity thereof.

16. Loitering at the corner of any street or in the vicinity of any place of amusement, hotel, restaurant, eating house or other public store or place or in or upon any street, avenue, alley, sidewalk, stairway, public park or public grounds within the City and refusing to disperse or vacate such place when requested to do so by any Policeman of the City.

ARTICLE VI
Offenses Concerning Weapons And Firearms

Section 210.240. Definitions. [Ord. No. 823 § 1, 11-9-2016]

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

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

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

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

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

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

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

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

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

EXPLOSIVE WEAPON — Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon.

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

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

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

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

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

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

MACHINE GUN — Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

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

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

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

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

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

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

1. That opens automatically by pressure applied to a button or other device located on the handle; or

2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

Section 210.250. Weapons — Carrying Concealed — Other Unlawful Use. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;

2. Sets a spring gun;

3. Discharges or shoots a firearm within the City limits;[9]

4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner;

5. Possesses a firearm or projectile weapon while intoxicated and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

6. Openly carries a firearm or any other weapon readily capable of lethal use, except as provided by Subsection (G) of this Section;

7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board;

8. Carries a firearm, or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal Government, State Government, or political subdivision thereof; or

9. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of Section 579.015, RSMo.

B. Subparagraphs (1), (3), (4), (6), (7), and (8) of Subsection (A) of this Section shall not apply to or affect any of the following:

1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the

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

law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (12) of Section 571.030, RSMo., and who carry the identification defined in Subsection (13) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the Armed Forces or National Guard while performing their official duty;

4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;

5. Any person whose bona fide duty is to execute process, civil or criminal;

6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. § 44921, regardless of whether such officers are on duty or within the law enforcement agency's jurisdiction;

7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.;

9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;

10. Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.;

11. Any member of a Fire Department or fire protection district, who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

12. Upon the written approval of the governing body of a Fire Department or fire protection district, any paid Fire Department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

C. Subparagraphs (1), (5), (6), (7) and (8) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (8) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing on 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 or club event.

D. Subparagraphs (1), (6), (7) and (8) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.

E. Subparagraphs (3), (4), (5), (6), (7) and (8) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.

F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

G. Any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., or a concealed carry endorsement issued prior to August 28, 2013, or a valid permit or endorsement to

carry concealed firearms issued by another State or political subdivision of another State, may openly carry a firearm, subject to the restrictions set forth in Subsection (A)(4), (5), and (9) of Section 210.250 of this Code. However, nothing in this Section shall be construed to permit a person to carry a concealed firearm or openly carry a firearm in the locations listed in Subdivisions (1) through (17) of Subsection (A) of Section 210.280 of this Code. Any person openly carrying a firearm within the City limits shall display his/her concealed carry endorsement or permit upon demand of a Law Enforcement Officer. Any person openly carrying a firearm who fails to display his/her concealed carry endorsement or permit upon demand of a Law Enforcement Officer may be issued a citation for an amount not to exceed thirty-five dollars ($35).

Section 210.255. Possession, Manufacture, Transport, Repair, Sale Of Certain Weapons. [Ord. No. 823 § 1, 11-9-2016]

A. Except as provided in Subsection (B) of this Section, it shall be unlawful for any person to knowingly possess, manufacture, transport, repair or sell:

1. An explosive weapon;

2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

3. A gas gun;

4. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm;

5. Knuckles; or

6. Any of the following in violation of Federal law:

a. A machine gun;

b. A short barreled rifle or shotgun;

c. A firearm silencer; or

d. A switchblade knife.

B. A person does not commit an offense under this Section if his/her conduct involved any of the items in Subdivisions (1) to (5) of Subsection (A), the item was possessed in conformity with Federal law, and the conduct:

1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;

2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in paragraph (1) of this Subsection;

3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;

4. Was incident to displaying the weapon in a public museum or exhibition; or

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

Section 210.260. Defacing Firearm. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.265. Fraudulent Purchase Of Firearm. [Ord. No. 823 § 1, 11-9-2016]

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

AMMUNITION — Any cartridge, shell, or projectile designed for use in a firearm.

LICENSED DEALER — A person who is licensed under 18 U.S.C. Section 923 to engage in the business of dealing in firearms.

MATERIALLY FALSE INFORMATION — Any information that portrays an illegal transaction as legal or a legal transaction as illegal.

PRIVATE SELLER — A person who sells or offers for sale any firearm, as defined in Section 571.010, RSMo., or ammunition.

B. A person commits the offense of fraudulent purchase of a firearm if such person:

1. Knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a

firearm or ammunition under circumstances which the person knows would violate the laws of this State or the United States; or

2. Provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or

3. Willfully procures another to violate the provisions of Subdivisions (1) or (2) of this Subsection.

C. This Section shall not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations, or to a Peace Officer, as defined in Section 542.261, RSMo., acting at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

Section 210.270. Unlawful Transfer Of Weapons. [Ord. No. 823 § 1, 11-9-2016]

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

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

2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

Section 210.275. Possession Of Firearm Unlawful For Certain Persons. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of unlawful possession of a firearm if he/she has any firearm in his/her possession and:

1. He/she has been convicted of a felony under the laws of this State, or of a crime under the laws of any State or of the United States which, if committed within this State, would be a felony; or

2. He/she is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

Section 210.280. Carrying Concealed Firearms Prohibited — Penalty For Violation. [Ord. No. 823 § 1, 11-9-2016]

A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:

1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

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

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

5. Any meeting of the Board of Aldermen. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

6. Any building owned, leased or controlled by the City of Country Club Hills identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased or controlled by the City of Country Club Hills. Persons violating this Subdivision may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation.

7. Any establishment licensed to dispense intoxicating liquor 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 Subdivision shall not apply to the licensee of said establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated.

8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

9. Any place where the carrying of a firearm is prohibited by Federal law.

10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his/her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no further consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent

the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement.

12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer.

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:

1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars ($100.00) for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars ($200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars ($500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the concealed carry permit, or if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.

2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.220 of this Code of Ordinances.

3. Employees of the City of Country Club Hills may, in addition to any other punishment hereby, be subject to disciplinary action.

C. Nothing in this Section shall preclude those persons listed in Subsection (B)(1) of Section 210.250, while within their jurisdiction and on duty, from carrying a firearm within the areas described in this Section when reasonably associated with or necessary to the fulfillment of such person's official duties.

D. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars ($35.00), for any person issued a concealed carry endorsement pursuant to State law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm or to fail to display the concealed carry endorsement upon the request of any Peace Officer.

Section 210.285. Dangerous Projectiles. [Ord. No. 823 § 1, 11-9-2016]

A. Because such conduct is dangerous to the inhabitants of the City due to the population of the City, no person shall throw, release, discharge or in any way propel any dangerous projectiles as defined herein upon or at any property, at any person or group of persons or at any type of animal(s).

B. For the purpose of this Section, dangerous projectiles are identified, but not limited to projectiles shot out of:

1. Pellet rifles.

2. BB guns.

3. Slingshot or wrist rockets.

4. Bow and arrows or crossbows.

5. Blow guns.

6. Any manufactured or homemade gas or vapor ignited gun (i.e., paint gun, tube gun, potato gun, foil gun, etc.) or other pneumatic gun.

Provided however, the foregoing provisions do not prohibit the use of pneumatic guns at approved shooting ranges.

ARTICLE VII
Offenses Concerning Property

Section 210.290. Tampering. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of tampering if he/she:

1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another;

2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;

3. Tampers or makes connection with property of a utility; or

4. Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

a. To prevent the proper measuring of electric, gas, steam or water service; or

b. To permit the diversion of any electric, gas, steam or water service.

B. In any prosecution under paragraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service with one (1) or more of the effects described in paragraph (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

Section 210.291. Tampering With Computer Data. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of tampering with computer data if he/she knowingly and without authorization or without reasonable grounds to believe that he/she has such authorization:

1. Modifies or destroys data or programs residing or existing internal to a computer, computer system, or computer network; or

2. Modifies or destroys data or programs or supporting documentation residing or existing external to a computer, computer system, or computer network; or

3. Discloses or takes data, programs or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network; or

4. Discloses or takes a password, identifying code, personal identification number, or other confidential information about a computer system or network that is intended to or does control access to the computer system or network; or

5. Accesses a computer, a computer system, or a computer network, and intentionally examines information about another person; or

6. Receives, retains, uses, or discloses any data he/she knows or believes was obtained in violation of this Section.

Section 210.292. Tampering With Computer Equipment. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of tampering with computer equipment if he/she knowingly and without authorization or without reasonable grounds to believe that he/she has such authorization:

1. Modifies, destroys, damages, or takes equipment or data storage devices used or intended to be used in a computer, computer system, or computer network; or

2. Modifies, destroys, damages, or takes any computer, computer system, or computer network.

Section 210.293. Tampering With Computer Users. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of tampering with computer users if he/she knowingly and with authorization or without reasonable grounds to believe that he/she has such authorization:

1. Accesses or causes to be accessed any computer, computer system, or computer network; or

2. Denies or causes the denial of computer system services to an authorized user of such computer system services.

Section 210.300. Property Damage. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or

2. He/she damages property for the purpose of defrauding an insurer.

Section 210.305. Damaging Public Or Private Property — Penalty. [Ord. No. 823 § 1, 11-9-2016]

Any person who shall damage or deface any building, structure, vehicles, equipment, appliance, furniture, tool, fence, tree, sign or property in the City of Country Club Hills belonging to said City or any private person, firm or corporation by cutting, injuring, defacing, breaking, daubing or marking

with paint, chalk or other substance or by destroying, mutilating or tearing down said property shall be deemed guilty of a misdemeanor.

Section 210.307. Removing Articles From Or Depositing On Premises Prohibited. [Ord. No. 823 § 1, 11-9-2016]

Any person who, without the consent of the owner or occupant thereof or his/her agent, deposits thereon or removes therefrom any material, substance, dirt, ashes, refuse, turf, article or thing shall be deemed guilty of an offense.

Section 210.309. Requiring Owners And/Or Persons In Control Of Private Premises To Maintain The Same Free Of Litter And Other Refuse. [Ord. No. 823 § 1, 11-9-2016; Ord. No. 18-837, 1-10-2018]

The owner or person in control of any private property shall at all times maintain the premises free of litter or accumulations of refuse, such as yard waste, branches and leaves; provided, however, that this Section shall not prohibit the storage of litter or other refuse in authorized private receptacles for collection.

Section 210.310. Claim Of Right. [Ord. No. 823 § 1, 11-9-2016]

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

B. The defendant shall have the burden of injecting the issue of claim of right.

Section 210.320. Trespass. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of trespass if he/she enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property, or climbs or skateboards upon a City structure that has been posted with notice prohibiting such climbing or skateboarding at the direction of the City Administrator.

B. A person commits the offense of trespass of a school bus if he/she knowingly and unlawfully enters any part of or unlawfully operates any school bus. For the purposes of this Subsection, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:

   1. Approved of and established in a school district's written policy on access to school buses; or

   2. Authorized by specific written approval of the school board.

C. Definitions. As used in this Section, a person "enters unlawfully or remains unlawfully" in or upon premises when he/she is not licensed or

privileged to do so. A person who, regardless of his/her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he/she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

Section 210.330. (Repealed).

Section 210.335. (Repealed).

Section 210.340. Reckless Burning Or Exploding. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.350. Negligent Burning Or Exploding. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.351. Excessive Illumination. [Ord. No. 823 § 1, 11-9-2016]

A. The lighting of any private property that illuminates or casts glare onto any other property and unreasonably and substantially interferes with the use or enjoyment of such other property is prohibited. In furtherance of this requirement, lighting of private property shall be so arranged or designed to direct light away from adjoining properties as much as possible. Lights shall be arranged, installed or shaded so that no part of the lighting filament is visible and casts glare to any point beyond the property line of the premises so illuminated. Floodlights and spotlights shall be shielded if necessary to prevent illumination or glare onto adjoining properties and streets. Provided, however, that lighting on existing athletic fields and other recreational facilities need not comply with this Section until such time as such existing lighting systems are replaced.

B. Anyone who fails or refuses to correct excessive illumination within ten (10) days after written notice from the City Manager or his/her designee shall, upon conviction, be guilty of an offense.

C. The property owner and occupant shall be responsible for preventing illumination of adjoining property and streets.

Section 210.352. Market Carts — Removal Prohibited. [Ord. No. 823 § 1, 11-9-2016]

A. No person shall remove carts, baskets or other similar devices, furnished by merchants for the convenience of customers for use on the mercantile premises, from the premises without the express consent of the merchant.

B. Copies of this Section shall be posted in conspicuous places in and on the mercantile premises where market carts, baskets or other devices are furnished for use by customers and on said carts, baskets or other devices.

Section 210.353. Waste Can Regulation. [Ord. No. 823 § 1, 11-9-2016]

No person shall unlawfully remove any street waste paper cabinet, can or other containers or any part thereof from the location in which the proper authorities of the City have placed it.

Section 210.354. Trash And Debris — Prohibitions. [Ord. No. 823 § 1, 11-9-2016]

A. Definitions. In this Section, the word "trash" means and includes garbage, recyclables, compostables, cigarette butts, ashtray refuse, refuse, junk, brush, ashes, debris, tin cans, leaves, grass, waste matter, paper and cardboard, stone, wood, glass, rubble, rock, plaster, broken concrete, building materials, inoperative machinery or vehicles.

B. Littering. No person shall place, throw, deposit, or cause to be placed, thrown or deposited trash on any vacant or occupied property, whether owned by such person or not, or upon any street, alley, sidewalk, public property, or into any storm water drainage channel or upon the public easement adjoining said channel in the City.

C. The owner or person in control of any private property shall, at all times, maintain the premises free of trash.

D. This Section shall not prohibit the accumulation or storage of trash in accordance produced as an incident to the lawful use of the same premises where accumulated or stored where such accumulation or storage:

1. Is pending removal or disposal;

2. Does not exceed seven (7) consecutive days;

3. Is within containers, or is done in such other manner as not to constitute a threat to public health or safety; and

4. Is screened from the view of persons upon adjacent property or rights-of-way, except on a day scheduled for collection when it may

be placed adjacent to the public right-of-way adjoining the premises.

E. No person shall throw, drop or permit to blow or allow to be thrown, dropped or blown, any litter from any motor vehicle.

Section 210.355. Burglar Tools — Possession Of. [Ord. No. 823 § 1, 11-9-2016]

Any person who makes, mends, designs or sets up, or who has in his/her custody or concealed about his/her person, any tool, false key, lock pick bit, nippers, fuse, force screw, punch, drill, jimmy or any material, implement, instrument or other mechanical device whatsoever adapted, designed or commonly used for breaking into any vault, safe, warehouse, motor vehicle, streetcar, store, shop, office, dwelling house or door, window or shutter of any building shall be deemed guilty of a misdemeanor.

Section 210.360. Stealing. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion. However, a person shall not be deemed to have stolen video service if the video company provides unsolicited services or fails to change or disconnect service within ten (10) days after receiving written notice to do so by its customer. Additionally, a person does not commit an offense under this Section if, at the time of the appropriation, he/she: (1) acted in the honest belief that he/she had the right to do so; or (2) acted in the honest belief that the owner, if present, would have consented to the appropriation.

B. Evidence of the following is admissible in any prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer that:

1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;

2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;

3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services;

4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house; or

5. He/she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag or universal price code label or possesses,

with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

Section 210.365. Theft Of Motor Fuel. [Ord. No. 823 § 1, 11-9-2016]

A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.

B. A person found guilty or pleading guilty to stealing pursuant to Section 210.360 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

Section 210.370. Receiving Stolen Property. [Ord. No. 823 § 1, 11-9-2016]

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

B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:

1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;

2. He/she received other stolen property in another transaction within the year preceding the transaction charged;

3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value; or

4. He/she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

Section 210.375. Financial Exploitation Of The Elderly And Disabled. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly and by deception, intimidation or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property

thereby benefiting such person or detrimentally affecting the elderly or disabled person by:

1. Deceit;

2. Coercion;

3. Creating or confirming another person's impression which is false and which the offender does not believe to be true;

4. Failing to correct a false impression which the offender previously has created or confirmed;

5. Preventing another person from acquiring information pertinent to the disposition of the property involved;

6. 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;

7. Promising performance which the offender does not intend to perform or knows will not be performed; or

8. Undue influence, which means the use of influence by someone who exercise authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony, and which includes but is not limited to the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.

B. It shall be unlawful in violation of this Section for any person receiving or in the possession of funds of a Medicaid eligible elderly person or person with a disability residing in a facility licensed under Chapter 198, RSMo., to fail to remit to the facility in which the Medicaid eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the Department of Social Services, Family Support Division or its successor.

C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.

D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.

E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce

estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

Section 210.380. Fraudulent Use Of A Credit Or Debit Device. [Ord. No. 823 § 1, 11-9-2016]

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

1. The device is stolen, fictitious or forged;

2. The device has been revoked or canceled;

3. For any other reason his/her use of the device is unauthorized; or

4. Uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels said charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels said charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

Section 210.381. Fraudulently Stopping Payment Of An Instrument. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of fraudulently stopping payment of an instrument if her or she, with the purpose to defraud, stops payment on a check, draft, or debit device used in payment for the receipt of good or services. It shall be prima facie evidence of a violation of this Section if a person stops payment on a check, draft or debit device and fails to make good the check, draft or debit device transaction, or fails to return or make and comply with reasonable arrangements to return the property for which the check, draft or debit device was used in the same or substantially the same condition as when received within ten (10) days after notice in writing from the payee that the check, draft or debit device has not been paid because of a stop payment order by the issuer to the drawee. "Notice in writing" under this Section means notice deposited as certified or registered mail in the United State Mail and addressed to the issuer as it appears on the dishonored check, draft or debit device transaction or to his/her last known address, containing a statement that failure to make good the check, draft or debit device transaction within ten (10) days of receipt of the notice may subject the issuer to prosecution hereunder.

Section 210.382. Fraudulent Procurement Of A Credit Or Debit Device. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of fraudulent procurement of a credit or debit device if he/she: (1) knowingly makes or causes to be made, directly or indirectly, a false statement regarding another person for the purpose of procuring the issuance of a credit or debit device, or (2) knowingly obtains a means of identification of another person without the authorization of that person and uses that means of identification to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the consent of that person.

Section 210.390. Deceptive Business Practice. [Ord. No. 823 § 1, 11-9-2016]

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

1. Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity;

2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service;

3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;

4. Sells, offers or exposes for sale adulterated or mislabeled commodities;

5. Makes a false or misleading written statement for the purpose of obtaining property or credit;

6. Promotes the sale of property or services by false or misleading statement in any advertisement, or

7. Advertises in any manner the sale of property or services with the purpose not to sell such property or service: at the price which he/she offered them, in a quantity sufficient to meet the reasonably expected public demand unless the quantity is specifically stated in the advertisement, or at all.

Section 210.400. Alteration Or Removal Of Item Numbers With Intent To Deprive Lawful Owner. [Ord. No. 823 § 1, 11-9-2016]

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

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the

manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;

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

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

Section 210.410. Stealing Rented Personal Property. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:

1. Purposely fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;

2. Conceals or aids or abets the concealment of the property from the owner;

3. Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof without the written consent of the lessor, or without informing the person to whom the property is transferred to that the property is subject to a lease;

4. Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.

B. The provisions of this Section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

C. Evidence that a lessee used a false, fictitious, or not current name, address or place of employment in obtaining the property or that a

lessee fails or refuses to return the property or pay the lease charges to the lessor within seven (7) days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of the Section, except that if a motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven-day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

D. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.

E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner commits the offense of property damage pursuant to Section 210.300 in addition to being in violation of this Section.

F. Venue shall lie in the County where the personal property was originally rented or leased.

Section 210.420. Passing Bad Checks. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of passing a bad check when:

1. With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment

of money knowing that it will not be paid by the drawee or that there is no such drawee; or

2. The person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

B. As used in Subparagraph (2) of Subsection (A) of this Section, "actual notice in writing" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

Section 210.425. Shoplifting — Detention Of Suspect By Merchant — Liability Presumption. [Ord. No. 823 § 1, 11-9-2016]

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

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

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

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

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

B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable

manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.

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

Section 210.427. Posting Bills On Poles, Etc., Unlawful. [Ord. No. 823 § 1, 11-9-2016]

It shall be unlawful for any person to stick, post or place upon any house, fence, wall, post or other structures within the City of Country Club Hills upon private property any advertisement, bill, sign, poster or device of any kind without having first obtained written permission of the owner of said private property therefor and it shall be unlawful for any person to paint, paste, place or affix any advertisement, bill, placard, poster, sign or device of any kind upon any tree, pole, post, hydrant, bridge and/or structure upon any public street, sidewalk, alley, parkway, park or other public place in the City of Country Club Hills, provided, however, that nothing herein shall apply to any notice required by law or ordinance to be posted or to any official notice by public officers. Any person violating the provisions of this Section by doing the acts therein declared to be unlawful shall be deemed guilty of a misdemeanor.

Section 210.428. Sale Of Stolen Metals. [Ord. No. 823 § 1, 11-9-2016]

A. No person shall knowingly present for sale any stolen ferrous or non-ferrous metal, including, but not limited to, copper property or HVAC components.

B. No person shall mutilate, deface or otherwise damage any personal or real property owned by another person for the purpose of obtaining ferrous or non-ferrous metals, without written permission from the owner.

Section 210.429. Possession Of Prohibited Theft Devices. [Ord. No. 823 § 1, 11-9-2016]

It shall be unlawful for any person to possess any theft detection shielding device, theft detection device remover or tool, instrument, article, box or box adapted, modified, constructed, designed or used for committing or facilitating offenses involving theft or stealing in a public place with intent to use such item for theft or stealing or with knowledge that some person intends to use the same in committing a theft or stealing.

ARTICLE VIII
Offenses Concerning Prostitution And Morals

Section 210.430. Article Definitions. [Ord. No. 823 § 1, 11-9-2016]

As used in this Article, the following terms mean:

SEXUAL CONDUCT — Occurs when there is:

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

2. DEVIATE SEXUAL INTERCOURSE — Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person, or any act involving the penetration, however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

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

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

Section 210.440. Prostitution. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of prostitution if he/she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

Section 210.450. Patronizing Prostitution. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of patronizing prostitution if he/she:

   1. Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or

   2. Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

   3. Solicits or requests another person to engage in sexual conduct with any person for something of value.

Section 210.455. Promoting Prostitution. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of promoting prostitution if he/she knowingly:

1. Causes or aids a person to commit or engage in a violation of Section 210.440;

2. Procures or solicits patrons for a violator of Section 210.440;

3. Provides persons or premises for use by a violator of Section 210.440;

4. Operates or assists in the operation of a house or business or enterprise used by or involving violations of Section 210.440;

5. Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he/she participates or is to participate in proceeds of violation of Section 210.440; or

6. Engages in any conduct designed to institute, aid or facilitate an act or enterprise involving violation of Section 210.440.

Section 210.460. Prostitution And Patronizing And Promoting Prostitution — Sex Of Parties No Defense, When. [Ord. No. 823 § 1, 11-9-2016]

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

1. Both persons were of the same sex; or

2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

Section 210.465. Prostitution Houses Deemed Public Nuisances. [Ord. No. 823 § 1, 11-9-2016]

A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.430 or any unlawful prostitution activity prohibited by this Article is a public nuisance.

B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance as provided in Section 567.080, RSMo.

C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.

D. Appeals shall be allowed from the judgment of the court as in other civil actions.

ARTICLE IX
Sexual Offenses

Section 210.470. Article Definitions. [Ord. No. 823 § 1, 11-9-2016]

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

DEVIATE SEXUAL INTERCOURSE — Any act involving the genitals of one (1) person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

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

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

SEXUAL INTERCOURSE — Any penetration, however slight, of the female genitalia by the penis.

Section 210.475. Indecent Exposure (Sexual Misconduct). [Ord. No. 823 § 1, 11-9-2016]

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

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm; or to a child less than fifteen (15) years of age for the purpose of arousing or gratifying the sexual desire of any person including the child;

2. Has sexual contact in the presence of a third person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or

3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person; or

4. Coerces or induces a child less than fifteen (15) years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person including the child, or coerces or induces a female child less than fifteen (15) years of age to expose her breasts in person or through the Internet or other visual transmission for the purpose of arousing or gratifying the sexual desire of any person including the child.

Section 210.480. Sexual Misconduct. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.482. Invasion Of Privacy. [Ord. No. 823 § 1, 11-9-2016]

A. No person shall look, peer or peep into or be found loitering around or within view of any window of a private dwelling house not on his/her own property.

B. No person shall knowingly view, photograph, film, videotape, or produce or otherwise create an image of another person, without that person's consent, while such other person is in a state of nudity and is in a place where one would have a reasonable expectation that they could disrobe in privacy without being concerned that their undressing was being viewed, photographed or filmed by another.

C. No person shall knowingly photograph, film, videotape, or produce or otherwise create an image of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

Section 210.485. Certain Offenders Not To Be Present Within Five Hundred Feet Of School Property, Exception — Permission Required For Parents Or Guardians Who Are Offenders, Procedure. [Ord. No. 823 § 1, 11-9-2016]

A. Any person who has been found guilty of:

1. Since 2006, violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., as it existed prior to January 1, 2017, or Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., as it existed prior to January 1, 2017, or Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Since 2008, any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

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

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

Section 210.486. Certain Offenders Not To Reside Within One Thousand Feet Of A School Or Child-Care Facility. [Ord. No. 823 § 1, 11-9-2016]

A. Any person who has been found guilty of:

1. Since 2004, violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., as it existed prior to January 1, 2017, or Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., as it existed prior to January 1, 2017, or Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Since 2008, any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not reside within one thousand (1,000) feet of any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, or any child-care facility that is licensed under Chapter 215, RSMo., or any child-care facility as defined in Section 215.201, RSMo., that is exempt from State licensure but subject to State regulation under Section 215.252, RSMo., and holds itself out to be a child-care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

B. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand (1,000) feet of such person's residence, then such person shall, within one (1) week of the opening of such public school, private school, or child-care facility, notify the County Sheriff where such public school, private school, or child-care facility is located that he/she is now residing within one thousand (1,000) feet of such public school, private school, or child-care facility and shall provide verifiable proof to the Sheriff that he/she resided there prior to the opening of such public school, private school, or child-care facility.

C. For purposes of this Section, "resides" means sleeps in a residence, which may include more than one (1) location and may be mobile or transitory.

Section 210.487. Certain Offenders Not To Physically Be Present Or Loiter Within Five Hundred Feet Of A Child Care Facility — Violation — Penalty. [Ord. No. 823 § 1, 11-9-2016]

A. Any person who, since 2009, has been found guilty of:

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., as it existed prior to January 1, 2017, or Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., as it existed prior to January 1, 2017, or Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

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

B. For purposes of this Section, "child care facility" shall include any child care facility licensed under Chapter 215, RSMo., or any child care facility that is exempt from State licensure but subject to State regulation under Section 215.252, RSMo., and holds itself out to be a child care facility.

Section 210.488. Additional Restrictions On Certain Offenders. [Ord. No. 823 § 1, 11-9-2016]

A. Certain Offenders Not To Be Present Or Loiter Within Five Hundred (500) Feet Of A Public Park Or Swimming Pool.

1. Any person who, since 2009, has been found guilty of:

a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo., as it existed prior to January 1, 2017, or Section 573.200, RSMo., Use of a Child in a Sexual Performance; Section 568.090, RSMo., as it existed prior to January 1, 2017, or Section 573.205, RSMo., Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; or

b. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; shall not knowingly be present in or loiter within five hundred (500) feet of any real property comprising any public park with playground equipment or a public swimming pool.

B. Enticement Of A Child.

1. No person twenty-one (21) years of age or older shall persuade, solicit, coax, entice, or lure, whether by words, actions or through communication via the Internet or any electronic communication, any person who is less than fifteen (15) years of age for the purpose of engaging in sexual conduct.

2. It is not a defense to a prosecution for a violation of this Subsection that the other person was a Peace Officer masquerading as a minor.

C. Age Misrepresentation. No person shall knowingly misrepresent his/her age with the intent to use the Internet or any electronic communication to solicit engagement in sexual conduct involving a minor.

D. Certain Offenders Not To Serve As Athletic Coaches, Managers Or Trainers.

1. Any person who, since 2009, has been found guilty of:

a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo., as it existed prior to January 1, 2017, or Section 573.200, RSMo., Use of a Child in a Sexual Performance; Section 568.090, RSMo., as it existed prior to January 1, 2017, or Section 573.205, RSMo., Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; or

b. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; shall not serve as an athletic coach, manager or athletic trainer for any sports team in which a child less than seventeen (17) years of age is a member.

Section 210.489. Registered Sexual Offender, Halloween-Related Activities. [Ord. No. 823 § 1, 11-9-2016]

A. Any person first required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., since 2008, shall be required on October 31 of each year to:

1. Avoid all Halloween-related contact with children;

2. Remain inside his/her residence between the hours of 5:00 p.m. and 10:30 p.m. unless required to be elsewhere for just cause, including, but not limited to, employment or medical emergencies;

3. Post a sign at his/her residence stating "No candy or treats at this residence"; and

4. Leave all outside residential lighting off during the evening hours after 5:00 p.m.

ARTICLE X
Offenses Concerning Pornography

Section 210.490. Definitions. [Ord. No. 823 § 1, 11-9-2016]

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

CHILD PORNOGRAPHY — Any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance and which has a minor as one (1) of its participants or portrays a minor as an observer of such conduct, contact or performance, including but not limited to any visual depiction meeting the criteria established in Sections 573.010.(4)(b)a-c and 573.010(27), RSMo.

EXPLICIT SEXUAL MATERIAL — Any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post pubertal human genitals, but excluding works of art or of anthropological significance.

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

INDECENT — Language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs.

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

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

NUDITY or STATE OF NUDITY — The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque fabric covering of any part of the nipple or areola. Body paint shall not qualify as fabric.

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

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;

2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

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

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

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors;

2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

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

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

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

SEXUAL EXCITEMENT — The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Section 210.500. Promoting Pornography. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of promoting pornography if, knowing its content or character, he/she:

    1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;

    2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;

    3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain;

    4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or

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

Section 210.501. Promoting Child Pornography. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of promoting child pornography if, knowing of its content and character, such person possesses with the intent to promote or promotes child pornography or obscene material portraying what appears to be a minor.

Section 210.502. Possession Of Child Pornography. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of possession of child pornography if such person knowingly or recklessly possesses any child pornography or obscene material portraying what appears to be a minor.

Section 210.503. Sexual Exploitation Of A Minor. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of sexual exploitation of a minor if such person knowingly or recklessly photographs, films, videotapes, produces, or otherwise creates obscene material with a minor or child pornography.

Section 210.504. Use Of Child In Sexual Performance. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of use of a child in a sexual performance if, knowing the character and content thereof, the person employs, authorizes, or induces another person less than eighteen (18) years of age to engage in a performance which includes sexual conduct or, being a parent, legal guardian, or custodian of such a person less than eighteen (18) years of age, consents to their participation in such sexual performance.

Section 210.505. Promoting Sexual Performance By A Child. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of promoting a sexual performance by a child if, knowing the character and content thereof, the person promotes a performance which includes sexual conduct by a person less than eighteen (18) years of age or produces or directs any performance which includes sexual conduct by a person less than eighteen (18) years of age.

Section 210.506. Failure To Report Child Pornography. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of failure to report child pornography if he/she, being a commercial film or photographic print processor, computer provider, installer or repair person, or any Internet service provider who has knowledge of or observes, within the scope of the person's professional capacity or employment, any film, photograph, videotape, negative, slide, or computer-generated image or picture depicting a person under eighteen (18) years of age engaged in an act of sexual conduct, fails to report such instance to the City Police Department as soon as practicably possible.

Section 210.510. Furnishing Pornographic Materials To Minors. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of furnishing pornographic material to minors if, knowing its content and character, he/she:

1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor;

2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

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

Section 210.511. Public Display Of Explicit Sexual Material. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of public display of explicit sexual material if he/she recklessly:

1. Exposes, places, exhibits, or in any fashion, displays explicit sexual material in any location, whether public or private, and in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision as viewed from a street, highway, public sidewalk, or the property of others, or from any portion of the person's store, the exhibitor's store or property when items and materials other than this material are offered for sale or rent to the public; or

2. Fails to take prompt action to remove such a display from property in his/her possession after learning of its existence.

Section 210.512. Evidence In Obscenity And Child Pornography Cases. [Ord. No. 823 § 1, 11-9-2016]

A. In any prosecution under this Article evidence shall be admissible to show:

1. What the predominant appeal of the material or performance would be for ordinary adults or minors;

2. The literary, artistic, political or scientific value of the material or performance;

3. The degree of public acceptance in this State and in the local community;

4. The appeal to prurient interest in advertising or other promotion of the material or performance;

5. The purpose of the author, creator, promoter, furnisher or publisher of the material or performance.

B. Testimony of the author, creator, promoter, furnisher, publisher or expert testimony, relating to factors entering into the determination of the issues of obscenity or child pornography, shall be admissible.

C. In any prosecution under this Article, when it becomes necessary to determine a person's age, the court may make such determination by any authorized method.

D. In any prosecution for promoting child pornography, no showing is required that the performance or material involved appeals to prurient interest, that it lacks serious literary, artistic, political or scientific value or that it is patently offensive to prevailing standards in the community as a whole.

Section 210.513. Obscene Or Indecent Commercial Messaging. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of obscene or indecent commercial messaging if he/she, by means of a telephone communication for commercial purposes, makes directly or by means of an electronic recording device, any comment, request, suggestion, or proposal which is obscene or indecent, or knowingly permits any telephone or telephone facility connected to a local exchange telephone under such person's control to be used for obscene or indecent commercial messaging, in either case regardless of whether such person placed or initiated the telephone communication. This Section is not applicable to a telecommunications company as defined in Section 386.020, RSMo., over whose facilities the prohibited communication is made by someone else.

ARTICLE XI
Offenses Concerning Alcohol And Drugs

Section 210.515. Open Containers Of Alcoholic Beverages Prohibited. [Ord. No. 823 § 1, 11-9-2016]

A. It shall be unlawful for any individual to carry or cause to be carried on any public street, sidewalk, public park or any other City property open containers of any alcoholic beverages.

B. The provisions of this Section shall not apply where an individual carries said container at a public place where alcoholic beverages are served or sold for consumption on said premises.

Section 210.516. Pedestrian Drinking. [Ord. No. 823 § 1, 11-9-2016]

No pedestrian may drink any beer, wine or spirituous or malt liquors in or on any public street, sidewalk, alley, highway or thoroughfare, or on any parking lot open to the public except in conjunction with a street fair or similar gathering authorized by the City with specific permission for consumption of alcoholic beverages in such locations.

Section 210.517. Drunkenness In Public Places Prohibited. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of drunkenness or drinking in a prohibited place if he/she enters any schoolhouse, government building or church house in which there is an assemblage of people, met for a lawful purpose, in an intoxicated and disorderly condition, and disrupts such assembly.

Section 210.520. Possession Of Marijuana. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.525. Possession Of An Imitation Controlled Substance. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of possession of an imitation controlled substance if he/she knowingly possesses or delivers an imitation controlled substance as defined by Chapter 195, RSMo.

Section 210.530. Possession Or Control Of A Controlled Substance, Penalty. [Ord. No. 823 § 1, 11-9-2016; Ord. No. 19-856, 11-13-2019]

A. A person commits the offense of possession of a controlled substance if he or she knowingly possesses a controlled substance or controlled substance analog, as those terms are defined in Section 195.010, RSMo., except as authorized by Chapter 579, RSMo., or Chapter 195,

RSMo., but excluding the possession of marijuana or any synthetic cannabinoid.

B. A person commits the offense of possession of marijuana if such person is in possession of any amount of marijuana or synthetic cannabinoid, 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 an 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.

C. Definitions, as used in this chapter:

1. The terms "marijuana," "marijuana infused products," "medical marijuana," "medical marijuana facility," "qualified patient," and "caretaker of a qualified patient" shall have the definitions set forth in Article XVI, Section 1, of the Missouri Constitution.

2. The term "directly" shall mean the shortest possible practicable route from the medical marijuana facility to the permitted destination or destinations, without any voluntary detours or additional stops.

D. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this Section, it shall not be necessary to include any exception, excuse, proviso, or exemption contained in this Section, Chapter 579, RSMo., or Chapter 195, RSMo., and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

Section 210.531. Failure To Produce Medical Marijuana Identification. [Ord. No. 19-856, 11-13-2019]

Any person who is in possession of medical marijuana shall, immediately upon the request of any Law Enforcement Officer, produce a valid permit issued by the Missouri Department of Health and Senior Services (or its successor) for such possession, including, but not limited to, a qualified patient identification card, a qualified caretaker card, or a similar card issued by another state. Any person who fails to produce such a permit upon request shall be guilty of the offense of failure to produce a medical marijuana permit. Conviction of this offense shall be punishable by a fine not to exceed fifty dollars ($50.00).

Section 210.532. Consumption Of Medical Marijuana In Public. [Ord. No. 19-856, 11-13-2019]

A. No person shall administer medical marijuana in public.

B. As used in this Section, the word "administer" shall have the definition set forth in Article XVI, Section 1, of the Missouri Constitution.

C. As used in this Section, the phrase "in public" shall mean any place other than:

1. The residence of the person administering medical marijuana or the residence of another person when the person in control of that property has consented to the administering of marijuana; or

2. A licensed medical facility with the consent of the person or persons in charge of that facility.

Section 210.533. Disposal Of Medical Marijuana. [Ord. No. 19-856, 11-13-2019]

No person shall dispose of marijuana or marijuana-infused products in an unsecured waste receptacle not in possession and control of the licensee and designed to prohibit unauthorized access.

Section 210.535. Limitations On Possession And Sale Of Methamphetamine Precursor Drugs. [Ord. No. 823 § 1, 11-9-2016]

A. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he/she knowingly:

1. Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than nine (9) grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

2. Purchases, receives, or otherwise acquires within a thirty-day period, other than pursuant to a lawful transaction by a pharmacy with its suppliers, any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than nine (9) grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

3. Purchases, receives, or otherwise acquires within a twenty-four-hour period, other than pursuant to a lawful transaction by a

pharmacy with its suppliers, any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths (3.6) grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

4. Dispenses or offers drug products that are not excluded from Schedule V in Subsection (17) or (18) of Section 195.017, RSMo., and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under Subsection (11) of Section 195.017, RSMo.; or

5. Holds a retail sales license issued under Chapter 144, RSMo., and knowingly sells or dispenses packages that do not conform to the packaging requirements of Section 195.418, RSMo., except that any person who violates the packaging requirements of Section 195.418, RSMo., and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he/she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the State and Federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

B. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he/she knowingly:

1. Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenths (3.6) grams to the same individual within a twenty-four-hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

2. Sells, distributes, dispenses or otherwise provides to an individual under eighteen (18) years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

C. A person commits the offense of unlawful marketing of ephedrine or pseudoephedrine if he/she knowingly markets, sells, distributes,

advertises, or labels any drug product containing ephedrine, its salts, optical isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved under the pertinent Federal over-the-counter drug Final Monograph or Tentative Final Monograph or approved new drug application.

D. A person commits the offense of possession of methamphetamine precursors if he/she knowingly possesses one (1) or more chemicals listed in Subsection (2) of Section 195.400, RSMo., reagents, solvents, or any other chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as established by expert testimony, with the intent to manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue in violation of Chapter 579, RSMo., or Chapter 195, RSMo. Possession of more than twenty-four (24) grams of ephedrine or pseudoephedrine shall be prima facie evidence of intent to violate this Subsection. This Subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

Section 210.540. Unlawful Possession Of Drug Paraphernalia. [Ord. No. 823 § 1, 11-9-2016]

A person commits the offense of unlawful possession of drug paraphernalia if he/she knowingly uses or possesses with intent to use drug paraphernalia as defined by Chapter 195, 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 or an imitation controlled substance as defined by Chapter 195, RSMo., in violation of Chapter 195 or Chapter 579, RSMo.

Section 210.545. Prohibited Acts; Controlled Or Imitation Controlled Substances. [Ord. No. 823 § 1, 11-9-2016]

It is an offense for any person to distribute, deliver, or sell, or possess or manufacture with intent to distribute, deliver or sell, drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used 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 or imitation controlled substance in violation of Chapter 195 or Chapter 579, RSMo.

Section 210.550. Inhalation Or Inducing Others To Inhale Solvent Fumes To Cause Certain Reactions, Prohibited — Exceptions. [Ord. No. 823 § 1, 11-9-2016]

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

Section 210.560. Inducing, Or Possession With Intent To Induce, Symptoms By Use Of Solvents, Prohibited. [Ord. No. 823 § 1, 11-9-2016]

A. As used in this Section "alcohol beverage vaporizer" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.

B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:

1. Solvents, particularly toluol;

2. Ethyl alcohol;

3. Amyl nitrite and its iso-analogues;

4. Butyl nitrite and its iso-analogues;

5. Cyclohexyl nitrite and its iso-analogues;

6. Ethyl nitrite and its iso-analogues;

7. Pentyl nitrite and its iso-analogues; and

8. Propyl nitrite and its iso-analogues.

C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.550 and this Section.

E. No person shall possess or use an alcoholic beverage vaporizer.

F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

Section 210.570. Possession Or Purchase Of Solvents To Aid Others In Violations, Prohibited — Violations Of Sections 210.550 To 210.560 — Penalty. [Ord. No. 823 § 1, 11-9-2016]

No person shall intentionally possess, buy, sell or transfer any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues, for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.550 and 210.560 hereof.

ARTICLE XII
Offenses Concerning Minors

Section 210.580. Definitions. [Ord. No. 823 § 1, 11-9-2016]

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

GUARDIAN — Guardian appointed by court of competent jurisdiction.

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

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

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

Section 210.590. Curfew For Persons Under Seventeen Years. [Ord. No. 823 § 1, 11-9-2016]

A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the City of Country Club Hills between the hours of 12:01 a.m. and 6:00 a.m. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.

B. Responsibility Of Parent. The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly, or with reason to know, permit such minor to violate this Section.

C. Notice To Parent. Any Law Enforcement Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer who shall cause a written notice to be served upon the parent, guardian or person in charge of such person setting forth the manner in which this Section has been violated. The Law Enforcement Officer may take the minor into custody and release him/her to his/her parents or guardian or release the minor at the scene with a written notice of referral to the Juvenile Court. Any parent, guardian or person in charge of such person who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first violation, shall be guilty of an offense.

D. Service Of Notice. The written notice provided in Subsection (C) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section with any person found at such residence over the age of seventeen (17) years or by mailing such notice to the last known address of such parent, guardian or person in charge of such person, wherever such person may be found.

Section 210.600. Parental Responsibility. [Ord. No. 823 § 1, 11-9-2016]

A. Whenever a minor shall be arrested or detained for the commission of any ordinance violation within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Law Enforcement Officer shall indicate such refusal on the notice.

B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit an ordinance violation. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second or successive violation of any ordinance.

C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to imprisonment for not more than ninety (90) days, and/or a fine of not less than one hundred dollars ($100.00) for the first violation, not less than two hundred dollars ($200.00) for a second violation, and not less than five hundred dollars ($500.00) for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars ($2,000.00).

Section 210.605. Parents Responsibility. [Ord. No. 823 § 1, 11-9-2016]

A. It shall be unlawful for the parent of any minor child to fail to exercise parental control over such minor, or omit the performance of any duty which contributes, causes or tends to cause a minor to commit any criminal act.

B. It shall be unlawful for any parent to permit, encourage, aid, abet or cause a minor to commit a criminal act or engage in any misconduct which tends to be injurious to the minors' health, safety, morals or welfare.

C. Whenever any minor be apprehended or detained for committing any criminal offense within the City of Country Club Hills, the City Police Department shall immediately notify the minor's parents accordingly, giving the reason or cause therefor, and the parents responsibilities under this Section.

D. The Police Officer notifying such parent shall prepare a written report of the same and which shall be filed in the Police Department's records.

E. Any person violating, neglecting, or refusing to comply with any provision of this Section shall, upon conviction, be fined in an amount not exceeding five hundred dollars ($500.00), or imprisoned for a period not exceeding thirty (30) days, or may be punished by both fine and imprisonment.

Section 210.606. Prohibited Sale Of Tobacco Products To Minors. [Ord. No. 823 § 1, 11-9-2016]

A. Definitions. For purposes of this Section, the following definitions shall apply:

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

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

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

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

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

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

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

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

B. Prohibition Of The Sale Of Tobacco Products To A Minor.

1. No person shall sell any tobacco product or distribute any tobacco product or rolling papers to any minor. This paragraph shall not apply to the distribution by family members on property that is not open to the public.

2. Any person who violates this Section shall be fined:

   a. For the first offense, one hundred dollars ($100.00).

   b. For the second offense, two hundred dollars ($200.00).

   c. For the third offense and subsequent offenses, five hundred dollars ($500.00).

3. The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

   a. Contain in red lettering at least one-half (1/2) inch high on a white background, the following:

      "IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD TO ANY PERSON UNDER THE AGE OF EIGHTEEN (18)."

   b. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under eighteen (18)."

4. It shall be unlawful for any person to engage in tobacco product distribution to persons under eighteen (18) years of age.

5. A person selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).

6. If a sale is made by an employee of the owner of an establishment in violation of this Section, the employee shall be guilty of an offense established in Subparagraph (1). If a vending machine is in violation of Subparagraph (3) of this Section, the owner of the establishment shall be guilty of an offense established in Subparagraph (1). If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subparagraph (1).

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

C. It shall be unlawful for any individual under the age of eighteen (18) to purchase, possess, accept receipt of, or attempt to purchase or accept receipt of tobacco products, or to present or offer to any person purported proof of age which is false, fraudulent or not actually his/her

own for the purpose of purchasing, possessing or receiving any tobacco product.

Section 210.607. Failure To Supervise Minor. [Ord. No. 823 § 1, 11-9-2016]

A. Definitions. For the purpose of this Section, the following definitions shall apply:

ALCOHOLIC BEVERAGES — Any beverage constituting intoxicating liquor, light wines, malt liquor or non-intoxicating beer, as those terms are defined in Chapter 600 of the Municipal Code of the City of Country Club Hills.

CONTROLLED SUBSTANCE — Any drug, substance or immediate precursor defined or described as such in Section 195.010, RSMo., as may be amended or revised from time to time.

DELIVERY OF ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES — The gift or exchange of an alcoholic beverage or controlled substance from one (1) person to another.

MINOR — Any person under the age of twenty-one (21) years.

PARENT — A natural or adoptive parent, or a guardian, or the adult designee of either of them.

PARTY, GATHERING OR EVENT — An assemblage or a group of persons for a social occasion or for a social activity.

PERSON IN CONTROL OF THE PREMISES — An adult who owns, leases, rents or is otherwise the lawful occupant of any premises or the adult designee thereof.

PRACTITIONER — Any medical professional or other person as defined or described in Section 195.010, RSMo., as may be amended or revised from time to time.

B. Use Of Premises For Consumption Of Alcoholic Beverages Or Controlled Substances. It shall be unlawful for any person to knowingly or negligently permit, allow or host, on or in a premises under his/her control, the consumption of alcoholic beverages or controlled substances by a minor; except that this Section shall not apply to the following:

1. The delivery of alcoholic beverages to a minor or the consumption of alcoholic beverages by a minor in connection with the performance of any bona fide religious service under the supervision of an adult, with the consent of the person in control of the premises.

2. The delivery of an alcoholic beverage to a minor by that minor's parent and under the direct supervision of the parent.

3. The possession or consumption of or the delivery to a minor of a controlled substance prescribed for that minor by a practitioner when such delivery by that minor's parent or by the person in control of the premises, provided that he/she has obtained the prior consent of that minor's parent.

C. Rental Of A Premises. It shall be unlawful for any owner, agent, employee or contractor thereof to rent any room, rooms, apartment or any building or portion of a building to a minor or to any adult when it is reasonably foreseeable that said adult, or his/her adult designee, will leave the said premises or reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in possession of or consumed by minors except as otherwise provided in this Chapter.

D. Duty To Disperse — Police Services, Fees For Police Services.

1. Any person in control of a premises at which alcoholic beverages or controlled substances are in the possession of or are being consumed by minors, or his/her adult designee, shall cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after personally receiving an order to do so issued by a Peace Officer.

2. When a party, gathering or event occurs on private property and a Police Officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person or persons responsible for the party, gathering or event will be held liable for the cost of providing Police services during a second or follow-up response by the Police after a first warning to the person or persons responsible for the party, gathering or event. The second or follow-up response may also result in the arrest and/or citation of violators pursuant to State law or other provisions of this Code.

3. The Police services fee shall include the cost of personnel and equipment but shall not exceed five hundred dollars ($500.00) for a single incident, provided, however, that the City does not waive its right to seek reimbursement for actual costs exceeding five hundred dollars ($500.00) through other legal remedies. The amount of such fees shall be deemed a debt owed to the City by the person responsible for the party, gathering or event. If such persons are minors, their parents or guardians shall be responsible for such debt. Any person owing such fees to the City shall be liable in an action brought in the name of the City for recovery of such fees, including reasonable attorney's fees.

E. Penalty. Any person or persons convicted of violating the provisions of this Section shall be fined an amount not to exceed five hundred dollars ($500.00) for each offense; except that for third and subsequent

violations by the same person or persons, the fine shall not be less than one thousand dollars ($1,000.00) for each offense.

Section 210.608. Penalties. [Ord. No. 823 § 1, 11-9-2016]

A. Any parent, guardian or other person who violates Section 210.590 of this Article after having received notice of the first violation, as described in Section 210.590 of this Article, shall upon conviction be subject to punishment as provided in Section 100.220 of this Code.

B. Any person under the age of seventeen (17) years who violates Section 210.590 of this Article after having received notice of the first violation, shall be dealt with in accordance with the juvenile laws of the State.

ARTICLE XIII
Offenses Concerning Tobacco

Section 210.610. Definitions. [Ord. No. 823 § 1, 11-9-2016]

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

ALTERNATIVE NICOTINE PRODUCT — Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

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

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

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

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

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

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

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

VAPOR PRODUCT — Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product.

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

Section 210.620. Unlawful To Sell Or Distribute Tobacco Products, Alternative Nicotine Products, Vapor Products, Or Rolling Papers To

Minors — Vending Machine Requirements. [Ord. No. 823 § 1, 11-9-2016]

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

B. All vending machines that dispense tobacco products, alternative nicotine products, vapor products, or rolling papers shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (F) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

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

D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsections (A), (B) or (C) of this Section or Section 210.650 of this Article shall be penalized as follows:

1. For the first offense, twenty-five dollars ($25.00);

2. For the second offense, one hundred dollars ($100.00); and

3. For a third and subsequent offense, two hundred fifty dollars ($250.00).

E. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:

1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on

the State and Federal regulations regarding tobacco sales to minors. Such training program must be attended by all employees who sell tobacco products to the general public;

2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors; and

3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.

F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:

1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one-year period; or

2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.

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

H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than eighteen (18) years of age in violation of Subsections (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that:

1. Such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.

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

Section 210.630. Minors Prohibited From Purchase Or Possession Of Tobacco — Misrepresentation Of Age. [Ord. No. 823 § 1, 11-9-2016]

A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products, alternative nicotine products, vapor products, or rolling papers unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes or tobacco products.

C. Any person who violates the provisions of this Section shall be penalized as follows:

1. For the first violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;

2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.640. Retail Sales Tax License Required For Sale Of Tobacco Products, Alternative Nicotine Products, Vapor Products Or Rolling Papers. [Ord. No. 823 § 1, 11-9-2016]

No person shall sell cigarettes, tobacco products, alternative nicotine products, vapor products, or rolling papers unless the person has a retail sales tax license.

Section 210.650. Required Sign Stating Violation Of State Law To Sell Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors Under Age Eighteen — Display Of Sign Required Where. [Ord. No. 823 § 1, 11-9-2016]

A. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products, or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, or vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, or vapor products are purchased a sign that shall:

1. Contain in red lettering at least one-half (1/2) inch high on a white background the following:

"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN (18) OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES OR OTHER TOBACCO PRODUCTS"; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under eighteen (18)."

Section 210.660. Restrictions On Sales Of Individual Packs Of Cigarettes. [Ord. No. 823 § 1, 11-9-2016]

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

1. It is sold through a vending machine; or

2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

Section 210.670. Proof Of Age Required, When Defense To Action For Violation Is Reasonable Reliance On Proof — Liability. [Ord. No. 823 § 1, 11-9-2016]

A. A person or entity selling tobacco products, alternative nicotine products, vapor products, or rolling papers or distributing tobacco product, alternative nicotine product, vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).

B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Liquor Control or any owner or employee of an establishment that sells tobacco, alternative nicotine products, vapor products, or rolling papers for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products, vapor products, or rolling papers procured from a registrant. Upon such presentation, the owner or employee of the establishment shall

compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor.

D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.620 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.620 on any single day.

ARTICLE XIV
Miscellaneous Offenses

Section 210.680. Prohibiting Installation Of Bars, Grills, Etc., Creating Barrier On Residential Windows Or Doors. [Ord. No. 823 § 1, 11-9-2016]

It shall be unlawful for any person to install or place any bars, grills or other material which constitutes a barrier on or over any door or window of any residentially zoned dwelling owned, occupied, maintained, managed or possessed by him/her except cellar windows and basement windows where the basement wall is fifty percent (50%) below ground.

Section 210.690. Band Music In Streets — When Prohibited. [Ord. No. 823 § 1, 11-9-2016]

It shall not be lawful for any military company or any procession or any body of persons accompanied by martial music to march or pass through or for any person to play any musical instrument in any of the streets of the City within one (1) block of any house of worship on Sunday during the hours of worship. Nor shall it be lawful for any band of music to play in the streets for any procession with advertising devices or to move on the said streets without a permit from the Mayor; provided that nothing herein contained shall prevent any military company organized under the laws of the State from parading with a band of music on any day except Sunday. Any person who shall violate any provision of this Section shall be deemed guilty of a misdemeanor.

Section 210.700. Obstruction On Street — When Unlawful. [Ord. No. 823 § 1, 11-9-2016]

It shall be unlawful for any person to deposit or permit to remain on any highway, street, alley, sidewalk, parkway, tree lawn or public place, except by street use permit as herein provided, any building material or equipment, rubbish, coal, debris, dirt piles, materials of any kind, chattels or property which might obstruct the free use thereof or hinder traffic of persons or vehicles, provided that if through necessity an obstruction of the nature described is placed thereon, the person responsible shall be relieved of the penalties of this Section if he/she removes the same without unnecessary delay and if he/she places red lanterns or lights on or around said obstruction, lighted and placed in such manner and of such number as to be plainly visible in all directions between the hours of sunset to sunrise while said obstruction so remains. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor.

Section 210.710. Unlawful Extent Of Obstruction. [Ord. No. 823 § 1, 11-9-2016]

It shall be unlawful for any person to obstruct or occupy with building materials or equipment, dirt piles, articles or materials of any kind

calculated to prevent free passage or use by the public more than one-half (1/2) of any sidewalk or more than one-third (1/3) of any public roadway, highway or alley or to in any manner obstruct the free passage of water in any gutter, drain or alley with such materials or articles. Any person who shall violate any provision of this Section shall be deemed guilty of a misdemeanor.

Section 210.720. Sidewalks To Be Kept Clean. [Ord. No. 823 § 1, 11-9-2016]

The tenants or occupants of all premises occupied by them and the owners or agents of vacant lots.

Chapter 215

NUISANCES

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

ARTICLE I
Generally

Section 215.010. Nuisances Affecting Health. [Ord. No. 198 §§22 — 23, 25, 27, 29, 6-19-1952]

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

1. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.

2. All diseased animals running at large.

3. All ponds or pools of stagnant water.

4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.

5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.

6. Garbage cans which are not fly-tight, that is, garbage cans which do not prevent the entry of flies, insects and rodents.

7. The pollution of any well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes or other substances harmful to human beings.

8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.

9. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.

10. Any vehicle used for septic tank cleaning which does not meet the requirements of this Chapter of the Code of Ordinances of the City of Country Club Hills.

11. 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.

12. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.

13. The keeping of animals and fowls in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.

14. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City of Country Club Hills and the Statutes of the State of Missouri.

15. No person shall discharge or cause to be discharged into a 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.

16. Ash pit or containers which are not emptied and the contents removed from the premises when level full or ash piles on public premises not contained in suitable pits or containers.

17. The burning of garbage, refuse, waste, leaves, straw or other combustible materials producing smoke, fumes or odors offensive or obnoxious to any of the inhabitants of this City in any ash pit, stove or incinerator or in any street, alley or on any private property.

18. All slaughterhouses, soap factories and pig pens.

19. All privies or private vaults not connected with a sanitary sewer.

20. Any unclean, stinking, foul, defective or filthy drain, ditch, tank or gutter or any leaking, broken slop, garbage or manure boxes, cans or containers.

21. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Country Club Hills.

B. *Unlawful To Cause, Maintain Within City Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part thereof in the City of Country Club Hills or within one-half (½) mile of the corporate limits of the City of Country Club Hills, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause

or maintain a nuisance on the land or property of another with or without permission.

Each day that a nuisance shall be maintained is a separate offense.

C. *Authority To Abate Emergency Cases.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the City shall have authority to immediately abate the nuisance in an appropriate manner.

D. *Abatement — Procedure Generally.* Whenever the Board of Aldermen receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:

1. *It shall investigate the same.* The Board may order any person who has caused or is maintaining the nuisance to appear before the Board at such time and place as the Board may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.

2. Such notice shall be signed by the Health Officer or Chief of Police and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the President or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or once, if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board.

3. If after hearing all the evidence the Board of Aldermen may determine that a nuisance exists, it may direct the Health Officer or Chief of Police or other City Official to order the person to abate the nuisance within twenty (20) days or within such other time as the Board may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Board, and that a special tax bill be issued for the costs of abating the nuisance.

4. If the order has not been obeyed within the time period set by the Board, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the Board, and the cost of same, if ordered by the Board, may be assessed as a special

tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.

5. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.

6. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

Section 215.011. Outside Storage Of Tires-Regulations. [Ord. No. 835, 9-13-2017; Ord. No. 19-845, 1-9-2019]

No person shall permit the outside storage of any vehicle tires, including tires that are displayed for sale, without a covering designed to fully cover such tires to prevent against the health hazards associated with insects and insect breeding during periods of inclement weather.

Section 215.013. Fee For Abatement. [Ord. No. 794 § 1, 9-10-2014; Ord. No. 19-853, 9-25-2019]

The fee for abatement of any nuisances as described in Chapter 215, Nuisances, of the Country Club Hills City Code, or in Chapter 505, Dangerous Buildings, of the Country Club Hills City Code, shall be a minimum charge of seven hundred fifty dollars ($750.00) per abatement, or the actual cost of abatement, whichever is higher, except, however, charges for cutting weeds and grass shall not exceed the actual cost of materials and labor, with a minimum charge of two hundred fifty dollars ($250.00) plus a ten-percent administrative fee. The City Clerk is authorized and directed to file liens with St. Louis County, and the property owner shall be liable for the lien costs and attorneys' fees incurred for collection of those liens.

Section 215.015. Rags and Refuse — When a Nuisance. [Ord. No. 198 §31, 6-19-1952]

Whenever there shall be found in or upon any lot or piece of ground within the limits of the City of Country Club Hills any dirt gathered in the cleaning of yards, waste from industrial or business establishments or any rags, damaged merchandise, wet, broken or leaking barrels, casket or boxes or any materials which are offensive or tend by decay to become putrid or to render the atmosphere impure or unwholesome, the same shall be deemed a nuisance.

Section 215.019. Owner or Agent — How Liable. [Ord. No. 198 §34, 6-19-1952]

Whenever any owner or agent shall rent, lease or hire out to be occupied any building or part thereof as a home or residence of more than two (2) families living independent of each other or any building to different persons for stores or offices in said building giving to each family or person the common right to halls, basements, yards, toilets or urinals or any of them, then such owner or agent shall be liable for the condition of such halls, basements, yards, toilets or urinals and said owner or agent, the same as the occupant of premises, may be charged with the violation of any provision of this Article.

ARTICLE II
Abandoned Property

Section 215.020. Definitions.[10]

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

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. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.

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

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

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

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

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 215.030. Abandoned Vehicles or Trailers Prohibited.[11]

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway or on any private real property owned by another without his/her consent.

Section 215.040. Certain Types of Vehicles and Boats — Parking Regulations.[12] [Ord. No. 19-858, 12-4-2019]

A. No person shall park upon any public street or drive, public property, or upon any private property (except upon a driveway or concrete pad or slab sufficient in length to support it), the following types of inoperable vehicles without a covering designed to fully cover such vehicle and

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

11. State Law Reference — For similar provisions, §577.080, RSMo.

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

with cords, ropes or lashes to keep the covering securely in place over the vehicle at all times:

1. Any type of boat or boat/trailer combination.

2. Any type of trailer—recreational or commercial.

3. Motor homes or large recreational vehicles.

4. Any self-powered vehicle, capable of being towed or drawn by a separate self-powered vehicle.

Section 215.050. Obstructing the Flow of Traffic Prohibited.[13]

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

Section 215.060. Towing of Abandoned Property on Public Real Property.[14]

A. Any Law Enforcement Officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:

1. Any abandoned property on the right-of-way of:

a. Any interstate highway or freeway in an urbanized area of the City left unattended for ten (10) hours or immediately if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;

b. Any interstate highway or freeway outside of an urbanized area of the City left unattended for forty-eight (48) hours or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;

c. Any State highway other than an interstate highway or freeway outside of an urbanized area left unattended for more than forty-eight (48) hours;

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13. State Law Reference — For similar provisions, §304.151, RSMo.

14. State Law References — For similar provisions, §§304.155.1(2005), 304.155.3, RSMo.

provided that commercial motor vehicles referred to in Subparagraphs (a — c) not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; or

d. Any State highway other than an interstate highway or freeway in an urbanized area left unattended for more than ten (10) hours.

2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.

3. Any abandoned property which has been abandoned under Section 215.030 herein or Section 577.080, RSMo.

4. Any abandoned property which has been reported as stolen or taken without consent of the owner.

5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal.

6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations.

7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.

B. When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.

C. Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

Section 215.070. Towing of Abandoned Property on Private Real Property.[15]

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

A. *Generally.* The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 215.040 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 215.080. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.

B. *Towing Authorized By City Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:

1. The abandoned property is left unattended for more than forty-eight (48) hours; or

2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*

1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:

a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.

b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification.

c. *Unattended on other private real property.* The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.

2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:

a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;

b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

c. The license plate or registration number and the State of issuance, if available;

d. The physical location of the property and the reason for requesting the property to be towed;

e. The date the report is completed;

f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;

g. The towing company's name and address;

h. The signature of the towing operator;

i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

j. Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and

k. Any additional information the Missouri Director of Revenue deems appropriate.

3. Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.

4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.

5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.

6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.

7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the

registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:

a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and

b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.

D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.

E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Article.

F. *Written Authorization Required — Delegation Of Authority To Tow.*

1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.

2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.

G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

Section 215.080. General Provisions and Procedures.[16]

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 215.090.

B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 215.060 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 215.070, the City Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system.

If the abandoned property is not claimed within ten (10) working days of the towing, the tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the towner does not have online access, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:

1. The year, model, make and property identification number of the property, and the owner and any lienholders, if known;

2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;

3. The license plate or registration number and the State of issuance, if available;

4. The storage location of the towed property;

5. The name, telephone number and address of the towing company;

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

6. The date, place and reason for the towing of the abandoned property;

7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Police Department;

8. The signature and printed name of the Law Enforcement Officer authorizing the tow and the towing operator; and

9. Any additional information the Missouri Director of Revenue deems appropriate.

C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the repossessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this 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 thereon as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:

1. The name, address and telephone number of the storage facility;

2. The date, reason and place from which the abandoned property was removed;

3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a

legal liability of the owner until the abandoned property is redeemed;

4. A statement that the storage firm claims a possessory lien for all such charges;

5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;

6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;

7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and

8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "*good faith effort*" means that the following checks have been performed by the company to establish the prior State of registration and title:

1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;

2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;

3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Article or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.

H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this 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.

I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

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

K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property

remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

Section 215.090. Maximum Charges.[17]

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 Board of Aldermen may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the City and which are consistent with this Article and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.220.

C. A towing company may impose a charge of not more than one-half (½) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this 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.

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17. State Law References — For similar provisions, §§304.156.2, 304.158.6, 304.158.10, RSMo.

Section 215.100. Sale of Abandoned Property by City.[18]

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.

18. State Law Reference — For similar provisions, §304.156, RSMo.

ARTICLE III
Weeds, High Grass or Other Vegetation

Section 215.110. Debris on Property — Effect of Failure to Remove Nuisance — Penalties.

A. Any lot or land shall be a public nuisance if it has the presence of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and trash, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance.

B. When a public nuisance as described above exists, the Code Enforcement Official shall so declare and give written notice to the owner of the property by personal service, certified mail, if otherwise unsuccessful, by publication. Such notice shall, at a minimum:

1. Declare that a public nuisance exists;

2. Describe the condition which constitute such nuisance;

3. Order the removal or abatement of such condition within seven (7) days from the date of service of such notice;

4. Inform the owner that he/she may file a written request for a hearing before the Code Enforcement Official on the question of whether a nuisance exists upon such property; and

5. State that if the owner fails to begin removing the nuisance within time allowed or upon failure to pursue the removal of such nuisance without unnecessary delay, the Code Enforcement Official shall cause the condition which constitutes the nuisance to be removed or abated and that the cost of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes.

C. If the owner of such property fails to begin removing the nuisance within the time allowed or upon failure to pursue the removal of such nuisance without unnecessary delay, the Code Enforcement Official shall cause the condition which constitutes the nuisance to be removed. If the Code Enforcement Official causes such condition to be removed or abated, the cost of such removal shall be certified to the City Clerk and/or [finance officer] who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and

the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

Chapter 220

HUMAN RIGHTS

ARTICLE I
Discriminatory Practices

Section 220.010. Unlawful Housing Practices.

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.

2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability or familial status.

3. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, ancestry, sex, disability or familial status or an intention to make any such preference, limitation or discrimination.

4. To represent to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, disability or familial status.

6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

    a. That buyer or renter;

    b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

    c. Any person associated with that buyer or renter.

7. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

    a. That person;

b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

c. Any person associated with that person.

B. For purposes of Sections 220.010, 220.020 and 220.030, discrimination includes:

1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability.

b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs.

c. All premises within such dwellings contain the following features of adaptive design:

(1) An accessible route into and through the dwelling;

(2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

(3) Reinforcements in bathroom walls to allow later installation of grab bars; and

(4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family dwelling*" means:

1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and

2. Ground floor units in other buildings consisting of four (4) or more units.

D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

Section 220.020. Discrimination in Commercial Real Estate Loans.

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

Section 220.030. Discrimination in Selling or Renting by Real Estate Agencies Prohibited.

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

Section 220.040. Discrimination in Public Accommodations Prohibited — Exceptions.

A. All persons within the City of Country Club Hills are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry or disability.

B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or to attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services or privileges made available in any place of public accommodation as defined in Section 213.010, RSMo., and this Section or to segregate or discriminate

against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry or disability.

C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 213.010, RSMo., and this Section.

Section 220.050. Additional Unlawful Discriminatory Practices.

A. It shall be an unlawful discriminatory practice:

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

2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;

3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age as it relates to employment, disability or familial status as it relates to housing; or

4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

Section 220.060. Exemptions.

A. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or of the City that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.

B. Nothing in Sections 220.010, 220.020 and 220.030:

1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.

3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal

manufacture or distribution of a controlled substance as defined by Section 195.010, RSMo.

C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 220.010, shall apply to:

1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:

   a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and

   b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period.

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

Chapter 225

EMERGENCY MANAGEMENT

Section 225.010. Establishment.

There is hereby created within and for the City of Country Club Hills an emergency management organization to be known as the Country Club Hills Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

Section 225.020. Organization.

This agency shall consist of a Director and other members appointed by the Country Club Hills Emergency Management Organization to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

Section 225.030. Functions.

The organization shall perform emergency management functions within the City of Country Club Hills and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

Section 225.040. Director.

A. The Director will be appointed by the Mayor, with the approval of the Board of Aldermen, and shall serve at the pleasure of the Mayor and Board of Aldermen.

B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Mayor or Board of Aldermen.

C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Country Club Hills Emergency Management Organization.

Section 225.050. Scope of Operation.

A. The City of Country Club Hills in accordance with Chapter 44, RSMo., may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Governments.

2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation.

Section 225.060. Mutual-Aid Agreements.

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

Section 225.070. City May Accept Services, Etc.

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer.

Section 225.080. Oath.

No person shall be employed or associated in any capacity in the Country Club Hills Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Country Club Hills Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I,_____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such a time as I am a member of the Country Club Hills Emergency Management Organization, I will not advocate nor become a

member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

Section 225.090. Office Space.

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

Chapter 230

SOLID WASTE

Section 230.010. Definitions. [Ord. No. 496 §1, 4-16-1986]

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

APPROVED INCINERATOR — An incinerator which complies with all current regulations of the responsible local, State and Federal air pollution control agencies.

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

CITY — The City of Country Club Hills, Missouri.

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

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

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

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

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

DISPOSABLE SOLID WASTE CONTAINER — Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-nine (39) gallons or, if specifically designated for storage of solid waste, a maximum of fifty-five (55) gallons.

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

multiple-housing facilities may be billed as dwelling units upon request by the owner of said dwelling units.

GARBAGE — Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

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

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

MULTIPLE-HOUSING FACILITY — A housing facility containing more than two (2) dwelling units under one (1) roof.

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

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

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

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

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

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

SOLID WASTE CONTAINER — Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL — The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

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

STORAGE — Keeping, maintaining or storing solid waste from time of its production until the time of its collection.

TRANSPORTATION — The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

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

Section 230.020. Solid Waste Storage. [Ord. No. 496 §2(2.5 — 2.6), 4-16-1986]

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

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

C. Residential solid waste shall be stored in waste-contractor-supplied containers or, if additional waste, in containers of not more than ninety-five (95) gallons nor less than twenty (20) gallons in nominal capacity. No bags are allowed. All containers shall be leakproof and waterproof, fly-tight and properly covered or enclosed except when depositing waste therein or removing the contents thereof. Containers shall have handles, bails or other suitable lifting devices or features. Container shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container and its contents shall not exceed seventy-five (75) pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used. Disposable solid waste containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste. Containers shall be kept clean and odor free. **[Ord. No. 781 §1, 4-10-2013]**

D. Commercial solid waste shall be stored in solid waste containers as approved by the Board. The containers shall be waterproof, leakproof

and shall be covered at all times except when depositing waste therein or removing the contents thereof and shall meet all requirements as set forth by Section 230.060.

E. Solid waste containers which are not approved will be collected together with their contents and disposed of.

F. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed one hundred (100) pounds:

G. Yard waste such as leaves, grass clippings, shrubs and small branches must be placed in containers constructed and maintained so as to prevent dispersal of waste placed therein upon the premises served or adjacent premises or adjacent public rights-of-way. The weight of any individual container and contents shall not exceed one hundred (100) pounds. Yard waste may be placed in biodegradable yard waste paper bags. Grocery bags or other plastic trash bags may not be used for yard waste. **[Ord. No. 781 §2, 4-10-2013]**

H. Recyclable materials, such as paper, plastic containers, glass bottles, metal cans and other small metal objects, shall be placed in recycling containers. No solid waste, trash or yard waste shall be placed in such recycling containers. **[Ord. No. 781 §3, 4-10-2013]**

I. There will be two bulk item pickups per year. Arrangements must be made in advance with the contracted waste hauler for bulk item pickup. **[Ord. No. 781 §4, 4-10-2013]**

Section 230.025. Mandatory Solid Waste Collection and Payment – Liability. [Ord. No. 670 §§1 — 4, 10-12-2005; Ord. No. 725 §1, 8-12-2009]

A. "*Waste collector*" means and is any person operating one (1) or more trucks or vehicles in the business of collecting, transporting, conveying, hauling and/or disposing of any rubbish, garbage or any other solid waste from the property where such materials originate to another location for transfer, salvage, reclamation or disposal.

B. It is found and determined that the unlawful disposal of solid waste is widespread in Country Club Hills, Missouri, with associated public health hazards, and that the periodic collection of solid waste from all occupied properties in Country Club Hills, Missouri, protects the health and safety of all owners and occupants of Country Club Hills properties and premises, protects the environment and improves the quality of life in Country Club Hills.

C. *Mandatory Solid Waste Collection.* For all occupied properties in Country Club Hills, Missouri, it is mandatory for the owner and/or occupant of the property to utilize the solid waste collection services of

a permitted waste collector at least once weekly, and to pay the charges for such services by the times required for payment.

D. *Owner Liable.* Collection of solid waste shall be deemed to be furnished to both the occupant and owner of all dwelling units receiving service, and the owner of such units shall be liable for payments of the charges. **[Ord. No. 819 § 1, 7-13-2016[19]]**

E. *Violation And Penalties.* A violation of this Section constitutes an infraction. Any person who violates or fails to comply with any provision of this Section shall be subject to a fine in the amount of one hundred dollars ($100.00) for the first (1st) violation, two hundred fifty dollars ($250.00) for the second (2nd) violation and five hundred dollars ($500.00) for any subsequent violations. Each day that a person fails to comply with this Section shall constitute a separate violation.

Section 230.030. Collection of Solid Waste. [Ord. No. 496 §3(3.3), 4-16-1986]

A. The City shall provide for the collection of solid waste as follows:

1. *Collection of residential solid waste.* The City shall provide for the collection of residential solid waste in the City, provided however, that the City may provide the collection service by contracting with a person, County or other City or a combination thereof for the entire City or portions thereof as deemed to be in the best interests of the City.

2. *Other collections.* The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises in a manner approved by City. If and when the City does provide commercial collection service, the provisions herein concerning such service shall apply.

B. All solid waste from premises to which collection services are provided under contract with the City shall become the property of the collection agency upon being loaded into the transportation equipment.

C. Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at curbside for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from curbside no later than 8:00 P.M. on the day of collection. No alley service shall be allowed under the terms of this Chapter, except as approved by the Board of Aldermen.

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19. Editor's Note: Ordinance No. 819 also changed the title of this Section to include "Liability" and relettered Subsection "D" to "E," which immediately follows.

D. Individuals desiring the collection of bulky rubbish shall deal directly with those licensed by the City for the collection of the same.

E. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

F. It shall be the responsibility of the occupants of each dwelling unit to prepare, package and deliver solid waste to curbside for collection as prescribed in this Chapter and as it may be amended from time to time.

G. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.

H. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.

I. The following collection frequencies shall apply to collections of solid waste within the City: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected once weekly and shall be collected at such lesser intervals as may be fixed by the Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out-of-doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.

K. All solid waste collectors operating under contract with the City or otherwise collecting solid waste within the City limits shall be responsible for the collected solid waste from the point of collection to the point of disposal, provided the solid waste was stored in compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the City to make such collection or

dispose of rubbish, garbage or waste materials between the hours of 9:00 P.M. and 7:00 A.M.

M. Tree limbs and yard wastes, as described in Section 230.020(F) and (G) respectively, shall be placed at the curb for collection. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed at the front building line. Any solid waste containers, tree limbs, yard wastes or other solid waste permitted by this Chapter to be placed at the curb for collection shall not be so placed until the regularly scheduled collection day.

Section 230.040. Transportation of Solid Waste.

A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or, as an alternative, the entire bodies thereof shall be enclosed with only loading hoppers exposed. Provided however, other vehicles may be used to transport bulky rubbish which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board.

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

C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Section and Section 230.050.

Section 230.050. Disposal of Solid Waste.

A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.255, RSMo., and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.

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

Section 230.060. Rules and Regulations.

A. The Board may make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:

1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.

2. Specifications for solid waste containers including the type, composition, equipment, size and shape thereof.

3. Identification of solid waste containers, and of the covers thereof, and of equipment thereto appertaining, if any.

4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.

5. Storage of solid waste in solid waste containers.

6. Sanitation, maintenance and replacement of solid waste containers.

7. Schedules of and routes for collection and transportation of solid waste.

8. Collection points of solid waste containers.

9. Collection, transportation, processing and disposal of solid waste.

10. Processing facilities and fees for the use thereof.

11. Disposal facilities and fees for the use thereof.

12. Records of quantity and type of wastes received at processing and/or disposal facilities.

13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

B. The City Clerk or such other City Official who is responsible for preparing utility or other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for, subject to the approval of the Board.

C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

Section 230.070. Prohibited Practices.

A. It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.

2. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, those of a solid waste collection agency operating under contract with the City, or any duly licensed collector.

3. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health.

4. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked.

Section 230.080. Bonds.

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

Chapter 235

PARK REGULATIONS

Section 235.010. Curfew in City Parks. [Ord. No. 490 §1, 8-14-1985; Ord. No. 813 § 1, 4-13-2016]

All City parks, including parking facilities adjacent thereto, shall be closed to the use of the public between Dusk and Dawn of the succeeding day.

Section 235.020. Permit for Use After Curfew. [Ord. No. 490 §2, 8-14-1985]

A. Any person or group may apply to the City Clerk for a permit for the use of the City park after curfew.

B. The application for said permit shall include the following information and must be submitted at least three (3) working days prior to the date of requested use:

1. Name and address of applicant and members of applicant's group, one (1) of whom must be a resident of the City of County Club Hills.

2. Description of specific use.

3. The time by which the applicant's use of the park will stop.

C. Upon proper application, the City Clerk may issue a permit for any lawful use of the City park up to the hours of 12:00 A.M.

Title III Traffic Code

Chapter 300

GENERAL PROVISIONS

Section 300.010. Definitions. [Ord. No. 193 Art. 1 §11-1, 5-15-1952]

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

ALL-TERRAIN VEHICLE — Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

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

AUTHORIZED EMERGENCY VEHICLE — A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the State Highway Patrol, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, traffic officer, or any privately owned vehicle operated as an ambulance when responding to emergency calls.

BUSINESS DISTRICT — The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes including, but not limited to, hotels, banks or office buildings and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT — All streets and portions of streets within the area described by City ordinance as such.

COMMERCIAL VEHICLE — Every vehicle designed, maintained or used primarily for the transportation of property.

CONTROLLED ACCESS HIGHWAY — Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

CROSSWALK —

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the

highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE — A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER — Every person who drives or is in actual physical control of a vehicle.

FARM TRACTOR — A tractor used exclusively for agricultural purposes.

FREIGHT CURB LOADING ZONE — A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

HIGHWAY — The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INTERSECTION —

1. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or

2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY — A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

MOTORCYCLE — Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE — Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

MOTOR VEHICLE — Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

OFFICIAL TIME STANDARD — Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in the City.

OFFICIAL TRAFFIC CONTROL DEVICES — All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

PARK OR PARKING — The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PASSENGER CURB LOADING ZONE — A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN — Any person afoot.

PERSON — Every natural person, firm, co-partnership, association or corporation.

POLICE OFFICER — Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY — Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

RESIDENCE DISTRICT — The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY — The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY — That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "*roadway*", as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE — The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SCHOOL ZONE — A space in any street lawfully designated by ordinance for the safety of persons going to and returning from public, private or parochial schools.

SIDEWALK — That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

STAND OR STANDING — The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STOP — When required, complete cessation from movement.

STOP OR STOPPING — When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

STREET OR HIGHWAY — The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "*State highway*", a highway maintained by the State of Missouri as a part of the State highway system.

TAXICAB — Any motor vehicle performing a bona fide for-hire taxicab service having a capacity of not more than five (5) passengers, exclusive of the driver, and not operated on a regular route or between fixed termini.

THROUGH HIGHWAY — Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign when such signs are erected as provided in this Title.

TRAFFIC — Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL — Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRAILER — Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "*trailer*" shall not include cotton trailers as defined in subdivision (8) of Section 301.010, RSMo., and shall not include manufactured homes as defined in Section 700.010, RSMo.

VEHICLE — Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers, or motorized wheelchairs operated by handicapped persons.

Chapter 305

TRAFFIC ADMINISTRATION

Section 305.010. Records of Traffic Violations.

A. The Police Department shall keep a record of all violations of the traffic ordinances of the City or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.

B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

C. All such records and reports shall be public records.

Section 305.020. Police Department to Investigate Accidents.

It shall be the duty of the Police Department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

Section 305.030. Traffic Accident Reports.

The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the City Traffic Engineer.

Section 305.040. Driver Files to Be Maintained.

The Police Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

Section 305.050. Police Department to Submit Annual Traffic Safety Report.

A. The Police Department shall annually prepare a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in the City as follows:

    1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.

2. The number of traffic accidents investigated and other pertinent data on the safety activities of the Police.

3. The plans and recommendations of the Police Department for future traffic safety activities.

Section 305.060. City Traffic Engineer.

A. The office of City Traffic Engineer is established. The City Engineer or other designated City Official shall serve as City Traffic Engineer in addition to his/her other functions and shall exercise the powers and duties with respect to traffic as provided in this Title.

B. The City Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigation of traffic conditions, plan the operation of traffic on the streets and highways of the City, and cooperate with other City Officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of the City.

Section 305.070. Emergency and Experimental Regulations.

A. The Chief of Police by and with the approval of the City Traffic Engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the City and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The City Traffic Engineer may test traffic control devices under actual conditions of traffic.

Chapter 310

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Section 310.010. Authority of Police and Fire Department Officials.

A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all traffic laws of the City and all of the State vehicle laws applicable to traffic in the City.

B. Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as

conditions may require notwithstanding the provisions of the traffic laws.

C. Officers of the Fire Department, when at the scene of an incident, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

Section 310.020. Obedience to Police and Fire Department Officials.

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

Section 310.030. Persons Propelling Pushcarts or Riding Animals to Obey Traffic Regulations.

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

Section 310.040. Use of Coasters, Roller Skates and Similar Devices Restricted.

No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinance of the City.

Section 310.050. Public Employees to Obey Traffic Regulations.

The provisions of this Title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or City and it shall be unlawful for any said driver to violate any of the provisions of this Title, except as otherwise permitted in this Title.

Section 310.060. Authorized Emergency Vehicles — Permitted Acts of Drivers.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this Title;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as he/she does not endanger life or property; and

4. Disregard regulations governing direction of movement or turning in specified directions.

C. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by siren or while having at least one (1) lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.080.

D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

Section 310.070. Operation of Vehicles on Approach of Authorized Emergency Vehicles.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this State, or of a Police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer.

B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Section 310.080. Sirens and Flashing Lights Emergency Use — Persons Authorized — Violation — Penalty.

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, which are operated by any member of an organized Fire Department, ambulance association or rescue squad, whether paid or volunteer, may be operated on streets and highways in this City as an emergency vehicle under the provisions of Section 304.022, RSMo., while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire Department, organized ambulance association or rescue squad and no person shall use or display a siren or rotating blue lights on a motor vehicle,

fire, ambulance or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes an ordinance violation.

Section 310.090. Immediate Notice of Accident Within City.

The driver of a vehicle involved in an accident within the City resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars ($500.00) or more to one (1) person shall give or cause to be given notice of such accident to the Police Department as soon as reasonably possible.

Section 310.100. Written Report of Accident.

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars ($500.00) or more to one (1) person shall, within five (5) days after such accident, forward a written report of such accident to the Police Department. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a Police Officer while such driver was present thereat.

Section 310.110. When Driver Unable to Report.

A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.090 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.100 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall, within five (5) days after the accident, make such report not made by the driver.

Section 310.120. Leaving the Scene of a Motor Vehicle Accident.

A. A person commits the offense of leaving the scene of a motor vehicle accident when, being the operator or driver of a vehicle on the highways, streets or roads of the City or on any publicly or privately owned parking lot or parking facility within the City generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including City and street number, motor vehicle number and driver's license number, if any, to the injured party or to a Police Officer, or if no

Police Officer is in the vicinity, then to the nearest Police station or judicial officer.

B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any such privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

Chapter 315

TRAFFIC CONTROL DEVICES

Section 315.010. Authority to Install Traffic Control Devices.

The City Traffic Engineer shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of the City to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under the traffic ordinances of the City or under State law or to guide or warn traffic.

Section 315.020. Manual and Specifications for Traffic Control Devices.

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highways and Transportation Commission or resolution adopted by the Board of Aldermen of the City. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the City. All traffic control devices so erected and not inconsistent with the provisions of this Title shall be official traffic control devices.

Section 315.030. Obedience to Traffic Control Devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this Title, unless otherwise directed by a traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Title.

Section 315.040. When Official Traffic Control Devices Required for Enforcement Purposes.

No provision of this Title for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic control devices are

required, such Section shall be effective even though no devices are erected or in place.

Section 315.050. Official Traffic Control Devices — Presumption of Legality.

A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B. Any official traffic control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

Section 315.060. Traffic Control Signal Legend — Right Turn on Red Light — When.

A. Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. *Green indication.*

a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may

proceed across the roadway within any marked or unmarked crosswalk.

2. *Steady yellow indication.*

   a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

   b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. *Steady red indication.*

   a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in paragraph (b) of this Subsection.

   b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof.

   c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.

4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

Section 315.065. Automated Traffic Control Systems.[20] [Ord. No. 683 §§1 — 6, 2-8-2007; Ord. No. 787 §2, 2-12-2014]

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

AN AUTOMATED TRAFFIC CONTROL SYSTEM — A system consisting of devices with one (1) or more motor vehicle sensors working in conjunction with traffic control signals to automatically produce photographs, micrographs, a videotape or other recorded images of motor vehicles entering an intersection in violation of red traffic signal indications or otherwise violating City of Country Club Hills traffic control ordinances.

AUTOMATED TRAFFIC CONTROL SYSTEM RECORDS — Photographs, micrographs, videotape or other recorded images of motor vehicles entering an intersection in violation of red traffic signal indications or otherwise violating City of Country Club Hills traffic control ordinances.

OWNER — The registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six (6) months or more as shown by the records of the State Department of Revenue, any other State department of motor vehicles or any other legal data source.

PERSON — Every natural person, firm, partnership, association or corporation.

B. *Violation Of Public Safety At Intersections.* Except as otherwise provided in this Section, a person commits the infraction of a violation of public safety at an intersection when a motor vehicle of which that person is an owner is present in an intersection while the traffic control signal for the intersection is emitting a steady red signal for the direction of travel or orientation of that vehicle in or through the intersection, unless the motor vehicle is in the process of making a lawful right turn; provided, however, that an infraction shall be excused upon submission of a sworn statement that the presence of the motor vehicle in the intersection or other ordinance violation was justified because:

1. The traffic control signal was not in proper position and sufficiently legible to an ordinarily observant person;

2. The operator of the motor vehicle was acting in compliance with the lawful order or direction of a Police Officer;

3. The operator of the motor vehicle violated the instruction of the traffic control signal in order to yield the right-of-way to an immediately approaching authorized emergency vehicle;

4. The motor vehicle was being operated as part of a funeral procession pursuant to Section 194.503, RSMo.;

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20. Cross Reference — As to automated speed enforcement, §320.060.

5. The motor vehicle was being operated as an authorized emergency vehicle as defined and in compliance with Section 304.022, RSMo.;

6. The motor vehicle was a stolen vehicle and being operated by a person other than the owner without the effective consent of the owner (but this shall not be a justification for such an operator), and the theft was timely reported to the appropriate Law Enforcement Agency;

7. The license plate and/or tags depicted in the recorded image(s) were stolen and being displayed on a motor vehicle other than the motor vehicle for which they were issued (but this shall not be a justification for the operator of the motor vehicle), and the theft was timely reported to the appropriate Law Enforcement Agency;

8. Ownership of the motor vehicle had in fact been transferred prior to the violation (provided State records substantiate this statement);

9. The motor vehicle was present in the intersection because it was inoperable.

10. The motor vehicle is owned by any firm, partnership, association or corporation and was not being used by an agent or employee acting within the scope and course of his or her agency or employment.

C. *Liability.*

1. Liability for a violation of public safety at an intersection is based on ownership, without regard to whether the owner was operating the motor vehicle at the time of the violation and is a separate and distinct violation from violations charged to drivers of motor vehicles.

2. Liability for violation of other traffic ordinances by drivers may be established by photo traffic enforcement using the presumption set forth in Section 320.070 of this Code.

3. Except that as provided in Section 304.120.4, RSMo, no liability shall be imposed on the owner of a motor vehicle when the vehicle is being permissively used by a lessee if the owner furnishes the name, address and operator's license number of the person renting or leasing the motor vehicle at the time the violation occurred to the City within thirty (30) days from the time of receipt of written request for such information.

D. *Automated Photo Traffic Enforcement System Authorized.* One or more automated photo traffic enforcement systems are hereby authorized to be installed and operated within the City for the purpose of detecting violations of public safety at intersections and/or violations of other traffic ordinances at intersections. Specific system locations and uses shall be determined from time to time by the City Chief of Police.

Recorded images from a single camera unit shall constitute sufficient basis for notice of violation if alone or in combination they clearly show a violation of this Section or other traffic ordinance at an intersection and the license plate and license number of the motor vehicle. Recorded images may also be used as evidence of other violations to the extent permitted by applicable law.

E. *Enforcement Procedures.*

1. Except as otherwise provided herein, upon review of recorded image(s) showing a violation under this Section or other ordinance violation at an intersection, a Police Officer of the City Police Department shall complete a notice of violation in a form approved by the City (which form may be completed electronically or online), and the City shall cause the completed notice of violation to be mailed to the owner at its last known address by first-class United States mail, postage prepaid.

   a. Based upon the information obtained from the recorded image, the Police Officer may obtain any additional information about the owner, which is necessary to complete or mail the notice of violation, from the records of the Missouri Department of Revenue or any other legal means; or, if the motor vehicle is registered in another state or country, from the motor vehicle registration records of the department or agency of the other state or country analogous to the Missouri Department of Revenue or any other legal means.

   b. If there is more than one (1) owner of the motor vehicle, a notice of violation may be completed and addressed to any or all of them, and such owners shall be jointly and severally liable hereunder.

   c. The notice of violation shall direct the owner to respond by paying the fine established by the Municipal Court at the appropriate time and place in the City or by providing a sufficient sworn statement of applicability of one (1) or more of the justifications set forth in Subsection (B) of this Section, and shall inform the owner that absent such a response the owner will receive a summons to appear before the Municipal Court regarding the citation.

   d. A copy of the recorded image(s) upon which the notice of violation is based shall be sent to the owner with the notice of violation.

   e. The notice of violation shall include a request that the name, address and operator's license number of any person renting or leasing the motor vehicle at the time the violation occurred be furnished to the City within thirty (30) days of receipt of the request.

2. Any sworn statement provided by an owner shall be examined by the City Prosecuting Attorney or designee. If the City Prosecuting Attorney determines that a statement is insufficient, including, but not limited to, a determination based upon a comparison of the statement to the recorded image(s), then a notification shall be sent to the owner (any or all of them) at its last known address by first-class United States mail, indicating that the statement was insufficient and directing the owner to either pay the fine by a date specified in the notification or await a notice of hearing setting a court date. If the statement timely provides the name, address and operator's license number of any person renting or leasing the motor vehicle at the time the violation occurred, then the notice of violation shall be withdrawn, and a new notice of violation shall be issued to the identified person together with a copy of the identifying statement, which person shall be liable as if an owner. If a person in unlawful possession of a stolen vehicle or a vehicle bearing stolen license plates or tags that violates this Section is identified, such person shall be liable as if an owner.

3. In lieu of completing a notice of violation, the Police Department may send a warning notice to the owner if the system location was established within one (1) week of the violation or if the reviewing officer determines that the recorded images are inconclusive or that it is more likely than not that a justification applies to the violation.

F. Any notice of violation not otherwise resolved as provided herein shall be considered by the Municipal Court in accordance with applicable law. In addition to the justifications and excuses identified herein, the Municipal Court may consider any and all relevant facts and applicable law in resolving such notices of violation. Notwithstanding any other provision of the City Code of Ordinances, the fine for the infraction of violation of public safety at an intersection shall be set by the Municipal Court from time to time on the schedule for the Violations Bureau, and under no circumstances may a person be imprisoned for such an infraction.

G. *Warning Signs.* An automated photo traffic enforcement system may be identified by advance warning signs posted at entrances to the City and/or at specific system locations, if the City Chief of Police determines that such signs will enhance the efficacy of the system. Absence of such signs shall not provide justification for or excuse a violation.

H. *Failure To Respond To Notice Of Violation.* Any person who shall fail to respond to a notice of violation or other notice issued under this Section by timely payment of a fine, attendance at a hearing or by timely and sufficient statement as described herein, or who shall submit a false sworn statement hereunder shall be subject to prosecution for failure to respond to notice of violation in the Municipal Court for violation of this Section subject to the general penalty provisions of Section 100.220, in addition to any other applicable liabilities or sanctions, and shall be

given a notice of hearing in compliance with Rule 37.32 VAMR and Form 37A.

Section 315.070. Pedestrian Control Signals.

A. Whenever special pedestrian control signals exhibiting the words "*Walk*" or "*Don't Walk*" or appropriate symbols are in place, such signals shall indicate as follows:

1. "*WALK*"*:* Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

2. "*WAIT*" or "*DON'T WALK*"*:* No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

Section 315.072. Traffic Control Devices. [Ord. No. 18-843, 9-12-2018]

A. McLaran Avenue.

1. Traffic control devices shall be installed at the City limits of McLaran Avenue with the following streets:

Street
(Reserved)

2. No vehicular traffic shall enter McLaran Avenue from said streets.

3. No person shall remove or alter said traffic control devices.

Section 315.075. Presumption of Operation. [Ord. No. 787 §1, 2-12-2014]

A. The operation or use of a vehicle in violation of the provisions of Title III, Traffic Code, shall be prima facie evidence that the vehicle was at the time of such violation controlled, operated and used by the owner thereof, as shown on the motor vehicle registration records of the Missouri Department of Revenue or the analogous department or agency of another state or country. In the event a vehicle is owned by more than one (1) person, the presumption shall be applied to the first owner named on such motor vehicle registration records. This rebuttable presumption shall be applied whenever the identity of the driver is not established by direct evidence, including for purposes of determining probable cause to issue notice of violation and making prima facie case at trial and thereby shifting the burden of evidence to the defendant.

B. The operation or use of a vehicle in violation of the provisions of Title III, Traffic Code, when such vehicle is owned by any firm, partnership, association, or corporation, shall be prima facie evidence that the vehicle was at the time of such violation controlled, operated and used by an agent or employee of such entity acting within the scope and course of his or her agency or employment. This rebuttable presumption shall be applied whenever the identity of the driver is not established by direct evidence, including for purposes of determining probable cause to issue notice of violation and making prima facie case at trial and thereby shifting the burden of evidence to the entity.

Section 315.080. Flashing Signals.

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

1. *Flashing red (stop signal).* When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

Section 315.090. Lane Direction Control Signals.

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown but shall not enter or travel in any lane over which a red signal is shown.

Section 315.100. Display of Unauthorized Signs, Signals or Markings.

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device.

Section 315.110. Interference With Official Traffic Control Devices.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any inscription, shield or insignia thereon or any other part thereof.

Section 315.120. Authority to Establish Play Streets.

The City Traffic Engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Section 315.130. Play Streets.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

Section 315.140. City Traffic Engineer to Designate Crosswalks and Establish Safety Zones.

A. The City Traffic Engineer is hereby authorized:

1. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway and at such other places as he/she may deem necessary.

2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.

Section 315.150. Traffic Lanes.

A. The City Traffic Engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

Chapter 320

SPEED REGULATIONS

Section 320.010. State Speed Laws Applicable.

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the City, except that the City may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for

any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

Section 320.020. Regulation of Speed by Traffic Signals.

The City Traffic Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

Section 320.030. General Speed Limit. [Ord. No. 193 Art. 1 §11-52(b), 5-15-1952]

Except where otherwise provided by signs erected pursuant to duly passed and approved ordinances, no person shall operate a vehicle on any street in the City in excess of twenty (20) miles per hour.

Section 320.040. Slow Speed — Regulations.

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace Officers may enforce the provisions of this Section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is an ordinance violation.

Section 320.050. Special Speed Limits on Roadways.

No person shall operate a motor vehicle upon those portions of the roadways which are set forth and described in Schedule I at a rate of speed in excess of that speed limit set for such portions of the roadways by said Schedule.

Section 320.060. Violation of Public Safety on Roadways and Related Automated Speed Enforcement Regulations. [Ord. No. 734 §1, 4-14-2010; Ord. No. 756 §1, 5-11-2010; Ord. No. 782 §1, 4-10-2013; Ord. No. 788 §1, 2-14-2014]

A. *Definitions.* For purposes of this Section, the following terms and phrases shall be defined as follows:

AUTOMATED TRAFFIC ENFORCEMENT SYSTEM — A system that: Consists of camera(s) and vehicle sensor(s) capable of calculating the speed of a moving motor vehicle and producing high-resolution color digital recorded images that show at least the license plate and number of the motor vehicle.

MUNICIPAL COURT — The Municipal Court of the City.

OPERATOR — Any person who operates or drives a motor vehicle and has the same meaning as "driver."

OWNER — The owner(s) of a motor vehicle as shown on the motor vehicle registration records of the Missouri Department of Revenue or the analogous department or agency of another state or country.

PERSON — Every natural person, firm, partnership, association or corporation.

RECORDED IMAGE — An image digitally recorded by an automated traffic enforcement system.

SYSTEM LOCATION — The location at which an automated traffic enforcement system has been located.

B. *Violation Of Public Safety On Roadways.*

1. Every motor vehicle owner has a duty to ensure that his or her motor vehicle at all times complies with the prescribed speed limits. It shall be deemed a violation of public safety on roadways for the owner to permit his or her motor vehicle to be operated at a rate of speed more than ten (10) miles in excess of the posted speed limit. It shall be a rebuttable presumption that when a vehicle is recorded by an automated traffic enforcement system, it was being operated with the consent or the permission of the owner. Any such infraction may be excused upon submission of a sworn statement that:

a. The posting of the speed limit was not in accordance with State or local law;

b. The operator of the motor vehicle was acting in compliance with the lawful order or direction of a Police Officer;

c. The operator of the motor vehicle violated the speed limit in order to yield the right-of-way to an immediately approaching authorized emergency vehicle;

d. The motor vehicle was being operated as an authorized emergency vehicle as defined and in compliance with Section 304.022, RSMo.;

e. The motor vehicle was a stolen vehicle and being operated by a person other than the owner without the effective consent of the owner (but this shall not be a justification for such an operator) and the theft was timely reported to the appropriate Law Enforcement Agency;

f. The license plate and/or tags depicted in the recorded image(s) were stolen and being displayed on a motor vehicle other than the motor vehicle for which they were issued (but this shall not be a justification for the operator of the motor vehicle) and the

theft was timely reported to the appropriate Law Enforcement Agency;

g. Ownership of the motor vehicle had in fact been transferred prior to the violation (provided State records substantiate this statement);

h. Any other issues or evidence that the court deems pertinent.

2. A violation hereunder is based on ownership, without regard to whether the owner was operating the motor vehicle at the time of the infraction, except that, no liability shall be imposed on the owner of a motor vehicle when the vehicle is being permissively used by a lessee if the owner furnishes the name, address, and operator's license number of the person renting or leasing the motor vehicle at the time the violation occurred to the City within twenty-one (21) days from the time of receipt of written request for such information.

C. *Automated Traffic Enforcement System Authorized.* An automated traffic enforcement system is hereby authorized to be installed and operated on streets within the City for the purpose of detecting violations of public safety on roadways. Specific system locations shall be determined from time to time by the Board of Aldermen upon recommendation of the Chief of Police. Recorded images from a single camera unit shall constitute sufficient basis for a notice of violation if alone or in combination they clearly show the speed at which a motor vehicle is moving and the license plate and license number of the motor vehicle. Recorded images may also be used as evidence of other violations to the extent permitted by applicable law.

D. *Enforcement Procedures.*

1. Except as otherwise provided herein, upon review of recorded image(s) showing an infraction under this Section, a Police Officer of the City Police Department shall complete a notice in a form approved by the Chief of Police (which form may be completed electronically), and the City shall cause the completed notice to be mailed to the owner at the owner's last known address by first-class United States mail, postage prepaid, within thirty (30) days after the date the recorded image(s) were taken.

2. Based upon the information obtained from the recorded image, the Police Officer may obtain any additional information about the owner, which is necessary to complete or mail the notice, from the records of the Missouri Department of Revenue or any other legal means; or, if the motor vehicle is registered in another state or country, from the motor vehicle registration records of the department or agency of the other state or country analogous to the Missouri Department of Revenue or any other legal means.

3. If there is more than one owner of the motor vehicle, a notice may be completed and addressed to any or all of them, and each such owner shall be jointly and severally liable hereunder.

4. The notice shall direct the owner to respond within the time prescribed in the notice either by paying the fine specified in this Section at the appropriate time and place in the City or by providing a sworn statement of applicability of one of the justifications for exceeding the speed limit set forth in this Section.

5. A copy of the recorded image(s) upon which the notice is based shall be sent to the owner with the notice.

6. The notice shall include a request that the name, address and operator's license number of any person renting or leasing the motor vehicle at the time the violation occurred be furnished to the City within twenty-one (21) days of receipt of the request.

7. Any sworn statement provided by an owner shall be examined by the City Prosecuting Attorney. If the City Prosecuting Attorney determines that a statement is insufficient, including but not limited to a determination based upon a comparison of the statement to the recorded image(s), then a letter shall be sent to the owner (any or all of them) at its last known address by first-class United States mail, postage prepaid by the City indicating that the statement was insufficient and the fine specified in this Section must be paid at the appropriate time and place in the City within twenty-one (21) days of the date of the letter. If the statement timely provides the name, address and operator's license number of any person renting or leasing the motor vehicle at the time the infraction occurred, then the notice of violation shall be withdrawn, a letter to that effect shall be sent to the owner by the City, and a new notice of violation shall be issued to the identified person together with a copy of the identifying statement, which person shall be liable hereunder as if any owner.

8. In lieu of completing a notice of violation, the Police Department may send a warning notice to the owner if the system location was established within seven (7) days of the violation, or if the reviewing officer determines that the recorded images are inconclusive or that it is more likely than not that a justification applies to the infraction.

9. The provisions of this Chapter are complementary to, and not instead of, Chapters 315 and 320 or any other provision of the City's Municipal Code, as well as corresponding State Statutes pertaining to the offense of speeding.

10. It is the intent of this Chapter to address the conduct and behavior of owners only, and to ensure that all those who own a vehicle allow only responsible individuals to operate their vehicle.

E. *Fine.* Notwithstanding any other provision of the City Code of Ordinances, the civil fine for the infraction of violation of public safety on roadways shall be one hundred thirty ($130.00). Under no circumstances may a person be imprisoned for an infraction. This is a civil violation, not a criminal offense.

F. *Warning Signs.* An automated traffic enforcement system may be identified by advance warning signs posted at entrances to the City and/or at specific system locations, if the Board determines that such signs will enhance the efficacy of the system. Absence of such signs shall not provide justification for an infraction.

G. *Failure To Respond To Notice Of Violation.* Any person who does not respond to the first notice or letter issued under this Section by payment of fine or by timely and sufficient statement as described herein shall be deemed to have requested a court date, and shall be sent a notice of hearing with a court date in compliance with Rule 37.33 VAMR Form 37A. If the person fails to appear as ordered, the person shall be sent a summons to appear in court. If the person fails to appear the person may be subject to prosecution for the offense of failure to appear in the Municipal Court for violation of this Section subject to the general penalty provisions of Section 100.220 set forth in the Municipal Code in addition to any other applicable liabilities or sanction.

H. The presumption of operation in Section 315.065 of the Municipal Code shall apply to all charges, prosecutions and trials under this Section.

Chapter 325

TURNING MOVEMENTS

Section 325.010. Required Position and Method of Turning at Intersection.

A. The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established.

2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right-half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable,

the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn lanes have been established.

4. *Designated two-way left turn lanes.* Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:

   a. A left turn shall not be made from any other lane;

   b. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law; and

   c. A vehicle shall not be driven in the lane for a distance more than five hundred (500) feet.

Section 325.020. Authority to Place and Obedience to Turning Markers.

A. The City Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 325.030. Authority to Place Restricted Turn Signs.

The City Traffic Engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

Section 325.040. Obedience to No-Turn Signs.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Section 325.050. Limitations on Turning Around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

Chapter 330

ONE-WAY STREETS AND ALLEYS

Section 330.010. Authority to Sign One-Way Streets and Alleys.

Whenever any ordinance of the City designates any one-way street or alley, the City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 330.020. One-Way Streets and Alleys.

Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

Section 330.030. Authority to Restrict Direction of Movement on Streets During Certain Periods.

A. The City Traffic Engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The City Traffic Engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

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

Chapter 335

STOP AND YIELD INTERSECTIONS

Cross Reference — As to designation of major streets, schedule IV.

Section 335.010. Through Streets Designated.

Those streets and parts of streets described by ordinances of the City are declared to be through streets for the purposes of Sections 335.010 to 335.080.

Section 335.015. Major Streets — Street Intersections With Automatic Signals. [Ord. No. 193 Art. 3 §11-79, 5-15-1952]

Where automatic signals have been installed and at all times when such signals are not operating, the streets meeting or crossing at such places shall be deemed major streets and be subject as such to the provisions of this Chapter.

Section 335.020. Signs Required at Through Streets.

Whenever any ordinance of the City designates and describes a through street, it shall be the duty of the City Traffic Engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the City Traffic Engineer upon the basis of an engineering and traffic study.

Section 335.030. Other Intersections Where Stop or Yield Required.

The City Traffic Engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Section 335.040 in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required.

Section 335.040. Stop and Yield Signs.

A. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

B. Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

Section 335.050. Vehicle Entering Stop Intersection.

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (B) of Section 335.040 and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

Section 335.060. Vehicle Entering Yield Intersection.

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his/her failure to yield right-of-way.

Section 335.070. Emerging From Alley, Driveway or Building.

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Section 335.080. Stop When Traffic Obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Chapter 340

MISCELLANEOUS DRIVING RULES

Section 340.010. Following Emergency Vehicle Prohibited.

The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Section 340.020. Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

Section 340.030. Funeral Processions.

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

FUNERAL DIRECTOR — A person licensed as a funeral director pursuant to the provisions of Chapter 333, RSMo.

FUNERAL LEAD VEHICLE OR LEAD VEHICLE — Any motor vehicle equipped with at least one (1) lighted circulating lamp exhibiting an amber or purple light or lens or alternating flashing headlamps visible under normal atmospheric conditions for a distance of five hundred (500) feet from the front of the vehicle. A hearse or coach properly equipped may be a lead vehicle.

ORGANIZED FUNERAL PROCESSION — Two (2) or more vehicles accompanying the remains of a deceased person from a funeral establishment, church, synagogue or other place where a funeral service has taken place to a cemetery, crematory or other place of final disposition or a funeral establishment, church, synagogue or other place where additional funeral services will be performed if directed by a licensed funeral director from a licensed establishment.

B. *Driving Rules.*

1. Except as otherwise provided for in this Section, pedestrians and operators of all other vehicles shall yield the right-of-way to any vehicle which is a part of an organized funeral procession.

2. Notwithstanding any traffic control device or right-of-way provision prescribed by State or local law, when the funeral lead vehicle in an organized funeral procession lawfully enters an intersection, all vehicles in the procession shall follow the lead vehicle through the intersection. The operator of each vehicle in the procession shall exercise the highest degree of care toward any other vehicle or pedestrian on the roadway.

3. An organized funeral procession shall have the right-of-way at all intersections regardless of any traffic control device at such intersections, except that operators of vehicles in an organized

funeral procession shall yield the right-of-way to any approaching emergency vehicle pursuant to the provisions of law or when directed to do so by a Law Enforcement Officer.

4. All vehicles in an organized funeral procession shall follow the preceding vehicle in the procession as closely as is practical and safe under the conditions.

5. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.

6. Any person who is not an operator of a vehicle in an organized funeral procession shall not:

   a. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Subsection (B)(5) above, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;

   b. Join a funeral procession for the purpose of securing the right-of-way; or

   c. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.

7. When an organized funeral procession is proceeding through a red signal light as permitted herein, a vehicle not in the organized funeral procession shall not enter the intersection unless such vehicle may do so without crossing the path of the funeral procession.

8. No ordinance, regulation or any other provision of law shall prohibit the use of a motorcycle utilizing flashing amber lights to escort an organized funeral procession on the highway.

C. Any person convicted of violating any provision of this Section shall be punished by a fine not to exceed one hundred dollars ($100.00).

Section 340.040. Driving in Procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

Section 340.050. When Permits Required for Parades and Processions.

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State, and the forces of the Police

and Fire Departments shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

Section 340.060. Vehicle Shall Not Be Driven on a Sidewalk — Prohibition on Obstruction of Bicycle Lanes — Drivers to Yield to Bicycles in Designated Bicycle Lanes.

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane. As used in this Section, the term "*designated bicycle lane*" shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles.

Section 340.070. Limitations on Backing.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Section 340.080. Opening and Closing Vehicle Doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Section 340.090. Riding on Motorcycles — Additional Passenger — Requirements.

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to the rear or side of the operator.

B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

Section 340.100. Riding Bicycle on Sidewalks — Limitations — Motorized Bicycles Prohibited.

A. No person shall ride a bicycle upon a sidewalk within a business district.

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

C. No person shall ride a motorized bicycle upon a sidewalk.

Section 340.110. All-Terrain Vehicles — Prohibited — Exceptions — Operation Under an Exception — Prohibited Uses — Penalty.

A. No person shall operate an all-terrain vehicle, as defined in Section 300.010, upon the streets and highways of this City, except as follows:

1. All-terrain vehicles owned and operated by a governmental entity for official use; or

2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.

B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this City, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.

D. No person shall operate an all-terrain vehicle:

1. In any careless way so as to endanger the person or property of another;

2. While under the influence of alcohol or any controlled substance; or

3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.

E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

F. A violation of this Section shall be an ordinance violation.

Section 340.120. Riding Bicycles, Sleds, Roller Skates by Attaching to Another Vehicle, Prohibited — Pulling a Rider Behind Vehicle Prohibited.

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.

Section 340.130. Controlled Access.

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

Section 340.140. Driving Through Safety Zone Prohibited.

No vehicle shall at any time be driven through or within a safety zone.

Section 340.150. Manner of Operation of Motor Vehicles — Careful and Prudent.

Every person operating a motor vehicle on the highways of this City shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

Section 340.160. Driving to the Right.

A. Upon all public roads or highways of sufficient width, a vehicle shall be driven upon the right-half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;

2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;

3. When the right-half of a roadway is closed to traffic while under construction or repair; or

4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.

B. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section or to make any left turn or semi-circular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the State Highways and Transportation Commission or the Department of Transportation. The provisions of this Subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the Commission or the Department.

C. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo.

4. Official signs may be erected by the State Highways and Transportation Commission or the Highway Patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half (½) of the main traveled portion of the roadway whenever possible.

D. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

Section 340.170. Passing Regulations.

A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a City street with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles in each direction; or

3. Upon a one-way street.

The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such

overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

Section 340.180. Hand and Mechanical Signals.

A. No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

1. An operator or driver when stopping, or when checking the speed of the operator's vehicle if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.

2. An operator or driver intending to turn the vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning.

3. An operator or driver intending to turn the vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning.

4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load

exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided further, that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.

Section 340.190. Stopping for School Bus.

A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signaled by its driver to proceed.

B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "*School Bus*" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "*State Law: Stop While Bus is Loading and Unloading*". Each school bus subject to the provisions of Sections 304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education which will display a signal plainly visible from the front and rear and indicating intention to stop.

C. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand (10,000) pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five (5) feet six (6) inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in Subsection (B) of this Section. This Subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.

D. Except as otherwise provided in this Section, the driver of a school bus in the process of loading or unloading students upon a street or

highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district has the authority pursuant to Section 304.050, RSMo., to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four (4) or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution and, in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred (500) feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty (60) miles per hour and at least three hundred (300) feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.

E. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

Section 340.200. Right-of-Way at Intersection — Signs at Intersections.

A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.

B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.

C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

D. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

E. The City may, on any section of road where construction or major maintenance operations are being effected, fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 340.150.

Section 340.210. Distance at Which Vehicle Must Follow.

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway.

Section 340.220. Boarding or Alighting From Vehicles. [Ord. No. 193 Art. 1 §11-23, 5-15-1952]

It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

Section 340.230. Unlawful Riding. [Ord. No. 193 Art. 1 §11-24, 5-15-1952]

It shall be unlawful for any person to ride on any vehicle upon any portion thereof not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to any employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

Section 340.240. Obstruction to Operator's View or Driving. [Ord. No. 193 Art. 1 §11-47, 5-15-1952]

A. It shall be unlawful for the operator of any vehicle to drive the same when such vehicle is so loaded or is in such physical condition, or when there are in the front seat of such vehicle such number of persons as to

obstruct the view of the operator to the front or sides or to interfere with the operator's control over the driving mechanism of the vehicle.

B. It shall be unlawful for any passenger in a vehicle to ride in such position as to interfere with the operator's view ahead or to the sides or to interfere with the operator's control over the driving mechanism of the vehicle.

Section 340.250. Drag Racing. [Ord. No. 360 §§1 — 3, 1-14-1976]

A. *Definition.* "*Drag racing*" is defined as the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other. Persons rendering assistance in any manner to such competitive use of any vehicles shall be equally charged as the participants. An person expressly or impliedly authorized or knowingly permitting any vehicle or vehicles owned by him/her or under his/her control to engage in drag racing as defined in this Section shall be equally charged as the participants.

B. *Prima Facie Evidence Of Drag Racing.* The operation of two (2) or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by this Code or by ordinance of the City, spinning wheels, screeching of tires or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speeds shall be prima facie evidence of drag racing.

C. *Drag Racing Prohibited.* No person shall participate in a drag race as defined in Subsection (A) on any street in the City.

Section 340.260. Operating Motor Vehicle in an Area Not Designated as a Highway, Road or Street for Certain Purposes. [Ord. No. 428 §§1 — 2, 5-14-1980]

A. It shall be unlawful for any driver to operate a motor vehicle on any private road or driveway, parking lot or any other area which is not a highway, road or street for the purpose of avoiding travel upon the right-of-way between one highway, road or street and the same or another highway, road or street.

B. Any person violating the provisions of Subsection (A) above shall be subject to penalties as provided by the ordinance of the City of Country Club Hills, Missouri.

Section 340.270. Width, Height, Length and Weight Restrictions.

A. *Width.* No vehicle operated upon any street in the City shall have a width, including load, in excess of ninety-six (96) inches, except clearance lights, rearview mirrors or other accessories required or permitted by Federal or State law.

B. *Height.* No vehicle operated upon the interstate highway system or upon any route designated by the Chief Engineer of the State Highways

and Transportation Department shall have a height, including load, in excess of fourteen (14) feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half (13½) feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen (14) feet.

C. *Length.* No motor vehicle operated upon any street in the City shall have a length in excess of that provided for in Section 304.170, RSMo.

D. *Weight.* It shall be unlawful for any person to drive or convey upon any street in the City any vehicle of any kind with a weight in excess of that provided for in Section 304.180, RSMo.

E. *Permits.* The Police Chief, with the approval of the Mayor, may issue permits for the operation of vehicles exceeding the width, height, length and weight limits prescribed in this Section. Such permits shall specify the terms and conditions under which such vehicles may be operated, and designate the streets over which such vehicle may be operated and the hours of the day between which such operation shall be permitted. Each applicant for such permit shall first pay to the City Clerk a fee of five dollars ($5.00), receipt for which shall be presented to the Police Chief before such permit is issued.

F. *Damages.* Any person who drives any vehicle exceeding the width, height, length or weight limits prescribed in Subsections (A), (B), (C) and (D) of this Section, whether operating under the permit required by Subsection (E) of this Section or not, shall be liable for the amount of any damage such vehicle causes to any street, bridge, culvert, sewer or other public property and any such vehicle shall be subject to a lien for the full amount of such damage.

Section 340.280. Pedestrians Soliciting Rides. [Ord. No. 193 Art. 1 §11-18, 5-15-1952]

It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle.

Chapter 342

ALCOHOL-RELATED TRAFFIC OFFENSES

Section 342.010. Definitions. [Ord. No. 825 § 1, 11-9-2016[21]]

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

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21. Editor's Note: Former Chapter 342, Alcohol-Related Traffic Offenses, containing Sections 342.010 through 342.050 was repealed 11-6-2016 by § 1 of Ord. No. 825. This ordinance also set an effective date of 1-1-2017.

ALL-TERRAIN VEHICLE — In lieu of the definition set forth in Chapter 300 of this Code, any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of one thousand (1,000) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one (1) person, and handlebars for steering control.

CONTROLLED SUBSTANCE — A drug, substance, or immediate precursor in Schedules I — V listed in Section 195.017, RSMo.

DRIVE, DRIVING, OPERATES or OPERATING — Physically driving or operating a motor vehicle or vessel, or otherwise physically controlling the movement thereof.

INTOXICATED CONDITION — A person is in an "intoxicated condition" when he or she is under the influence of alcohol, a controlled substance or drug, or any combination thereof or is otherwise "driving under the influence" of alcohol or of a controlled substance as defined in Section 302.700, RSMo.

LAW ENFORCEMENT OFFICER or ARRESTING OFFICER — Includes the definition of Law Enforcement Officer in Subdivision (1.7) of Section 556.061, RSMo., and military Policemen conducting traffic enforcement operations on a Federal military installation under military jurisdiction in the State of Missouri.

PERCENT BY WEIGHT OF ALCOHOL — Shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

VEHICLE — In lieu of the definition in Chapter 300 of this Code, a self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft.

VESSEL — Any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve (12) feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars.

Section 342.020. Driving While Intoxicated. [Ord. No. 825 § 1, 11-9-2016; Ord. No. 19-856, 11-13-2019]

A person commits the offense of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition, including under the influence of any amount of marijuana.

Section 342.030. Driving With Excessive Blood Alcohol Content. [Ord. No. 825 § 1, 11-9-2016]

A person commits the offense of "driving with excessive blood alcohol content" if such person operates a vehicle or vessel in this City while having eight-hundredths of one percent (0.08%) or more by weight of alcohol in his or her blood, or a commercial motor vehicle while having four one-hundredths of one percent (0.04%) or more by weight of alcohol in his or her blood.

Section 342.040. Chemical Test For Alcohol Content — Consent Implied — Administered — When — How — Videotaping Of Chemical Or Field Sobriety Test Admissible Evidence. [Ord. No. 825 § 1, 11-9-2016]

A. Any person who operates a vehicle upon the public highways of this City shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

1. If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was operating a vehicle or vessel while in an intoxicated or drugged condition;

2. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent (0.02%) or more by weight;

3. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the State or any political subdivision of the State, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent (0.02%) or greater;

4. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock, and the Law Enforcement Officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent (0.02%) or greater;

5. If the person, while operating a vehicle, has been involved in a collision or accident which resulted in a fatality or a readily apparent serious physical injury as defined in Section 556.061, RSMo., or has been arrested as evidenced by the issuance of a

uniform traffic ticket for the violation of any State law or County or municipal ordinance with the exception of equipment violations contained in Chapters 306 and 307, RSMo., or similar provisions contained in County or municipal ordinances; or

6. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in Section 565.002, RSMo.

Pursuant to such consent, the test shall be administered at the direction of the Law Enforcement Officer whenever the person has been arrested, detained or stopped for any reason.

B. The implied consent to submit to the chemical tests listed in Subsection (B) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.

C. Chemical analysis of the person's breath, blood, saliva or urine to be performed according methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose.

D. The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.

E. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:

1. The type of test administered and the procedures followed;

2. The time of the collection of the blood, breath, salvia or urine sample analyzed;

3. The numerical results of the test indicating the alcohol content of the blood and breath and urine;

4. The type and status of any permit which was held by the person who performed the test;

5. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance of such instrument.

Full information does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the City or State. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

F. Any person given a chemical test of the person's breath pursuant to Subsection (B) of this Section or a field sobriety test may be videotaped during any such test at the direction of the Law Enforcement Officer. Any such video recording made during the chemical test pursuant to this Subsection or a field sobriety test shall be admissible as evidence for a violation of any municipal ordinance.

Section 342.050. Consumption Of Or Transportation Of Open Containers Of Alcoholic Beverages In Motor Vehicles — Prohibited When. [Ord. No. 825 § 1, 11-9-2016]

A. Definitions. The following terms shall have the meanings ascribed to them in this Section, except where context indicates a different meaning:

ALCOHOLIC BEVERAGE — Includes alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquor or combination of liquors, a part of which is spirituous, vinous or fermented and to also include any beer manufactured from pure hops or pure extract of hops and pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants and having any alcoholic content by weight or volume.

REAR COMPARTMENT — Vehicle trunk, spare tire compartment or any outside compartment which is not accessible to the driver or any other person while such vehicle is in motion. In the case of a pickup truck, station wagon, hatchback or other similar vehicle, the area behind the last upright seat shall be considered the rear compartment.

RECREATIONAL MOTOR VEHICLE — Any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered.

B. A person commits the offense of consumption of an alcoholic beverage while driving if he or she operates a moving vehicle upon any public thoroughfare for vehicles including State roads, County roads and public streets, avenues, boulevards, parkways or alleys in the City while consuming any alcoholic beverage.

C. No person shall knowingly transport any alcoholic beverage, except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cork or cap shall not have been removed, or as otherwise allowed by law, while operating a motor vehicle upon a public street, highway or alley unless the opened container is in a rear compartment area of the vehicle.

D. Nothing in this Section shall be construed as to prohibit the otherwise legal consumption of alcoholic beverages by passengers on a privately or publicly owned transit authority that has been chartered and is not being utilized for conveyance of the general public where the operation and control of such conveyance is by a person not in possession of, or with ready access to, such alcoholic beverage.

E. This Section shall not apply to the living quarters of a recreational vehicle as defined in this Section.

Section 342.060. Ignition Interlock Devices. [Ord. No. 825 § 1, 11-9-2016]

A. It is an offense for a person to knowingly rent, lease or lend a motor vehicle to a person required to use an ignition interlock device on all vehicles operated by the person unless such vehicle is equipped with a functioning, certified ignition interlock device.

B. It is an offense for a person who is required to use an ignition interlock device on all vehicles he or she operates to knowingly fail to notify any other person who rents, leases or loans a motor vehicle to that person of such requirement.

C. It is an offense for any person who is required to use an ignition interlock device on all vehicles her or she operates to knowingly request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

D. It is an offense for any person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable vehicle to a person who is required to use an ignition interlock device on all vehicles her or she operates.

E. It is an offense to tamper with or circumvent the operation of an ignition interlock device.

F. It is an offense to knowingly operate a motor vehicle that is not equipped with a functioning certified ignition interlock device in violation of a court or Department of Revenue order to use such a device.

Chapter 345

PEDESTRIANS' RIGHTS AND DUTIES

Section 345.010. Pedestrians Subject to Traffic Control Devices.

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 315.060 and 315.070 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter.

Section 345.020. Pedestrians' Right-of-Way in Crosswalks.

A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

C. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Section 345.050.

D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 345.030. Pedestrians to Use Right-Half of Crosswalks.

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.

Section 345.040. Crossing at Right Angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

Section 345.050. When Pedestrian Shall Yield.

A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. The foregoing rules in this Section have no application under the conditions stated in Section 345.060 when pedestrians are prohibited from crossing at certain designated places.

Section 345.060. Prohibited Crossing.

A. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.

C. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.

D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

Section 345.070. Pedestrians Walking Along Roadways.

A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

Section 345.080. Drivers to Exercise Highest Degree of Care.

Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Section 345.090. Distance to Be Maintained When Overtaking a Bicycle.

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in Section 300.010, shall leave a safe distance when passing the bicycle and shall maintain clearance until safely past the overtaken bicycle.

Chapter 350

METHOD OF PARKING

Section 350.010. Standing or Parking Close to Curb.

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

Section 350.020. Signs or Markings Indicating Angle Parking.

A. The City Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the City unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

Section 350.030. Obedience to Angle Parking Signs or Markers.

On those streets which have been signed or marked by the City Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 350.040. Permits for Loading or Unloading at an Angle to the Curb.

A. The City Traffic Engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Section 350.050. Lamps on Parked Vehicles.

A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway, no lights need be displayed upon such parked vehicle.

B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours

between a half (½) hour after sunset and a half (½) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

Chapter 355

STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

Section 355.010. Stopping, Standing or Parking Prohibited. [Ord. No. 193 Art. 1 §11-31(C), 5-15-1952; Ord. No. 752 §1, 2-9-2011]

A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:

1. Stop, stand or park a vehicle:

   a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

   b. On a sidewalk;

   c. Within an intersection;

   d. On a crosswalk;

   e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the (traffic authority) indicates a different length by signs or markings;

   f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

   g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or

   h. At any place where official signs prohibit stopping.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

    a. In front of a public or private driveway;

    b. Within ten (10) feet of an intersection;

    c. Within fifteen (15) feet of a fire hydrant;

    d. Within twenty (20) feet of a crosswalk at an intersection;

    e. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;

    f. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted); or

    g. At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers at any place where official signs prohibit parking.

B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.

C. It shall be unlawful for any operator to park a vehicle on any street or in any district lawfully designated as a place where parking is prohibited, or where parking is restricted as to time for a longer period than is permitted by ordinance.

Section 355.020. Parking Not to Obstruct Traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

Section 355.030. Parking in Alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

Section 355.040. Parking for Certain Purposes Prohibited.

A. No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale; or

2. Repair such vehicle except repairs necessitated by an emergency.

Section 355.050. Parking Adjacent to Schools.

A. The City Traffic Engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

Section 355.060. Parking Prohibited on Narrow Streets.

A. The City Traffic Engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.

B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

Section 355.070. Standing or Parking on One-Way Streets.

The City Traffic Engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

Section 355.080. Standing or Parking on One-Way Roadways.

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The City Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

Section 355.090. No Stopping, Standing or Parking Near Hazardous or Congested Places.

A. The City Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would

create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

Section 355.100. Physically Disabled Parking.

A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended. The space shall be indicated by an upright sign whether on a pole or attached to a building upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "$50 to $300 fine".

B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle or while the vehicle is being used to transport a physically disabled person.

C. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00). Every day upon which such violation occurs shall constitute a separate offense.

Section 355.110. All-Night Parking Prohibited. [Ord. No. 193 Art. 1 §11-32, 5-15-1952; Ord. No. 566 §§1 — 2, 4, 2-9-1994; Ord. No. 831, 3-28-2017]

A. It shall be unlawful for any owner or operator of commercial vehicles(s) 18,000 pounds gross weight or over to park any commercial vehicle on any City street or residential property within the City limits of Country Club Hills. The owner or operator of any commercial vehicle 18,000 pounds or under that can be parked on a City street shall not park said vehicle in such a manner as to impede, obstruct or hinder the flow of traffic on the City streets, except vehicles making deliveries or working on any properties within the City limits of Country Club Hills.

B. It shall be unlawful to use any camper-type vehicles to live in on any properties within the City limits.

Section 355.120. Parking Regulations Concerning Parking Lot Adjacent to City Hall. [Ord. No. 551 §1, 9-11-1991]

No person shall stop or park a motor vehicle on the parking lot adjacent to City Hall except while doing business at City Hall, working on behalf of the City or while using the City park.

Section 355.130. Certain Types of Vehicles and Boats — Parking Regulations. [Ord. No. 426 §1, 3-12-1980; Ord. No. 731 §1, 11-11-2009]

A. No person shall park for a period longer than one (1) hour upon any public street or drive, public property, or upon any private property (except that in the case of private property, said vehicles may be parked upon a driveway or concrete pad or paved surface sufficient in length to support them) the following types of vehicles:

   1. Any type of boat or boat/trailer combination.

   2. Any type of trailer — recreational or commercial.

   3. Motor homes or large recreational vehicles.

   4. Any self-powered vehicle capable of being towed or drawn by a separate self-powered vehicle.

Section 355.140. Parking of Motor Vehicles on Private Property. [Ord. No. 576 §§1 — 4, 9-14-1994]

A. An owner or occupier of real commercial property may request that the Board of Aldermen place signs or placards in designated parking areas restricting the parking of motor vehicles to everyone except the patrons of the particular establishment.

B. The Board of Aldermen may refuse a request if, in the opinion of said Board, the posting of said signs would not be in the best interest of the residents of the City or would impede the flow of traffic.

C. The sign or placard shall clearly state that parking is prohibited except for the patrons of the particular establishment only while transacting business pursuant to this Section. The sign or placard shall state that anyone violating Ordinance Number 576 shall be fined and subject to being towed at the owner's expense.

D. The person requesting that the signs or placards be placed shall incur the cost of placing said signs or placards.

Section 355.150. Parking Prohibited on Lawn of Any Residential or Commercial Property. [Ord. No. 585 §1, 11-8-1995]

It shall be unlawful for any owner or operator of any motor vehicle to park said vehicle on the lawn or any other area on any residential or commercial

property other than on the driveway or parking lot designated for parking of a motor vehicle.

Section 355.160. Certain Types Of Vehicles And Boats – Parking Regulations. [Ord. No. 289 §§2 — 5, 11-3-1965; Ord. No. 590A §1, 4-16-1996; Ord. No. 811 § 1, 3-9-2016[22]]

A. No property owner or tenant shall leave any motor vehicle which has been dismantled, wrecked, junked, discarded or abandoned on his/her premises for longer than three (3) days unless in an enclosed building. Any above-named vehicle may be towed from the premises at the expense of the registered owner of said vehicle.

B. A “motor vehicle” shall be defined as any machine propelled by power other than human power and designed to travel along the ground and shall include, without limitation, automobiles, trucks, motorcycles, tractors, trailers and wagons.

C. Any automobile shall be presumed to have been abandoned if it is without proper vehicle license, un-drivable without repair or if the owner thereof does not reside on said premises.

D. This Section shall not pertain to business enterprises where the keeping of vehicles is necessary to the lawful operation of the business.

E. Any person who shall be found guilty of violating this Section shall upon conviction be subject to a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) and each day of violation shall constitute a separate misdemeanor.

F. Stored vehicles on private property must have manufacture type vehicle covers, no tarps.

Section 355.170. Parking or Storing Certain Vehicles on Public Streets Under Certain Circumstances. [Ord. No. 394 §1, 4-12-1978]

Prohibiting The Parking Or Storing Of Certain Vehicles On Public Streets Under Certain Circumstances. No person shall leave any motor vehicle which has been dismantled, wrecked, junked, discarded or abandoned upon any public street within the City of Country Club Hills for a period in excess of forty-eight (48) hours without written permission of the Street Commissioner. For purposes of this Section, the term "*motor vehicle*" shall mean any machine propelled by power other than human power and designed to travel along the ground and shall include, without limitation, automobiles, trucks, vans, recreational vehicles, motorcycles, tractors, trailers and wagons. Any motor vehicle shall be presumed abandoned if it is without proper vehicle license, undriveable without repair or partially or totally dismantled.

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22. Editor’s Note: Section 1 also changed the title of this Section from “Parking Or Storing Certain Types Of Vehicles On Private Property” to “Certain Types Of Vehicles And Boats – Parking Regulations.”

Section 355.180. Owner Prima Facie Responsible for Illegal Parking. [Ord. No. 193 Art. 1 §11-72, 5-15-1952]

If any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

Chapter 360

STOPPING FOR LOADING OR UNLOADING ONLY

Section 360.010. City Traffic Engineer to Designate Curb Loading Zones.

The City Traffic Engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

Section 360.020. Permits for Curb Loading Zones.

The City Traffic Engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The City Traffic Engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the City Treasury a service fee of ten dollars ($10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the City for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year.

Section 360.030. Standing in Passenger Curb Loading Zone.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

Section 360.040. Standing in Freight Curb Loading Zones.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

Section 360.050. City Traffic Engineer to Designate Public Carrier Stops and Stands.

The City Traffic Engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

Section 360.060. Stopping, Standing and Parking of Buses and Taxicabs Regulated.

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

Section 360.070. Restricted Use of Bus and Taxicab Stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Chapter 365

STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

Section 365.010. Application of Chapter.

The provisions of this Title prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

Section 365.020. Regulations Not Exclusive.

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Section 365.030. Parking Prohibited at All Times on Certain Streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

Section 365.040. Parking Prohibited During Certain Hours on Certain Streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

Section 365.050. Stopping, Standing or Parking Prohibited During Certain Hours on Certain Streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

Section 365.060. Parking Signs Required.

Whenever by this Title or any ordinance of the City any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the City Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

Section 365.070. Commercial Vehicles Prohibited From Using Certain Streets.

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof that no persons shall operate any commercial vehicle upon streets or parts

of streets so described except those commercial vehicles making deliveries thereon.

Chapter 370

VIOLATIONS BUREAU

Cross Reference — As to additional court clerk duties regarding suspension of licenses for failure to pay certain fines, §125.305.

Section 370.005. Establishment of Violations Bureau. [Ord. No. 193 Art. 1 §11-73(a), 5-15-1952]

There is hereby established a Violations Bureau to assist the court with the clerical work of traffic cases. The Bureau shall be in charge of such person or persons and shall be open at such hours as the Board of Aldermen may designate.

Section 370.010. When Person Charged May Elect to Appear at Bureau.

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

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 thereof.

Section 370.020. Duties of Violations Bureau.

A. The following duties are hereby imposed upon the Violations Bureau in reference to traffic offenses:

1. It shall accept designated fines, issue receipts and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney;

2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present.

Section 370.030. Violations Bureau to Keep Records.

The Violations Bureau shall keep records and submit to the judges hearing violations of City ordinances summarized monthly reports of all notices issued and arrests made for violations of the traffic laws and ordinances in

the City and of all the fines collected by the 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 370.040. Additional Duties of Violations Bureau.

The Violations Bureau shall follow such procedure as may be prescribed by the traffic ordinances of the City or as may be required by any laws of this State.

Chapter 375

PROCEDURE ON ARREST

Section 375.010. Forms and Records of Traffic Citations and Arrests.

A. The City shall provide books containing uniform traffic tickets as prescribed by Supreme Court Rule. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by Supreme Court Rule.

B. Such books shall be issued to the Chief of Police or his/her duly authorized agent, a record shall be maintained of every book so issued, and a written receipt shall be required for every book. The judge or judges hearing City ordinance violation cases may require that a copy of such record and receipts be filed with the court.

C. The Chief of Police shall be responsible for the issuance of such books to individual members of the Police Department. The Chief of Police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

Section 375.020. Procedure of Police Officers.

Except when authorized or directed under State law to immediately take a person before the Municipal Judge for the violation of any traffic laws, a Police Officer who halts a person for such violation, other than for the purpose of giving him/her a warning or warning notice and does not take such person into custody under arrest, shall issue to him/her a uniform traffic ticket which shall be proceeded upon in accordance with Supreme Court Rules.

Section 375.030. Uniform Traffic Tickets or Other Citation to Be Issued When Vehicle Illegally Parked or Stopped.

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the City or by

State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a uniform traffic ticket or other citation for the driver to answer to the charge against him/her within seven (7) days during the hours and at a place specified in the traffic ticket.

Section 375.040. Towing of Abandoned, Wrecked and Disabled Vehicles. [Ord. No. 646 §§1 — 2, 2-12-2003]

A. Any vehicle left unattended on the street or in the right-of-way for more than seventy-two (72) hours will be removed, any unattended vehicle illegally left standing upon any street if in a position that obstructs the normal flow of traffic, any vehicle reported stolen or taken without consent of owner, any vehicle being driven by a person taken into custody, any vehicle disabled by collision, any vehicle found on any street without proper registration and license, any vehicle parked on real property without consent of the property owner where such vehicle has been left in excess of forty-eight (48) hours. The Chief of Police or his/her duly authorized agent may enter upon private property for the purpose of inspection or removal of vehicles under this Section. Any person(s) who refuse entry, the Chief of Police may obtain a warrant and proceed in accordance therewith.

1. Pursuant to this Section, prior to removal, the owner of said vehicle will receive notification of pending removal and allowed five (5) days in which to respond, with exception to vehicles that constitute a safety hazard. The same five (5) day notice shall be posted in a conspicuous area on the vehicle.

2. As to those vehicles that constitute a health hazard and are removed, prompt notice shall be given to the owner of the removed vehicle and location that it has been moved to, provided ownership can be ascertained from vehicle registration records. If owner cannot be located, a notice shall be attached to the vehicle deeming it a nuisance and stating it will be abated within seven (7) days of posting date, within two (2) days of posting date if it is on public property.

3. Any person receiving the notice shall comply with the provisions. Failure to comply with this provision is unlawful.

B. *Penalty.* If not removed within the time specified on notice, the vehicle will be transported to a storage facility designated by the Chief of Police or his/her authorized agent. It shall be stored for a period of at least ninety (90) days. The owner may redeem the vehicle by payment of cost incurred for removal and storage.

1. If the vehicle is unredeemed after ninety (90) days, the Chief of Police may authorize its sale. Any proceeds will be applied to

expenses incurred. If it is ascertained that said vehicle has no value, it will be disposed of.

2. Ten (10) days prior to and no less than thirty (30) days following the sale of the vehicle, the Chief of Police shall cause to be posted in the City Hall, place of storage and at least one (1) public place a notice of sale stating:

   a. The City of Country Club Hills is selling abandoned property,

   b. The color, make, year, VIN (vehicle identification number) and all information necessary for accurate identification of said vehicle,

   c. Date, time, place of sale, and

   d. Terms of sale.

Section 375.050. Processing Fee per Vehicle for the Release of Motor Vehicles Towed or Impounded. [Ord. No. 620 §1, 4-14-1998]

A processing fee of twenty dollars ($20.00) per motor vehicle shall be charged for the processing of the necessary paper work to release motor vehicles towed or impounded by the City of Country Club Hills.

Chapter 380

VEHICLE EQUIPMENT

ARTICLE I
Light Regulations

Section 380.010. When Lights Required.

A. "*When lighted lamps are required*" means at any time from a half (½) hour after sunset to a half (½) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle's windshield wipers to operate the vehicle in a careful and prudent manner as defined in Section 304.012, RSMo. The provisions of this Section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner.

B. *When Lights Required — Violation — Penalty.*

1. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.

2. Notwithstanding the provisions of Section 307.120, RSMo., or any other provision of law, violation of this Section shall be deemed an infraction and any person who violates this Section as it relates to violations of the usage of lighted lamps required due to weather conditions or fog shall only be fined ten dollars ($10.00) and no court costs shall be assessed.

Section 380.020. Headlamp on Motor Vehicles.

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

Section 380.030. Multiple-Beam Headlamps — Arrangement.

A. Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so

arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.

2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

Section 380.040. Dimming of Lights — When.

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

Section 380.050. Taillamps — Reflectors.

A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.

C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this Article and shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.

D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an infraction.

Section 380.060. Auxiliary Lamps — Number — Location.

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands.

Section 380.070. Cowl, Fender, Running Board and Backup Lamps.

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp, except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

Section 380.080. Spotlamps.

Any motor vehicle may be equipped with not to exceed one (1) spotlamp but every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person.

Section 380.090. Colors of Various Lamps — Restriction of Red Lights.

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowllamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle, upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.

Section 380.100. Limitations on Lamps Other Than Headlamps — Flashing Signals Prohibited Except on Specified Vehicles.

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in Section 300.010 of this Title and on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship and on commercial passenger transport vehicles that are stopped to load or unload passengers, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

Section 380.110. Limitation on Total of Lamps Lighted at One Time.

At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this Article required is also equipped with any auxiliary lamps or a spotlamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Section 380.120. Other Vehicles — How Lighted.

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern

exhibiting a red light visible from a distance of five hundred (500) feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle.

Section 380.130. Animal-Driven Vehicles — Lighting Requirements — Penalty.

A. Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this City any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half (½) hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons, there shall be no less than seven (7) of such buttons covering an area equal to a circle with a three (3) inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°) and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet.

B. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half (½) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this City. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet.

C. Any person operating an animal-driven vehicle during the hours between sunset and one-half (½) hour before sunrise may, in lieu of the requirements of Subsection (B) of this Section, use lamps or lanterns complying with the rules promulgated by the Director of the Department of Public Safety.

D. Any person violating the provisions of this Section shall be guilty of an ordinance violation.

ARTICLE II
Other Vehicle Equipment

Section 380.140. Other Equipment of Motor Vehicles.

A. *Signaling Devices.* Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.

B. *Muffler Cutouts.* Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open, or be opened or operated, while such vehicle is in motion.

C. *Brakes.* All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.

D. *Mirrors.* All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.

E. *Projections On Vehicles.* All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.

F. *Towlines.* When one vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the

connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. The provisions of this Subsection shall also not apply to farm implements or to any vehicle which is not required to be registered.

G. *Commercial Motor Vehicles And Trailers.* When being operated on any highway, street or road of this City, commercial motor vehicles and trailers shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment required by the State in such condition so as to obtain a certificate of inspection and approval as required by the provisions of Section 307.360, RSMo.

H. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways, streets or roads of this City.

Section 380.150. Loads Which Might Become Dislodged to Be Secured — Failure — Penalty.

A. All motor vehicles and every trailer and semi-trailer operating upon the public highways, streets or roads of this City and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.

B. Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be an ordinance violation, and any person convicted thereof shall be punished as provided by Section 100.220 of this Code.

Section 380.160. Seat Belts.

A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.

B. As used in this Section, the term "*passenger car*" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term "passenger car" shall

not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the City, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this City shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section and Section 380.170 of this Chapter, shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this Subsection shall not apply to the transporting of children under sixteen years of age, as provided in Section 380.170 of this Chapter.

D. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Section 380.170 of this Chapter.

E. Except as otherwise provided for in Section 380.170 of this Chapter, each person found guilty of violating the provisions of Subsection (B) of this Section is guilty of an infraction for which a fine not to exceed ten dollars ($10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section.

F. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this Subsection is not in violation of this Section. This Subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under Section 302.178, RSMo.

Section 380.170. Transporting Children Under Sixteen Years of Age — Restraint Systems.

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

CHILD BOOSTER SEAT — A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R 571.213, as amended, that is designed to elevate a child to properly sit in a Federally approved safety belt system.

CHILD PASSENGER RESTRAINT SYSTEM — A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

DRIVER — A person who is in actual physical control of a motor vehicle.

B. Every driver transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this City, for providing for the protection of such child as follows:

1. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.

2. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.

3. Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds, and who are also less than four (4) feet nine (9) inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child.

4. Children at least eighty (80) pounds or children more than four (4) feet, nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.

5. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

6. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this Subsection is not in violation of this Section.

This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

C. Any driver who violates Subdivision (1), (2), or (3) of Subsection (B) herein, is guilty of an infraction and upon conviction may be punished by a fine of not more than fifty dollars ($50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein, is guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars ($50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein, shall be subject to the penalty in Subsection (C) of Section 380.160 of this Chapter. If a driver receives a citation for violating Subdivision (1), (2) or (3) of Subsection (B) herein, the charges shall be dismissed or withdrawn if the driver prior to or at his/her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the Court or the party responsible for prosecuting the driver's citation.

D. The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo.

Section 380.180. Vision-Reducing Material Applied to Windshield or Windows Without Permit Prohibited — Penalty — Rules — Procedure.

A. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent (3%). Except as provided in Subsection (C) of this Section, any sun-screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection may be issued by the Department of Public Safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second

degree of consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person who resides in the household. Except as provided in Subsection (B) of this Section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited.

B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

C. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section.

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

Section 380.190. Headgear Required — Motorcycles or Motortricycles.

A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this City shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.

B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an infraction for which a fine not to exceed twenty-five dollars ($25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to Section 302.302, RSMo., for a failure to wear such protective headgear.

Section 380.200. Studded Tires — Prohibited When.

No person shall operate any motor vehicle upon any road or highway of this City between the first (1st) day of April and the first (1st) day of November while the motor vehicle is equipped with tires containing metal or carbide studs.

Section 380.210. Restriction on Use of Metal-Tired Vehicles.

A. No metal-tired vehicle shall be operated over any of the improved highways of this City, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road

wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire unless the highway is protected by putting down solid planks or other suitable material or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.

B. No tractor, tractor engine or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.

C. Any person violating this Section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction.

Section 380.220. Passengers in Trucks.

A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.

B. No person shall operate any truck, as defined in Subsection (A) of this Section, with a licensed gross weight of less than twelve thousand (12,000) pounds on any highway which is part of the State or Federal highway system or when such truck is operated within the corporate limits of the City when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation.

C. The provisions of this Section shall not apply to:

1. Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;

2. Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;

3. Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law;

4. Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck;

5. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purpose of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. "*Special event*", for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;

6. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or

7. Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in the truck. For the purposes of this Section, the term "*family*" shall mean any persons related within the first degree of consanguinity.

Section 380.230. Altering Passenger Motor Vehicle by Raising Front or Rear of Vehicle Prohibited, When — Bumpers Front and Rear Required, When Certain Vehicles Exempt.

A. No person shall operate any passenger motor vehicle upon the public streets or highways of this City, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle.

B. Every motor vehicle which is licensed in this State and operated upon the public streets or highways of this City shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This Subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes, while such vehicles are in tow, or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original

design of such vehicles did not include bumpers nor shall the provisions of this Subsection prohibit the use of drop bumpers. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	**Maximum rear bumper height**
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR) 4,500 lbs. and under	24 inches	26 inches
4,501 lbs. through 7,500 lbs.	27 inches	29 inches
7,501 lbs. through 9,000 lbs.	28 inches	30 inches
9,001 lbs. through 11,500 lbs.	29 inches	31 inches

Chapter 385

BICYCLES AND MOTORIZED BICYCLES

Section 385.010. Bicycle and Motorized Bicycle — Defined.

As used in this Chapter, the following terms shall mean:

BICYCLE — Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except scooters and similar devices.

MOTORIZED BICYCLE — Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

Section 385.020. Brakes Required.

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

Section 385.030. Lights and Reflectors — When Required — Standards to Be Met.

A. Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:

1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;

2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;

3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver

under the lawful lower beams of vehicle headlights at two hundred (200) feet; and

4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

Section 385.040. Rights and Duties of Bicycle and Motorized Bicycle Riders.

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

Section 385.050. Riding to Right — Required for Bicycles and Motorized Bicycles — Mandatory Use of Bicycle Path by Bicycles.

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

Section 385.060. Bicycle to Operate on the Shoulder Adjacent to Roadway, When — Roadway Defined.

A. A person operating a bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 385.050 of this Chapter or may operate on the shoulder adjacent to the roadway.

B. A bicycle operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.

C. For purposes of this Section and Section 385.050, "*roadway*" means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Section 385.070. Bicycle Required to Give Hand or Mechanical Signals.

The operator of a bicycle shall signal as required in Section 340.180 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle. An operator of a bicycle intending to turn the bicycle to the right shall signal as indicated in Section 340.180 of this Title or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.

Section 385.080. Penalty for Violation.

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

Section 385.090. Motorized Bicycles — License Required.

A. No person shall operate a motorized bicycle on any highways, streets or roads in this City unless the person has a valid license to operate a motor vehicle.

B. No motorized bicycle may be operated on any public thoroughfare located within this City which has been designated as part of the Federal interstate highway system.

Section 385.100. Equipment Required.

No person shall operate a motorized bicycle on any highways, streets or roads in this City unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission.

Section 385.110. Riding on Handlebars Prohibited. [Ord. No. 193 Art. 1 §11-49, 5-15-1952]

It shall be unlawful for the operator of any bicycle or motorcycle, when upon the street, to carry any other person upon the handlebar, frame or tank of any such vehicle or for any person to so ride upon any such vehicle.

Chapter 390

LICENSING REQUIREMENTS

ARTICLE I
Operator's Licenses

Section 390.010. Driving While License Suspended or Revoked.[23]

A person commits the offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended or revoked.

Section 390.020. Operation of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License.[24]

A. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 390.040, to:

1. Operate any vehicle upon any highway in this City unless the person has a valid license as required by Chapter 302, RSMo., or a temporary instruction permit issued in compliance with Section 302.130, RSMo., or an intermediate driver's license issued in compliance with Section 302.178, RSMo., in his/her possession;

2. Operate a motorcycle or motortricycle upon any highway of this City unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;

3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

4. Operate a motor vehicle with an instruction permit, intermediate driver's license or license issued to another person;

5. Operate a motor vehicle in violation of the provisions of Sections 302.130 and 302.178, RSMo., regarding accompaniment by a qualified driver or stated hours of operation; or

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

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

6. Drive a commercial motor vehicle, unless fully licensed in compliance with Chapter 302, RSMo., except when operating under an instruction permit as provided for in Section 302.720, RSMo.

Section 390.025. Effect of Revocation — Penalty.

Any resident or non-resident whose license, right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in Sections 302.010 — 302.540, RSMo., shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under Sections 302.010 — 302.540, RSMo. Violation of any provision of this Section is a misdemeanor and on conviction therefor a person shall be punished as prescribed by Section 302.321, RSMo.

Section 390.030. Prohibited Uses of License.

A. It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;

2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;

3. Display or to represent as one's own any license not issued to the person so displaying the same;

4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director any license which has been suspended, canceled, disqualified or revoked as provided by law;

5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;

6. Knowingly conceal a material fact or otherwise commit a fraud in any such application;

7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;

8. Employ a person to operate a motor vehicle in the transportation of persons or property with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or

disqualified or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;

9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license; or

10. Fail to carry his/her instruction permit, valid operator's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator.

Section 390.040. Exemptions From License Law.

A. The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;

2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;

3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.; or

4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows — driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent — may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

ARTICLE II
Vehicle Licensing

Section 390.050. State Vehicle License Plates Required.

No person shall operate or park any motor vehicle or trailer upon any street or highway of this City unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this City, provided the motor vehicle or trailer has been duly registered for the current year in the State, country or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this City, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

Section 390.055. Registration of Motor Vehicles Operated for First Time in State.

Application for registration of a motor vehicle not previously registered in Missouri, operated for the first time on the public highways of this State, and previously registered in another State shall be made within thirty (30) days after the owner of such motor vehicle has become a resident of this State.

Section 390.060. Method of Displaying License Plates.

No motor vehicle or trailer shall be operated on any highway of this City unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue or the State Highways and Transportation Commission and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motor scooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up, or if two (2) plates are issued for the vehicle pursuant to Subsection (3) of Section 301.130, RSMo., displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by Section

301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

Section 390.070. Unauthorized Plates, Tags, Stickers, Signs.

No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for" or words of similar import as a substitute for such number plates or such placard.

Section 390.080. License Plates on Vehicles Displayed for Sale.

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates except those of the dealer or owner so displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

Section 390.090. Certificate of Ownership Required for Registered Vehicle.

It shall be unlawful for any person to operate in this City a motor vehicle or trailer required to be registered as provided by law unless a certificate of ownership has been issued.

Section 390.100. Transfer of Certificate of Ownership Upon Sale of Vehicle.

It shall be unlawful for any person to buy or sell in this City any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between the parties a certificate of ownership with an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

Section 390.110. Removal of Plates on Transfer of Vehicle — Use by Purchaser.

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach

the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days. As used in this Section, the term "*trade-in motor vehicle or trailer*" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

Section 390.120. Sale by Dealer.

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days after taking possession thereof if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents ($10.50), to be returned to the buyer upon return of the number plates, as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days.

Section 390.130. False Information by Dealer.

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

ARTICLE III
Miscellaneous Provisions

Section 390.140. Financial Responsibility Required.

A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle registered, or maintain registration of a motor vehicle, or permit another person to operate such vehicle upon the streets or the alleys of this City unless the owner maintains the financial responsibility as required in this Section which conforms to the requirements of the laws of this State. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.

B. For purposes of this Section, the term "*financial responsibility*" shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars ($25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars ($50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand dollars ($10,000.00) because of injury to or destruction of property of others in any one (1) accident.

C. Proof of financial responsibility may be shown by any of the following:

1. A current insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card.

2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.

3. A surety bond according to Section 303.230, RSMo.

D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.

E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time the Peace Officer wrote the citation.

F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars ($10.00) nor more than three hundred dollars ($300.00) for each and every violation.

Section 390.150. Display of False Evidence of Insurance — Penalty — Confiscation of False Evidence.

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of an ordinance violation.

Section 390.160. Alteration, Production or Sale of Invalid Insurance Card.

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of an ordinance violation.

Schedule I

SPEED LIMITS

Table I-A. Speed Limits.

In accordance with the provisions of Chapter 320, and when signs are erected giving notice thereof, it shall be unlawful for any person to drive a vehicle at a speed in excess of the speeds listed below on the streets as designated.

Street	Speed Limit
Lucas-Hunt Road	40 mph
West Florissant Avenue	35 mph

Schedule II

STOP SIGNS

Table II-A. Stop Signs. [Ord. No. 193 Art. 6 § 11-93, 5-15-1952; Ord. No. 246 §§ 3 — 7, 12-4-1957; Ord. No. 285 §§ 1 — 3, 7-7-1965; Ord. No. 469 § 1, 5-11-1983; Ord. No. 520 § 1, 3-13-1996; Ord. No. 590 § 1, 3-13-1996; Ord. No. 690 § 1, 6-13-2007; Ord. No. 723 § 1, 5-13-2009; Ord. No. 780 § 1, 10-10-2012]

As authorized by and in accordance with Sections 335.020 and 335.030 of this Title, when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection or other location, designated herein, before proceeding.

Street/Direction of Traffic

Calvin Avenue

- Eastbound and westbound, at McLaran Avenue
- Eastbound and westbound, at Sunbury Avenue
- Westbound, at Lucas and Hunt Road

Chandler Avenue

- Eastbound, at McLaran Avenue
- Eastbound and westbound, at Sunbury Avenue
- Southwest corner, at Calvin
- Westbound, at Lucas and Hunt Road

Curry Avenue

- Northbound, at Jenwood Avenue

Embury Court

- Northwest corner, at Sharon

Street/Direction of Traffic

Esterbrook Drive

Northeast corner, at Sharon Court

Southwest corner, at Sharon Court

Westbound at Sharon Drive

Eunice Avenue

Eastbound, at a point 386 feet from the southwest corner of Curry and Victory Streets

Eastbound and westbound, at Sunbury Avenue

Westbound, at Lucas and Hunt Road

Westbound, at a point 286 feet from Statler Avenue

Gatesworth

Northwest corner, at Eunice

Greenport

Northwest corner, at Sharon

Jenwood Avenue

Eastbound and westbound, at McLaran Avenue

Eastbound and westbound, at Sunbury Avenue

Westbound, at Lucas and Hunt Road

Leverette

Northwest corner, at Eunice

Southeast corner, at Jenwood

McLaran Avenue

Northbound, at Harney Avenue

Northbound, at Marge Avenue

Northbound and southbound, at West Florissant Avenue

Osborn Drive

Southwestbound, at West Florissant Avenue

Pleaseway Drive

Westbound, at Sunbury Avenue

Ralston Court

Southeast corner, at Sharon

Sharon Court

Southeast corner, at Esterbrook

Sharon Drive

Southbound, at Esterbrook Drive

Street/Direction of Traffic

Westbound, at Sunbury Avenue

Statler

Northwest corner, at Eunice

Southeast corner, at Jenwood

Sunbury Avenue

Northbound, at Sharon Drive

Northbound and southbound, at Eunice Avenue

Victory Court

Northeast corner, at Curry

Schedule III

PARKING RESTRICTIONS

Table III-A. Parking Restrictions. [Ord. No. 193 Art. 4 §§ 11-84 — 11-86, 5-15-1952; Ord. No. 253 § 1, 1-1960; Ord. No. 325 § 1, 4-11-1973; Ord. No. 334 § 1, 6-19-1974; Ord. No. 364 § 1, 6-9-1976; Ord. No. 381 § 1, 7-13-1977; Ord. No. 393 § 1, 4-12-1978; Ord. No. 587 § 1, 12-13-1995]

As authorized by and in accordance with Section 355.010 of this Title, it shall be unlawful for the operator of a motor vehicle to stop, stand or park said motor vehicle at any one time or instance or location, as designated herein, except when necessary to avoid a conflict with the directions of a Police Officer or traffic control sign or signal.

Location	Restriction
Eunice Avenue, north side, between Lucas-Hunt Road and Sunbury Avenue	Parking prohibited at all times
Jenwood Avenue, south side, between Lucas-Hunt Road and Sunbury Avenue	Parking prohibited at all times
Lucas-Hunt Road, west side, within the City limits	Parking prohibited at all times
Lucas-Hunt Road	Parking prohibited at all times
McLaran Avenue, west side, between Marge Avenue and Esterbrook Drive	Parking prohibited at all times
Sharon Avenue, east side, between Greenport Drive and Sunbury Avenue	Parking prohibited at all times
Sunbury Avenue, east or west side, between Jenwood Avenue and Florissant Avenue	Parking prohibited at all times

Location	Restriction
West Florissant Avenue	Parking prohibited at all times
Circular Courts:	
Embury Court	Prohibited parking on or near circular courts on Tuesdays and Fridays between the hours of 7:00 A.M. and 4:00 P.M. — on the roadway within twenty-five (25) feet of or on these designated courts
Greenport Drive	
Pleaseway Court	
Ralston Court	
Sharon Drive	

Schedule IV

THROUGH STREETS

Table IV-A. Through Streets. [Ord. No. 193 Art. 3 §§ 11-80 — 11-82, 5-15-1952; Ord. No. 246 § 2, 12-4-1957]

The following streets and parts of streets are hereby designated as through streets according to the terms and provisions of this Title.

Location
Lucas-Hunt Road
McLaran Avenue
Sunbury Avenue
West Florissant Avenue

Schedule V

ELECTRIC TRAFFIC SIGNALS

Table V-A. Electric Traffic Signals. [Ord. No. 269 §§ 1, 3 — 4, 11-6-1961]

In accordance with Chapter 315, electric traffic signals are located at the following intersections.

Intersections
Lucas and Hunt Road and West Florissant Avenue
Sunbury Avenue and West Florissant

Flashing Red Lights:

Intersections

At the intersection of Lucas and Hunt Road and West Florissant Avenue — operator of motor vehicle shall bring said motor vehicle to a full and complete stop.

Exception: For traffic making a yielding right turn at all times for eastbound traffic on West Florissant Avenue turning south on Lucas and Hunt Road; and northbound traffic on Lucas and Hunt Road turning east on West Florissant Avenue.

Schedule VI

YIELDING RIGHT TURNS

Table VI-A. Yielding Right Turns. [Ord. No. 269 § 4, 11-6-1961]

Yielding right turns are allowed at all times at the following intersections.

Intersections

Yielding right turn at all times for southbound traffic on Lucas and Hunt Road turning west on West Florissant.

Yielding right turn at all times for northbound traffic on Lucas and Hunt Road turning east on West Florissant Avenue.

Turns must be made in a very careful, prudent and cautious manner, and the operator of vehicle making such a right turn shall yield the right-of-way to other traffic in the intersection.

Title IV Land Use

Chapter 400

PLANNING AND ZONING COMMISSION

Section 400.010. Composition — Terms — Vacancy — Removal.

There is hereby established within and for the City a Planning and Zoning Commission which shall consist of not more than fifteen (15) nor less than seven (7) members, including the Mayor, if the Mayor chooses to be a member; a member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Commission; and not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of

Aldermen may remove any citizen member for cause stated in writing and after public hearing.

Section 400.020. Compensation.

All citizen members of the Planning and Zoning Commission shall serve without compensation.

Section 400.030. Officers.

The Planning and Zoning Commission shall elect a Chairman from among the citizen members. The term of the Chairman shall be for one (1) year with eligibility for re-election.

Section 400.040. Meetings — Rules — Records.

The Planning and Zoning Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records.

Section 400.050. Expenditures.

The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within amounts appropriated for the purposes of the Board of Aldermen.

Section 400.060. Duty of Public Officials to Furnish.

All public officials shall upon request furnish to the Planning and Zoning Commission, within a reasonable time, all available information it requires for its works.

Section 400.070. General Powers.

In general, the Planning and Zoning Commission shall have the power necessary to enable it to perform its functions and promote City planning. The Planning and Zoning Commission shall have the power to perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Board as outlined in such Chapter.

Chapter 405

ZONING REGULATIONS

ARTICLE I
General Provisions

Section 405.010. Interpretation, Purpose and Conflict. [Ord. No. 164 §11, 6-26-1950]

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided however, that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easement, covenants or agreements, the provisions of this Chapter shall govern.

Section 405.020. Definitions. [Ord. No. 164 §1, 6-26-1950]

For the purpose of this Chapter, certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular. The word "*building*" includes the word "*structure*" and the word "*shall*" is mandatory and not directory.

ACCESSORY BUILDING — A subordinate building or portion of main building, the use of which is incidental to that of the main building.

ALLEY — A way which affords only secondary means of access to abutting property.

APARTMENT HOUSE — A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other.

BASEMENT — A story partly underground and having at least one-half (½) of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.

BOARDING HOUSE — A building, other than a hotel, where lodging and meals, or either, are served for compensation.

BUILDING — A structure having a roof supported by column or walls and when separated by a division wall without openings, each portion of such building shall be deemed a separate building except as provided in Sections 405.060 and 405.070.

BUILDING, HEIGHT OF — The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof, to the deck line of mansard roofs and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. For buildings set back from the street line the

height of the building may be measured from the average elevation of the finished grade along the front of the building.

BUSINESS — Includes the commercial and industrial uses and districts as herein defined.

CELLAR — A story having more than one-half (½) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.

CURB LEVEL — The level of the established curb in front of the building measured at the center of such front. Where no curb has bean established, the Street Commissioner shall establish such curb level or its equivalent for the purpose of this Chapter.

DWELLING, ONE-FAMILY — A detached or semi-detached building designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY — A detached or semi-detached building designed for or occupied exclusively by two (2) families living independently of each other.

DWELLING, MULTIPLE — A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking in said building, including apartments, apartment hotels and group houses.

FAMILY — One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, a lodging house or hotel as herein defined.

GARAGE, PRIVATE — An accessory building with capacity for not more than two (2) self-propelled vehicles for storage only. Provided however, a private garage may exceed a two (2) vehicle capacity if the lot whereon such garage is located contains not less than two thousand (2,000) square feet for each vehicle stored.

GARAGE, PUBLIC — A building, other than a private or storage garage, used for the care, repair of equipment of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale.

GARAGE, STORAGE — A building or portion thereof, other than a private garage, used exclusively for paring or temporary storage of self-propelled vehicles.

GROUP HOME — Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

GROUP HOUSES — A group of detached or semi-detached dwellings not more than two (2) rooms deep facing upon a place as herein defined.

HOTEL — A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there

are more than twelve (12) sleeping rooms, usually occupied singly, and no provision made for cooking in any individual room or apartment.

HOUSE TRAILER — A non-self-propelled vehicle containing living or sleeping accommodations which is designed or used for highway travel, whether on wheels or not.

LODGING HOUSE — A building, other than a hotel, where lodging is provided for compensation.

LOT — Land occupied or to be occupied by a building and its accessory buildings together with such
open spaces as are required under this Chapter and having its principal frontage upon a street or officially approved place.

LOT, CORNER — A lot situated at the junction of two (2) or more streets.

LOT DEPTH — The "depth of a lot" is the average horizontal distance from the front street line to the rear line.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINES — The lines bounding a lot as defined herein.

LOT OF RECORD — A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder of St. Louis County.

LOT, THROUGH — An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT WIDTH — The "width of a lot" is the average horizontal distance between the side lines.

NON-CONFORMING USE — A building or land occupied by a use that does not conform to the regulations of the use district in which it is situated.

PARKING AREA, PUBLIC — An open area, other than a street, alley or place, used for the temporary parking of more than four (4) self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

PARKING AREA, SEMI-PUBLIC — An open area, other than a street, alley or place, used for temporary parking of more than four (4) self-propelled vehicles as an accessory use to semi-public institutions, schools, churches, hospitals and non-commercial clubs.

PLACE — An open unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

PORCH — A portion of the main building, having a floor and roof, which may be equipped with removable or interchangeable sash and screens, provided that when such space is enclosed with permanent windows or sash, it shall be classified as a room and not a porch.

STABLE, PRIVATE — A separate accessory building for housing horses, mules or cows, where such horses, mules or cows are owned by the owners or occupants of the premises and not kept for remuneration, hire or sale.

STABLE, PUBLIC — A stable other than a private stable.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it; provided that every such story shall have a ceiling height of lot less than eight (8) feet for sixty percent (60%) of the floor area thereof.

STORY, HALF — A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

STREET — A thoroughfare which affords principal means of access to abutting property.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE — Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground.

TOURIST CAMP — A group of attached or detached buildings containing individual sleeping or living units for overnight tourists with garage attached or parking facilities conveniently located to each such unit.

USED CAR JUNK AREA — An open area, other than a street, alley or place, used for the dismantling or wrecking of used automobiles or the storage, sales or dumping of dismantled or wrecked cars or their parts.

USED CAR SALES AREA — An open area, other than a street, alley or place, used for the dismantelling or wrecking of used automobiles or the storage, sales or dumping of dismantled or wrecked cars or their parts.

YARD — An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT — A yard extending across the front of a lot between the inner side yard lines measured between:

1. The front line of the lot and the front line of the building, and
2. The front line of the lot and the nearest line of any porch or paved terrace.

YARD, REAR — A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the building.

YARD, SIDE — A yard between the building and the side line of the lot and extending from the street line to the rear yard.

Section 405.030. General Regulations. [Ord. No. 164 §2, 6-26-1950]

A. Except as hereinafter provided:

1. No building shall be erected, converted, reconstructed or structurally altered nor shall any building or land be used for any

purpose other than is permitted in the district in which said building or land is located.

2. No building shall be erected, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.

3. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Chapter, nor shall the density of population be increased in any number except in conformity with the area regulations herein established.

4. No yard or other area space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building, except as expressly provided herein.

5. No building shall hereafter be erected or structurally altered unless located on a lot as herein defined, and in no case shall there be more than one (1) building on one (1) lot except as hereinafter provided.

ARTICLE II
Designation of Districts and District Regulations

Section 405.040. Designation of Districts. [Ord. No. 164 §3, 6-26-1950; Ord. No. 183 §1, 11-21-1951; Ord. No. 245 §4, 11-6-1957; Ord. No. 357 §2, 9-17-1975]

In order to regulate and restrict the location of trades and industries and the location of buildings erected or altered for specified uses and to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces and to regulate and limit the density of population, the City of Country Club Hills is hereby divided into districts of which there shall be four (4) known as:

"A" Single-Family District

"B" Commercial District

"C" Commercial District

"D" Commercial District

The City of Country Club Hills is hereby divided into the four (4) districts aforesaid and the boundaries of such districts are shown upon the map which is on file in the City offices and made a part of this Chapter being designated as the "District Map", and said map and all the notations, references and of other information shown thereon shall be as much a part of this Chapter as if the matter and information set forth by said map were all fully described herein.

Section 405.050. Interpretation of District Boundaries. [Ord. No. 164 §10, 6-26-1950]

A. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map which is on file in the City offices and made a part of this Chapter, the following rules shall apply:

   1. The district boundaries are either streets or alleys unless otherwise shown; and where the districts designated on the map which is on file in the City offices and made a part of this Chapter are bounded approximately by street or alley lines, said street or alley lines shall be construed to be the boundary of such district.

   2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines; and where the districts designated on the map which is on file in the City offices and made a part of this Chapter are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such district unless said boundaries are otherwise indicated on the map.

3. In unsubdivided property, the district boundary lines on the map which is on file in the City offices and made a part of this Chapter shall be determined by use of the scale contained on such map.

Section 405.060. "A" Single-Family District. [Ord. No. 164 §3, 6-26-1950; Ord. No. 245 §1, 11-6-1957]

A. *Use Regulations.* In the "A" Single-Family District, no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Chapter, except for one (1) or more of the following uses:

1. Single-family dwellings.

2. Churches

3. Schools, elementary and high.

4. Museums, libraries, parks, playgrounds, municipal buildings, or community centers owned and operated by the City of Country Club Hills.

5. Golf courses, except practice courses or areas operated for profit.

6. Farming and truck gardening.

7. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.

8. Accessory buildings, including one (1) private garage, when located not less than sixty (60) feet from the front lot line nor less than six (6) feet from any other street line or a private garage constructed as a part of the main building. Carports may be constructed in accordance with the following specifications:

   a. Any walls thereon limited to a maximum of two (2) feet from top level of floor.

   b. Roof to conform to that existing on remainder of building.

   c. Length of any locker erected not to exceed one-half (½) the width of the shortest side of the carport and not to exceed seven (7) feet in height.

9. Uses customarily incident to any of the above uses when situated in the same dwelling, such as the office of a physician, surgeon, dentist or artist.

B. *Height And Area Regulations.* In the "A" Single-Family District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

1. *Height.* No building hereafter erected or structurally altered shall exceed one and one-half (1½) stories or twenty-five (25) feet.

2. *Rear yard.* There shall be a rear yard having a depth of not less than thirty (30) feet.

3. *Side yard.* On interior lots, the combined side yard width shall be not less than ten (10) feet, provided however, that the minimum side yard shall be not less than three (3) feet and that side yards of the adjoining lots shall be so located that there shall be a minimum of ten (10) feet between buildings on such adjoining lots.

   On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty percent (50%) of the front yard required on the lots in the rear of such corner lot and no accessory building on said corner lot shall project beyond the front yard line of the lots in the rear; provided however, that this regulation shall not be so interpreted as to reduce the buildable width, after providing the required interior side yard, of a corner lot facing an intersecting street and of record at the time of passage of this Chapter to less than twenty-four (24) feet nor to prohibit the erection of accessory building where this regulation cannot be reasonably complied with.

4. *Front yard.* There shall be a front yard of not less than twenty-five (25) feet to the front line of the building and not less than twenty (20) feet to the front line of a porch or paved terrace, provided however, that:

   a. Where lots comprising forty percent (40%) or more of the frontage along one (1) side of a street between two (2) intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, this line may be observed, provided that no building hereafter erected or structurally altered shall project beyond the average front yard line so established; provided further, that this regulation shall not be interpreted as to require a front yard of more than fifty (50) feet.

   b. When the building line shown on the plot of record is less than twenty-five (25) feet, this line may be observed provided observance thereof does not conflict with the paragraph next above.

5. *Lot area per family.* Every dwelling hereafter erected or structurally altered shall provide a lot area of not less than five thousand (5,000) square feet per family, and every lot shall have a minimum width of forty-five (45) feet. Provided however, that where a lot has less area, frontage or depth than herein required

and was of record at the time of passage of this Chapter, said lot may be occupied by not more than one (1) family.

6. *Signs.* Name plates not exceeding one (1) square foot in area; temporary signs not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises; one (1) name plate, name sign or bulletin board at the entrance to a church or similar institution not exceeding twenty-five (25) square feet in area; provided however, that no advertising sign or bulletin board of any other character shall be permitted in any single family district.

Section 405.070. "B" Commercial District. [Ord. No. 164 §4, 6-26-1950; Ord. No. 243 §1, 7-17-1957; Ord. No. 245 §2, 11-6-1957; Ord. No. 247 §1, 1-8-1958; Ord. No. 249 §1, 6-4-1958]

A. *Use Regulations.* In the "B" Commercial District, no buildings or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Chapter, except for one (1) or more of the following uses:

1. Bakery, provided that all goods produced are sold at retail on the premises, and that not more than five (5) persons are employed in the operation of such business.

2. Barbershop or beauty parlor.

3. Book or stationery store

4. Cleaning and dyeing agency or pressing establishment, provided that there shall not be more than two (2) pressing machines and that no cleaning process shall be established on the premises and, provided further, that there shall not be more than five (5) persons engaged in the operation of such business.

5. Confectionery store.

6. Dressmaking establishment.

7. Drug store.

8. Dry goods or notion store.

9. Florist or gift shop.

10. Groceries, fruit or vegetable store.

11. Hardware and electrical appliance store.

12. Jewelry store.

13. Laundry agency or launderette.

14. Meat market or delicatessen store.

15. Millinery shop.

16. Office, either business or professional.

17. Photographer.

18. Restaurants, tea room or cafe, excluding dancing or entertainment.

19. Shoe store or shoe repair shop.

20. Tailer, clothing or wearing apparel shop.

21. Motor vehicle glass replacement shop.

22. Retail tire and auto accessory store with facilities for alignment and mounting of same.

23. Package liquor store.

All of the above specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively and shall comply with the following conditions:

a. Such stores, shops or businesses shall be conducted wholly within an enclosed building, unless otherwise specifically permitted.

b. All products, whether primary or incidental, shall be sold at retail on the premises and not more than twenty-five percent (25%) of the floor area of any store or shop shall be devoted to production or storage incidental to the primary use thereof.

c. Such uses, operations or productions shall not be objectionable due to odor, dust, smoke, noise, vibrations or other similar cause.

d. Any exterior sign displayed shall pertain only to the use conducted within the building and such sign shall be attached flat against the wall of the building or may project therefrom a distance not to exceed four (4) feet six (6) inches, provided such sign shall not be more than five (5) feet in height, provided further, that on a corner lot no such sign shall be placed on the side thereof farther than fifty (50) feet from the principal street.

B. *Use Exceptions.* No residential occupancy or use shall be established in the "B" Commercial District except by approval of the Board of Adjustment and provided that before an appeal for such occupancy or use shall be submitted to said Board, plan for the design of the buildings and structures to be so used shall have been approved by the neighborhood committee of the City of Country Club Hills as established by the restrictions covering Country Club home sites.

C. *Height And Area Regulations.* In the "B" Commercial District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows; provided however, that buildings erected for dwelling purposes, when specifically permitted, shall comply with the front, rear and side yard regulations of the "A" Single-Family District:

1. *Height.* No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet.

2. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet.

3. *Side yard.* Where a lot abuts upon the side of a lot zoned for dwelling purpose, there shall be a side yard of not less than five (5) feet. In other cases, a side yard for a business building shall not be required, but if provided, it shall be not less than three (3) feet.

4. *Front yard.* There shall be a front yard of not less than fifteen (15) feet to the front line of any structure.

5. *Lot area per family.* Every building hereafter erected or structurally altered in which residential occupancy shall have been specifically permitted, as herein provided, on the ground floor of such building, shall provide a lot area for such residential occupancy of not less than three thousand (3,000) square feet per family, provided that where such occupancy may be permitted in conjunction with a business occupancy, the minimum lot area shall be not less than seven thousand (7,000) square feet. Provided however, that where a lot has less area, frontage or depth than herein required and was of record at the time of the passage of this Chapter, said lots may be occupied for business purposes only.

6. *Parking area.* All commercial buildings for retail purposes having a floor area in excess of two thousand (2,000) square feet devoted to business shall provide off-the-street parking space for automobiles in the ratio of one (1) car space for every three hundred (300) square feet or fraction thereof of such excess area.

D. *Signs.* All proposed signs shall be regulated and restricted in the following manner:

1. Any exterior signs displayed shall pertain only to the use conducted within the building.

2. Each business shall be permitted one (1) sign which shall be attached flat against the wall of the building or may project therefrom a distance not to exceed four (4) feet six (6) inches, providing such sign shall not be more than five (5) feet in height; provided therefore further, that on a corner lot no such sign shall be placed on the side thereof farther than fifty (50) feet from the principal street. In addition to this sign each business shall be

permitted one (1) sign erected on a post or posts not attached to the building. Such signs shall be a minimum of twelve (12) feet off of the ground and shall not be larger than twenty-five (25) square feet. The narrowest part of said sign shall be at least five (5) feet from the front lot line of any line.

3. In addition all business establishments shall be permitted portable signs not to exceed two (2) in number nor to exceed ten (10) square feet in size.

4. All signs that rotate and flash are forbidden as well as stick signs with running bulbs running out and back. All residential for sale signs in the City are limited to two (2) feet by three (3) feet in size.

Section 405.080. "C" Commercial District. [Ord. No. 183 §2, 11-21-1951; Ord. No. 245 §3, 11-6-1957; Ord. No. 249 §2, 6-4-1958; Ord. No. 288 §1, 8-4-1965; Ord. No. 357 §1, 9-17-1975]

A. *Use Regulations.* In the "C" Commercial District, no buildings or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Chapter, except for one (1) or more of the following uses:

1. Bakery, provided that all goods produced are sold at retail on the premises and that not more than five (5) persons are employed in the operation of such business.

2. Barbershop or beauty parlor.

3. Book or stationery store.

4. Cleaning and dyeing agency or pressing establishment, provided that there shall not be more than two (2) pressing machines and that no cleaning process shall be established on the premises and, provided further, that there shall not be more than five (5) persons engaged in the operation of such business.

5. Confectionery store.

6. Dressmaking establishment.

7. Drug store.

8. Dry goods or notion store.

9. Florist or gift shop.

10. Groceries, fruit or vegetable store.

11. Hardware and electrical appliance store.

12. Jewelry store.

13. Laundry agency or launderette.

14. Meat market or delicatessen store.

15. Millinery shop.

16. Office, either business or professional.

17. Photographer.

18. Restaurant, tea room or cafe, excluding dancing or entertainment.

19. Shoe store or shoe repair shop.

20. Tailor, clothing or wearing apparel shop.

21. Drive-in restaurant.

22. Nursery and/or landscaping service.

All of the above specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively and shall comply with the following conditions:

a. Such stores, shops or businesses, except nursery and/or landscaping service and drive-in restaurants with special permit, shall be conducted wholly within an enclosed building, unless otherwise specifically permitted.

b. All products, whether primary or incidental, shall be sold at retail on the premises and not more than twenty-five percent (25%) of the floor area of any store or shop shall be devoted to production or storage incidental to the primary use thereof.

c. Such uses, operations or productions shall not be objectionable due to odor, dust, smoke, noise, vibrations or other similar cause.

d. Any exterior sign displayed shall pertain only to the use conducted within the building and such sign shall be attached flat against the wall of the building or may project therefrom a distance not to exceed four (4) feet six (6) inches, provided such sign shall not be more than five (5) feet in height; provided further, that on a corner lot no such sign shall be placed on the side thereof farther than fifty (50) feet from the principal street.

B. *Use Exceptions.* No residential occupancy or use shall be established in the "C" Commercial District except by approval of the Board of Adjustment and provided that before an appeal for such occupancy or use shall be submitted to said Board, plan for the design of the buildings and structures to be so used shall have been approved by the neighborhood committee of the City of Country Club Hills as established by the restrictions covering Country Club homesites.

C. *Height And Area Regulations.* In the "C" Commercial District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows; provided however, that buildings erected for dwelling purposes, when specifically permitted, shall comply with the front, rear and side yard regulations of the "A" Single-Family District:

1. *Height.* No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet.

2. *Side yard.* Where a lot abuts upon the side of a lot zoned for dwelling purposes, there shall be a side yard of not less than five (5) feet. In other cases a side yard for a business building shall not be required, but if provided, it shall be not less than three (3) feet.

3. *Front yard:* There shall be a front yard of not less than fifteen (15) feet to the front line of any structure.

4. *Lot area per family.* Every building hereafter erected or structurally altered in which residential occupancy shall have been specifically permitted, as herein provided, on the ground floor of such building shall provide a lot area for such residential occupancy of not less than three thousand (3,000) square feet per family, provided that where such occupancy may be permitted in conjunction with a business occupancy, the minimum lot area shall be not less than seven thousand (7,000) square feet. Provided however, that where a lot has less area, frontage or depth than herein required and was of record at the time of the passage of this Chapter, November 21, 1951, said lots may be occupied for business purposes only.

5. *Parking area.* All commercial buildings for retail purposes having a floor area of two thousand (2,000) square feet or less devoted to business shall provide off-the-street parking space for automobiles in the ratio of one (1) car space for every two hundred (200) square fee or fraction thereof of such area. All commercial buildings for retail purposes having a floor area in excess of two thousand (2,000) square feet devoted to business shall provide off-the-street parking space for automobiles in the ratio of one (1) car space for every three hundred (300) square feet or fraction thereof of such excess area.

D. *Signs.* All proposed signs shall be regulated and restricted in the following respects:

1. Any exterior signs displayed shall pertain only to the use conducted within the building.

2. Each business shall be permitted one (1) sign which shall be attached flat against the wall of the building or may project therefrom a distance not to exceed four (4) feet six (6) inches, providing such sign shall not be more than five (5) feet in height; provided further, that on a corner lot no such sign shall be placed

on the side thereof farther than fifty (50) feet from the principal street. In addition to this sign each business shall be permitted one (1) sign erected on a post or posts not attached to the building. Such signs shall be a minimum of twelve (12) feet off the ground and shall not be larger than twenty-five (25) square feet. The narrowest part of said sign shall be at least five (5) feet from the front line of any lot.

3. In addition all business establishments shall be permitted portable signs not to exceed two (2) in number nor to exceed ten (10) square feet in size.

4. All signs that rotate and flash are forbidden as well as stick signs with running bulbs running out and back. All resident for sale signs in the City are limited to two (2) feet by three (3) feet in size.

Section 405.090. "D" Commercial District. [Ord. No. 183 §3, 11-21-1951; Ord. No. 213 §§1 — 2, 10-7-1953; Ord. No. 249 §3, 6-4-1958; Ord. No. 288 §2, 8-4-1965; Ord. No. 401 §1, 8-9-1978]

A. *Use Regulations.* In the "D" Commercial District, no buildings or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Chapter except for one (1) or more of the following uses:

1. Bakery, provided that all goods produced are sold at retail on the premises and that not more than five (5) persons are employed in the operation of such business.

2. Barbershop or beauty parlor.

3. Book or stationery store.

4. Cleaning and dyeing agency or pressing establishment, provided that there shall not be more than two (2) pressing machines and that no cleaning process shall be established on the premises and, provided further, that there shall not be more than five (5) persons engaged in the operation of such business.

5. Confectionery store.

6. Dressmaking establishment.

7. Drug store.

8. Dry goods or notion store.

9. Florist or gift shop.

10. Groceries, fruit or vegetable store.

11. Hardware and electrical appliance store.

12. Jewelry store.

13. Laundry agency or launderette.

14. Meat market or delicatessen store.

15. Millinery shop.

16. Office, either business or professional.

17. Photographer.

18. Restaurant, tea room or cafe, excluding dancing or entertainment.

19. Shoe store or shoe repair shop.

20. Tailor, clothing or wearing apparel shop.

21. Gasoline station.

22. Automobile repair shop.

23. Upholstery shop.

All of the above specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively and shall comply with the following conditions:

a. Such stores, shops or businesses shall be conducted wholly within an enclosed building, unless otherwise specifically permitted.

b. All products, whether primary or incidental, shall be sold at retail on the premises and not more than twenty-five percent (25%) of the floor area of any store or shop shall be devoted to production or storage incidental to the primary use thereof.

c. Such uses, operations or productions shall not be objectionable due to odor, dust, smoke, noise, vibrations or other similar cause.

B. *Use Exceptions.* No residential occupancy or use shall be established in the "D" Commercial District except by approval of the Board of Adjustment and provided that before an appeal for such occupancy or use shall be submitted to said Board, plan for the design of the buildings and structures to be so used shall have been approved by the neighborhood committee of the City of Country Club Hills as established by the restrictions covering Country Club home sites.

C. *Height And Area Regulations.* In the "D" Commercial District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows; provided however, that buildings erected for dwelling purposes, when specifically permitted, shall comply with the front, rear and side yard regulations of the "A" Single-Family District:

1. *Height.* No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet.

2. *Side yard.* Where a lot abuts upon the side of a lot zoned for dwelling purposes, there shall be a side yard of not less than five (5) feet. In other cases, a side yard for a business building shall not be required, but if provided, it shall be not less than three (3) feet.

3. *Front yard.* There shall be a front yard of not less than fifteen (15) feet to the front line of any structure.

4. *Lot area per family.* Every building hereafter erected or structurally altered in which residential occupancy shall have been specifically permitted, as herein provided, on the ground floor of such building shall provide a lot area for such residential occupancy of not less than three thousand (3,000) square feet per family, provided that where such occupancy may be permitted in conjunction with a business occupancy, the minimum lot area shall be not less than seven thousand (7,000) square feet. Provided however, that where a lot has less area frontage or depth than herein required and was of record at the time of the passage of this Chapter, said lots may be occupied for business purposes only.

5. *Parking area.* All commercial buildings for retail purposes having a floor area of two thousand (2,000) square feet or less devoted to business shall provide off-the-street parking space for automobiles in the ratio of one (1) car space for every two hundred (200) square feet or fraction thereof of such area. All commercial buildings for retail purposes having a floor area in excess of two thousand (2,000) square feet devoted to business shall provide off-the-street parking space for automobiles in the ratio of one (1) car space for every three hundred (300) square feet or fraction thereof of such excess area.

D. *Signs.* All proposed signs shall be regulated and restricted in the following manner:

1. Any exterior signs displayed shall pertain only to the use conducted within the building.

2. Each business shall be permitted one (1) sign which shall be attached flat against the wall of the building or may project therefrom a distance not to exceed four (4) feet six (6) inches, providing such sign shall not be more than five (5) feet in height; provided further, that on a corner lot no such sign shall be placed on the side thereof farther than fifty (50) feet from the principal street. In addition to this sign each business shall be permitted one (1) sign erected on a post or posts not attached to the building. Such signs shall be a minimum of twelve (12) feet off of the ground and shall not be larger than twenty-five (25) square feet. The narrowest part of said sign shall be at least five (5) feet from the front lot line of any lot.

3. In addition all business establishments shall be permitted portable signs not to exceed two (2) in number nor to exceed ten (10) square feet in size.

   All signs that rotate and flash are forbidden as well as stick signs with running bulbs running out and back. All residential for sale signs in the City are limited to two (2) feet by three (3) feet in size.

E. *Conditional Land Use And Development Permit.*

1. A conditional land use and development permit may be issued for any area located in the "D" Commercial District for the use of said area as designated hereafter; said conditional land use and development permit may be issued, on application, by the Board of Aldermen of the City.

2. In considering the application for a conditional land use and development permit and in issuing same, the Board of Aldermen may impose any reasonable conditions and restrictions as it deems proper.

3. Designated uses for the conditional use and development permit shall be:

   a. Used car lot and business.

Section 405.100. "C" Commercial District and "D" Commercial District — Regulated and Governed by Chapter Provisions. [Ord. No. 183 §4, 11-21-1951]

Those districts created in Sections 405.080 and 405.090 shall also be regulated and governed by those provisions of these Zoning Regulations applicable to all commercial property and/or all commercial districts and not expressly limited by the provisions of said ordinance to any particular district, including all provisions of this Chapter relative to definitions, non-conforming uses, permissible exceptions, administration of the Board of Adjustment, occupancy, plans, determination of district boundaries, interpretation and purpose, manner of amendment, enforcement, violation and penalty; provided nothing in Sections 405.080 and 405.090 shall be construed to alter, amend or supersede provisions of this Chapter relative to "A" Single-Family District, Section 405.060.

Section 405.110. Permissible Exceptions. [Ord. No. 164 §6, 6-26-1950]

A. The foregoing requirements in the height and area districts shall be subject to the following exceptions and regulations:

1. An accessory building not exceeding twelve (12) feet in height may occupy not more than thirty percent (30%) of a required rear yard. There shall, however, be a minimum of ten percent (10%) of the

width of the lot between such building and the nearest side lot line, provided that such distance need not exceed three (3) feet. No garage shall be closer than five (5) feet to any alley or three (3) feet to any rear lot line.

2. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, buttresses, ornamental features, and eaves; provided however, that none of the above projections shall extend into a court more than six (6) inches nor into a minimum side yard more than twenty-four (24) inches.

ARTICLE III
Sign Regulations

Section 405.120. Residential Real Estate Signs. [Ord. No. 510 §1, 11-18-1987; Ord. No. 575 §1, 1994]

A. It is hereby declared that the dimensions and regulations for signs in residential zoned areas of the City of Country Club Hills advertising the sale, lease or exchange of real estate shall be as follows:

1. One (1) temporary non-illuminated sign which advertises the property for sale, lease or rental is permitted for each parcel of property. Said signs will be located at least ten (10) feet from the curb line.

2. Each such sign shall not exceed thirty (30) inches by twenty-four (24) inches but may have two (2) faces.

3. Each sign must be mounted in or on the ground and may not exceed a height of three (3) feet.

4. A "Sold" sign shall not exceed one (1) square foot and must be removed within five (5) days following removal of the property from the market.

5. A sign shall not be placed on any easement or public right-of-way but must be on the property offered for sale.

6. Before a permit for a real estate sign shall be issued and the sign installed, the property must have been registered in accordance with the ordinances of this City.

B. *Removal Of Prohibited And Non-Conforming Signs.*

1. In addition to any penalty which may be levied for violation of this Section, the Building Commissioner may remove or cause to be removed any prohibited signs.

2. Notice shall be posted at the premise where the sign was located stating that the sign was removed as evidence of a violation of this Section; that it will be held by the Building Commissioner and may be reclaimed at the City Hall by the owner of the sign.

3. The Building Commissioner, before returning the offending sign, shall determine that the person reclaiming the sign is the legal owner and take a receipt for the sign from that person. If the sign is not reclaimed within thirty (30) days, the Building Commissioner may properly dispose of the sign.

Section 405.130. Political Campaign Signs. [Ord. No. 571 §§1 — 3, 7-13-1994; Ord. No. 573 §§1 — 2, 7-13-1994]

A. *Posting Of Political Campaign Signs.* The posting of political campaign signs shall be permitted beginning thirty (30) days before any election until one (1) week after any election.

B. *Sign Dimensions.* Said signs or placards shall be a maximum of twenty-four (24) inches by thirty (30) inches and not exceed three (3) feet from the ground. Said signs shall not be placed within ten (10) feet of the curb line.

ARTICLE IV
Non-Conforming Uses

Section 405.140. Non-Conforming Uses. [Ord. No. 164 §5, 6-26-1950]

A. The lawful use of land existing at the time of passage of this Section, June 26, 1950, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this Section.

B. The lawful use of a building existing at the time of the passage of this Section, June 26, 1950, may be continued, although such use does not conform to the provisions hereof; and such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

C. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

D. Nothing in this Section shall be taken to prevent the restoration of buildings destroyed to the extent of not more than seventy-five percent (75%) of its reasonable value by fire, explosion or other casualty, or act of God, or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

ARTICLE V
Board of Adjustment

Section 405.150. Board of Adjustment. [Ord. No. 164 §7, 6-26-1950]

A. *Established — Membership.* A Board of Adjustment is hereby established. The word "*Board*", when used in this Section, shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members who shall be residents appointed and approved by the Board of Aldermen. The term of office of the members of the Board of Adjustment shall be for five (5) years, excepting that the five (5) members first (1st) appointed shall serve respectively for terms of one (1) year, two (2) years, three (3) years, four (4) years and five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Board of Aldermen upon written charges and after public hearing.

B. *Officers.* The Board shall elect its own Chairman and Vice Chairman who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Chapter.

C. *Meetings.* Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for the purpose.

D. *Appeals.*

1. Appeals to the Board may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department board or bureau of the City of Country Club Hills affected by any decision of the Enforcement Officer. Such appeal shall be taken within thirty (30) days by filing with the Enforcement Officer and with the Board a notice of appeal specifying the grounds thereof.

2. A fee of three hundred dollars ($300.00) shall be paid to the City Clerk of the City of Country Club Hills at the time an appeal is filed.

3. The Enforcement Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action is taken.

4. An appeal stays all proceedings in furtherance of the action appealed from, unless the Enforcement Officer certifies to the

Board after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the Enforcement Officer and on due cause shown.

5. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

E. *Jurisdiction.* The Board shall have the following duties and powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Enforcement Officer in the enforcement of this Chapter.

2. To adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this Chapter.

3. To permit the extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the passage of this Chapter.

4. To permit the erection and use of a building or the use of a premises in any location for a public service corporation or for public utility purposes necessary to the public convenience or welfare.

5. To interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this Chapter, where the street layout actually on the grounds varies from the street layout as shown on the map aforesaid.

6. To vary or modify the application of any of the regulations or provisions of this Chapter within the limitations herein provided where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Chapter so that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.

F. *Duties.*

1. In exercising the above mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination appealed from and may make such order,

requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Enforcement Officer.

2. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Enforcement Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter or to effect any variation in this Chapter.

G. *Appeal To Circuit Court.*

1. Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons or any officer, department, board or bureau of the municipality, may present to the Circuit Court of the county or City in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

2. Upon the presentation of such petition the Court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

3. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

4. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any

proceedings under Sections 89.080 — 89.110, RSMo., shall have preference over all other civil actions and proceedings.

ARTICLE VI
Permits

Section 405.160. Certificate of Occupancy. [Ord. No. 164 §8, 6-26-1950; Ord. No. 342 §1, 12-11-1974]

A. *Certificate Of Occupancy.* No vacant land shall be occupied or used except for agricultural uses, and no building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall be issued by the Enforcement Officer.

B. *Certificate Of Occupancy For A Building.* Certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit, and said certificate shall be issued within five (5) days after the request for same shall have been made in writing to the Enforcement Officer after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Enforcement Officer for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of the premises or any other matter covered by this Chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

C. *Certificate Of Occupancy For Land.*

1. Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be used or occupied and a certificate of occupancy shall be issued within five (5) days after the application has been made, provided such use is in conformity with the provisions of these regulations.

2. Certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Enforcement Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. A one hundred dollar ($100.00) fee shall be charged for a certificate of occupancy.

3. No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

4. No permit for a certificate of occupancy shall be issued to an applicant if the real estate taxes for that property are not currently paid. **[Ord. No. 803, 6-10-2015]**

D. *Application For Certificate Of Occupancy For Existing Use.*

1. The operators of all commercial establishments and the owners of all non-conforming residential property of any nature within the City of Country Club Hills shall, within six (6) months after the effective date of this Chapter, make application to the Enforcement Officer for a certificate of occupancy as provided herein. Failure to comply with this provision shall constitute a violation of this Chapter and shall be subject to penalties provided herein.

2. No merchant's or operating license shall hereafter be granted to any applicant, nor shall any such license thereafter be renewed, until a certificate of occupancy has been granted the applicant for such license.

Section 405.170. Building Permits — Plans to Accompany Application. [Ord. No. 164 §9, 6-26-1950]

Application for building permits shall be accompanied by plans and specifications in detail to indicate the exterior and interior design, the grade and location thereof, including a plat of the lot showing the dimensions of the building and lot and the size of the respective yards thereof and shall be approved by endorsement thereon by the neighborhood committee as established by the restrictions covering Country Club home sites. The neighborhood committee shall pass on such plans to determine compliance with these requirements and with restrictions covering the property on which such building is located and shall give such approval or rejection within a period of thirty (30) days after the receipt of such plans. Failure to secure the approval herein provided or the disregard of rejection of the neighborhood committee shall constitute a violation of this Chapter and shall be subject to penalties provided herein. An appeal from the decision of the neighborhood committee may be taken to the Board of Adjustment as provided herein.

ARTICLE VII
Changes and Amendments

Section 405.180. Changes and Amendments.

Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the legislative body of such municipality. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments.

Section 405.190. Powers and Limitations of Legislative Body in City — Hearings, Notice.

The legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such municipality.

ARTICLE VIII
Enforcement and Violation

Section 405.200. Enforcement. [Ord. No. 164 §13, 6-26-1950]

It shall be the duty of the Board of Aldermen to designate the proper officer or department to enforce this Chapter.

Section 405.210. Violation and Penalty.

A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 — 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 — 89.140, RSMo.

B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars ($10.00) and not more than five hundred dollars ($500.00) for each and every day that such violation continues or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the Court. Notwithstanding the provisions of Section 82.300, RSMo., however, for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred fifty dollars ($250.00) or more than one thousand dollars ($1,000.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court;

C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 — 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars ($250.00).

ARTICLE IX
Validity

Section 405.220. Validity. [Ord. No. 164 §14, 6-26-1950]

The various provisions of this Chapter are not interdependent and if any Section, Subsection, sentence, clause or phrase of this Chapter shall be held to be invalid or unconstitutional, the remainder of the Chapter shall not be affected thereby but shall remain in full force and effect.

Chapter 410

SIGNAGE REGULATIONS

ARTICLE I
General Provisions and Administration

Section 410.010. Short Title. [Ord. No. 834, 9-20-2017]

The following Chapter shall be known and may be cited hereinafter as the "Sign Code" of the City of Country Club Hills, Missouri.

Section 410.020. Purpose. [Ord. No. 834, 9-20-2017]

A. It is the intent of this Chapter to regulate and control the location, erection, number and maintenance of signs and matters relating thereto within the City of Country Club Hills in order to promote public safety, health and general welfare of the community, without infringing upon the rights granted by the First Amendment to the Constitution of the United States of America. These regulations are specifically designed to:

1. Provide for uniform regulation and orderly development of signs consistent with established policies and ordinances of the City;

2. Prohibit hazardous and dangerous signs; and

3. Provide a desirable and attractive living and working environment through harmonious and uniform signage.

Section 410.030. Validity And Severability Clause. [Ord. No. 834, 9-20-2017]

A. If any court of competent jurisdiction shall declare any part of this Chapter to be invalid, such ruling shall not affect any other provisions of this Chapter not specifically included in said ruling.

B. If any court of competent jurisdiction shall declare invalid the application of any provision of this Chapter to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Section 410.040. Administration. [Ord. No. 834, 9-20-2017]

The provisions of this Chapter shall be administered by the duly appointed designee of the Code Enforcement Officer, who shall be assisted by the City's Code Enforcement Officer(s).

ARTICLE II
Rules and Definitions

Section 410.050. Applicability. [Ord. No. 834, 9-20-2017]

Any and all signage used within the City limits of Country Club Hills, Missouri, shall be governed by this Chapter and all other applicable regulations of the Country Club Hills Zoning Code[25] as well as the City's building, electrical and other public safety ordinances. No person shall erect, relocate or alter (including sign face changes) within the City any sign or sign structure without first obtaining a sign permit with the exception of the following: signs which do not require a permit, as listed in this Chapter or other City ordinance, and the repainting, changing of parts and servicing of any structure that constitutes maintenance of an existing sign. Any sign not specifically provided for herein as a permitted sign or a prohibited sign shall be designated as a permitted sign or a prohibited sign by the appointed designee of the Code Enforcement Officer consistent with Section 410.020's stated purpose, and the most closely applicable provisions of this Chapter. If said sign is designated as a permitted sign, then said sign shall be subject to all limitations and provisions stated herein for a permitted sign which is most similar to said sign.

Section 410.060. Definitions. [Ord. No. 834, 9-20-2017]

The following definitions shall be used by these regulations to assist in the establishment of well-defined signage regulations:

ACCESSORY SIGN — A wall sign that is mounted on a building or structure that is accessory (or secondary) to the primary building or structure on a lot. For the purpose of this Chapter, accessory buildings or structures may include, but are not limited to, stand-alone ATMs, stand-alone drive-up tellers, and car washes and pump island canopies.

ACTIVE SALES OFFICE — An office located within a trailer, temporary structure or display home within a subdivision for the sole purpose of selling homes and/or home sites within that subdivision. The office must operate at least thirty (30) hours per week.

AUXILIARY SIGN — A wall or freestanding sign or portion thereof located on a lot. Examples of such signs include freestanding or wall-mounted restaurant menu boards, the list of options available on an automated car wash or similar information.

BANNER — A temporary sign of lightweight fabric, plastic or similar material mounted on a building or pole either with or without a frame, usually rectangular in shape, which allows slight movement by air.

BARKER — An individual, operating outside of a business's or other entity's primary structure, who attempts to engage passersby through verbal, physical or other contact in order to entice them into patronizing said business or entity.

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25. Editor's Note: See Ch. 405, Zoning Regulations.

BEACON — A light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also any light with one (1) or more beams that rotate or move.

BILLBOARD — Any sign which:

1. Is located on a lot;

2. Is visible from any point of the travelled ways of an interstate highway; and

3. Is not a roof sign, pylon sign, monument sign or projecting sign.

BUILDING FACADE OR WALL — The exterior surface area of a building (including all windows and architectural features) in a single elevation, between finished grade and the top of the parapet wall or the line formed where the wall meets the slope of a hip roof.

BUILDING FLOOR AREA — The amount of available floor space (measured in square feet) contained within the building's physical structure.

CHANGEABLE-COPY SIGN — A sign or portion thereof with a face designed specifically to allow characters, letters, images or illustrations to be changed or altered at will. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable-copy sign for purposes of this Chapter.

CITY — The City of Country Club Hills, Missouri.

CODE ENFORCEMENT OFFICER — The officially designated representative of the City of Country Club Hills responsible for the enforcement of ordinances, property maintenance and zoning issues.

CONSTRUCTION SIGN — A temporary sign erected on the premises on which construction is taking place, during the period of such construction.

DIRECTIONAL SIGN — A sign that provides additional guidance or information on pedestrian or vehicular navigation through a subject property by identifying entrances, exits and routes of travel.

DISTRICT — A geographical subdivision as defined under the Country Club Hills Zoning Code[26] and Zoning District Map.

ELECTION SEASON — The period from sixty (60) days prior to any election voted in by the residents of the City until two (2) weeks after that election.

ELECTRONIC MESSAGE SIGN — A sign or portion thereof with a face designed specifically to allow characters, letters or illustrations to be changed or altered electronically at will.

ERECT — To build, construct, reconstruct, attach, hang, rehang, alter, place, affix, enlarge, move or relocate any signage or associated structures and components.

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26. Editor's Note: See Ch. 405, Zoning Regulations.

EXEMPT SIGN — A sign that requires no sign permit.

FLASHING SIGN — Any sign which contains an intermittent or flashing light source or gives the illusion of an intermittent or flashing light source (by animation or any other means). Automatic changing signs such as public service time, temperature and date signs or electronic message signs are not classified as "flashing signs."

FREESTANDING SIGN — A self-supporting sign anchored to the ground, resting on or supported by means of poles, stakes or any other type of base in the ground. This type of sign includes ground signs, monument signs and pylon signs.

FRONTAGE — The length of the subject lot along the street side. A lot bordering more than one (1) street is considered to have a separate frontage for each street.

GROUND LEVEL — The elevation of the ground upon which the sign and all associated structures are placed. This elevation shall be the same as shown on the approved grading plan, except when the sign rests upon a berm or other area elevated above the surrounding ground. In such cases, the elevation of the base of such berm or other area shall be considered as the ground level.

GROUND SIGN — A self-supporting, freestanding sign not resting on, or supported by, any solid base or similar structure, but is supported by a post or posts that give the overall sign a height of twelve (12) feet or less above grade.

HEIGHT OF SIGN — The vertical distance measured from the ground level to the highest point of the sign.

INCIDENTAL SIGN — A sign which is too small to be legible from the right-of-way or a publicly accessible parking area.

INTERIOR SIGN — A sign fully located within any building, arena, campus, stadium or courtyard.

LOGO — A letter, character or symbol, registered with an independent third party, used to represent a person, corporation or business enterprise.

LOT — A parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder of Deeds or it may include parts of or a combination of such parcels when adjacent to one another and used as one as determined by development services.

MONUMENT SIGN — A self-supporting, freestanding sign resting on or supported by a solid base or similar structure on a foundation in the ground. Monument signs shall have a base that at its narrowest point is equal to at least fifty percent (50%) of the width of the signs sign face.

MULTIPLE-FAMILY PROJECT SIGN — A permanent ground sign located in, on or at an apartment complex, condominium project or mobile home development.

MULTIPLE-TENANT DEVELOPMENT — Any building or collection of buildings constituting a unified development that are subdivided into tenant spaces and/or have the ability to be subdivided into tenant spaces.

NON-DURABLE SIGN — Any sign that is intended for temporary use only (by way of design or materials) that is installed and used as a permanent sign.

NON-RESIDENTIAL LAND USES — Uses inconsistent with the permitted residential land uses in Appendix A of the Country Club Hills Zoning Code.

OFF-PREMISES SIGN — A sign located on property not owned or leased by the owner of the sign.

OWNER — A person or entity who is recorded as such on official records and has a vested or contingent interest in the property or business in question.

PAINTED SIGN — A sign that is painted directly on a building facade or other permanent structure. A painted sign is considered a wall sign.

PENNANT — A sign made of fabric, plastic or similar material, often in series and usually mounted without a frame and hung from poles and structures to allow movement by air. Such attention-getting displays not specifically defined as a banner are considered pennants.

PICKET SIGNS — Any temporary signs that are not affixed to any type of building or support structure, but are, instead, carried by an individual as part of a public demonstration.

PICKETER — An individual not located within the physical confines of an entity or business, who attempts to engage patrons or passersby through verbal, physical or other contact in order to communicate a message.

PREMISES — An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PROHIBITED SIGN — A sign that is not allowed to be erected within the corporate limits of the City.

PROJECTING SIGN — A type of wall sign that is attached to and projects generally perpendicular from a structure or building face to a distance of greater than eighteen (18) inches.

PYLON SIGN — A self-supporting, freestanding sign resting on or supported by pylon(s) or post(s).

RIGHT-OF-WAY (ROW) — The area of land adjacent to the paved surface of any public roadway that has been dedicated to or is maintained by the City, county, State or any other government agency. For purposes of enforcing this Chapter, the limits of this area shall be presumed to be either:

1. Ten (10) feet from the curbline; or

2. When a sidewalk is in place, the edge of the sidewalk farthest away from the paved surface of the public roadway, whichever is greater.

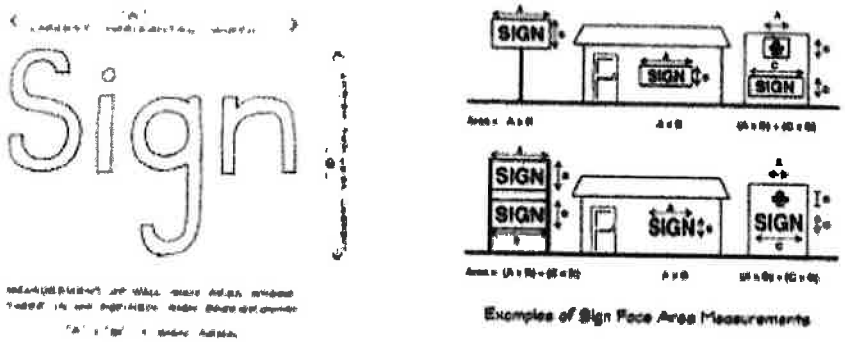
RIGHT-OF-WAY SIGNS — Any and all signage placed within the public rights-of-way.

ROOF SIGN — A sign erected or constructed wholly on the roof of a building, supported by the roof structure.

SETBACK — The minimum horizontal distance between either the face of the curb, the edge of the pavement or the right-of-way line and the sign structure as specified in this Chapter.

SIGN — Any object, device, display, structure or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, idea, belief or location by any means, including words, letters, figures, designs, symbols, logos, fixtures, colors, illumination or projected images.

SIGN AREA — The size of the sign face (panel) measured in square feet, as defined by the calculations herein; or the area of the smallest square or rectangle that can encompass all items of information if it is a wall sign. The base of a monument sign is not considered part of the sign area, unless it is incorporated as part of the sign itself.



SIGN FACE (PANEL) — The surface area of the sign structure or building facade or wall on which items of information could be placed and/or viewed simultaneously.

SIGN STRUCTURE — The sign and all parts associated with its construction.

STREAMERS — See the definition for "pennant."

STREET — A paved surface contained within a public right-of-way or easement that serves as a permanently reserved principal means of vehicular and pedestrian access between defined properties.

TEMPORARY SIGN — A non-permanent sign type, intended to be used for a short, usually fixed period of time.

TRIM — The molding, batten, capping, nailing strips, latticing and platforms that are attached to the sign structure.

USE — The legal purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

WALL SIGN — A sign mounted on a building facade or other vertical building surface. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor shall the front of a flush-mounted wall sign project more than eighteen (18) inches from the wall's surface.

WINDOW SIGN — A sign placed on the internal side of a window or painted on the inside or outside of a window as individual letters or symbols and used for advertising purposes.

ZONING CODE — The Zoning Code[27] of the City of Country Club Hills and the current Zoning District Map related thereto.

27. Editor's Note: See Ch. 405, Zoning Regulations.

ARTICLE III
Signage Use And Design Standards

Section 410.070. Design, Illumination And Placement Of Installed Signs. [Ord. No. 834, 9-20-2017]

A. The following standards relate to the number, design and appearance of all signs permitted on a lot within all zoning districts unless specifically exempted elsewhere in this Chapter:

1. Maximum Number Of Signs. The maximum number of signs per lot is defined as the sum of the total allowable number of freestanding signs and the total allowable number of wall signs.

a. Freestanding Signs. A maximum of one (1) freestanding sign is allowed per lot.

b. Wall Signs.

(1) Single-Tenant Buildings. A maximum of one (1) wall sign per facade will be allowed, except in cases where the facade fronts onto an adjacent property that is residentially zoned. Attached wall signs are prohibited on any facade fronting on property that is zoned or used for residential purposes.

(2) Multitenant Buildings. A maximum of one (1) wall sign is allowed on each tenant unit with a public entrance and on any facade with a view from a roadway or parking lot. In the case of an end-cap unit the tenant of said unit will be allowed one (1) wall sign on the side of the building facing the roadway or parking lot. Common walls (elevations with no entrances or accesses) may have one (1) additional sign. In cases where all the tenants are accessed through one (1) common entrance, one (1) sign per tenant is allowed, as long as the total square footage of all signage on the facade added together does not exceed the maximum amount of signage allowed for that facade. Attached wall signs are prohibited on any facade fronting to property that is zoned or used for residential purposes.

(3) In non-residential zoning districts, additional secondary wall signs are permitted, provided, the separately calculated sign areas of such secondary signage and the primary signage shall not cumulatively exceed the allowable wall signage found in Section 410.070(A)(3)(a)(4). (Example usage: signs displaying the occupation, service and/or product located upon the premises.)

2. Height Of Sign. Wall signs shall not extend beyond the limits of the wall they are attached to. For freestanding signs, the overall sign

structure may not exceed twelve (12) feet in height. Only wall signs and freestanding signs not exceeding eight (8) feet in height are permitted in residential zoning districts, unless a property in a residential zoning district is not a residential use in which case the overall permissible sign structure may not exceed twelve (12) feet in height. However, pylon signs up to thirty-five (35) feet in height are permitted in the interchange sign district. Signs up to twenty (20) feet in height may be permitted within large shopping centers located on a site in excess of ten (10) acres or more. Notwithstanding any provision of this Chapter to the contrary, any freestanding sign less than twelve (12) feet in height shall be a monument sign, with the exception of ground signs as permitted by this Chapter.

3. Sign Area. "Sign area" is defined as the size of the sign face (panel) measured in square feet as determined by the calculations herein. The supporting structure or bracing of a sign shall not be counted as a part of the sign area unless such structure or bracing is made a part of the sign's message. Where a sign has two (2) display faces (panels) back to back, the area of only one (1) face (panel) shall be considered the sign area. Where a sign has more than one (1) display face (panel) not back to back, the maximum area which can be viewed simultaneously from any point shall be considered the sign area.

   a. Calculations. The maximum permitted sign area of an individual sign is computed based on the type of sign as follows:

      (1) Freestanding Signs For Single-Tenant Buildings. The size of the sign face shall be no greater than seventy-five one-hundreds of a percent (0.75%) of the floor area of all primary and accessory structures on site or seventy (70) square feet, whichever is less. A permitted ground sign face may be at least twenty-four (24) square feet regardless of the building's floor area or may be smaller than twenty-four (24) square feet at the applicant's discretion.

      (2) Freestanding Signs For Multiple-Tenant Developments. Multiple-tenant developments shall be allowed to erect either:

         (a) A single sign of the following dimensions, and subject to the following restrictions:

            (i) The sign area shall be equal to either thirty-five percent (35%) of the development's linear footage along the right-of-way or one hundred fifty (150) square feet, whichever is less.

(ii) If the sign has two (2) faces (back to back), the panels shall have the same configuration on both sides.

(iii) No other freestanding signs are permitted, except as specifically called out in this Chapter.

(3) Freestanding Signs For Large Shopping Centers. A multitenant shopping center occupying a site in excess of ten (10) acres in size shall be permitted to have a single sign, not exceeding twenty (20) feet in height and two hundred twenty-five (225) feet in sign area. Signs mounted upon an individual pole shall be prohibited.

(4) Wall Signs. The maximum permitted area of a wall sign for an individual tenant unit or building facade shall be equal to a percentage of the square footage of the respective tenant unit or building face. For multitenant buildings with a common entrance, this percentage applies to the allowable wall signs per facade for the structure as a whole, therefore only one (1) such sign shall be allowed if the maximum percent or maximum sign area square footage is used in a single sign. The following sign area percentages shall apply:

Table 1: Allowable Wall Sign Area

Building or Tenant Unit Face (in square feet)	Percent of Building Face Allowed for Signage	Maximum Sign Area (in square feet)
0 to 1,000	7.50%	70
1,001 to 2,500	7.25%	150
2,501 to 5,000	6.00%	250
5,001 to 7,500	5.00%	325
7,501 or more	4.50%	375

(5) Accessory Signs. Accessory signs are regulated in the same manner as other wall signs. The maximum permitted area of an individual accessory sign shall be equal to five percent (5%) of the square footage of the accessory building's wall or canopy facade or thirty (30) square feet, whichever is less.

4. For purposes of traffic safety, each permitted freestanding sign under this Section shall contain a placard that displays the assigned numerical street address of the subject property. The dimensions of the placard shall be a size not more than ten percent (10%) of the allowed square footage of the sign face (for signs for

single-tenant developments) or thirty percent (30%) of the allowed square footage of the sign face (for multitenant developments). This additional square footage shall not count against the sign's allowed square footage.

5. Illumination. All illuminated signs shall comply with all applicable codes and regulations that refer to exterior lighting standards. In addition, all electrical equipment and devices shall be UL listed and approved for their proposed use.

6. Placement. Any sign erected within the City limits must be placed in accordance with the following regulations:

   a. Setbacks For Freestanding Signs. All freestanding signs shall be located a minimum of ten (10) feet away from any right-of-way line and/or property line and a minimum of three (3) feet from the back of any curbing or sidewalk. All signs shall abide by the regulations for visibility at corners, including visibility corners from driveways and the street it intersects.

   b. Location Of Wall Signs. Wall signs may only be placed on a facade that does not front on residentially zoned property. No maximum permitted height is provided for wall signs except that no sign shall be higher than the building wall on which it is mounted. Signs shall not encroach upon any window, doorway or architectural feature.

   c. Placement Within Or On A Frame. All signs designed for a preexisting structure or frame shall be designed to fit the frame or structure as though it were the original sign. Any portion of any sign or unused remaining frame or structure shall be subject to removal.

   d. Additions To Existing Signs. No sign over four (4) square feet in area may be attached to another sign without being designed as an integral part of the original sign. No signs may be attached to, or cover up, any portion of a sign's frame, structure or base unless originally designed or subsequently redesigned for that purpose.

Section 410.080. Regulations For The Use Of Temporary Signs. [Ord. No. 834, 9-20-2017]

A. Periodically, owners, lessees or other authorized persons or entities having an interest in a property located in the non-residential zoning districts may obtain a permit to temporarily erect additional signage on their lot. The following rules shall apply to temporary signs.

   1. Number. Once an owner, lessee or other authorized person or entity having an interest in a property obtains a temporary sign permit, they may display one (1) sign for each permit obtained. (In the case of a lot with multiple frontages, the applicant may display

one such temporary sign per each street frontage on a single permit, so long as each sign is facing a different street.)

2. Duration. Temporary sign permits may be obtained in any number for any length of time, provided that the applicant does not exceed ninety (90) days of display time during any one (1) calendar year. The start date is specified by the applicant at the time the permit is obtained. For purposes of this limitation, the City shall consider all temporary sign permits for the applicant and the applicant's related entities; as a result, an applicant and the applicant's related entities shall be limited to a display time of ninety (90) days per calendar year.

3. Size. Temporary signs authorized pursuant to this Section shall not exceed forty-eight (48) square feet in size. This includes attention-getting devices and signs carried by barkers. The area of streamers and similar displays shall not be limited or included within this maximum square footage.

4. Type. Temporary signs may be wall signs, freestanding signs, banners or barkers. Out of the ordinary, unique attention-getting devices, such as, but not limited to, pennants, streamers, tassels, balloons, etc., shall be prohibited as part of or attached to the sign. Changeable-copy signs, electronic message signs or any signs otherwise prohibited by this Chapter are not permitted.

5. Height. Freestanding temporary signs shall not exceed twelve (12) feet in height. Signs or attention-getting devices attached to the building shall not exceed the height of the principal structure nor be erected upon or above the roof, including when hung from poles or other accessory structures.

6. Placement. Temporary signs may be moved within the limits of the lot at any time during the duration of the permit, so long as each sign complies with the following:

    a. Setbacks For Freestanding Signs. All freestanding signs must be fully contained within the subject property; shall be located on the subject property a minimum of five (5) feet from the right-of-way line or property line; a minimum of three (3) feet from the back of any curb; and shall abide by the regulations for visibility corners, including visibility corners from driveways and the street it intersects. The applicant will be asked to call out the location of the sign when the permits are issued, and spot inspections may be used by staff to verify the sign is suitably located.

    b. Location Of Wall Signs. No maximum permitted height is provided for wall signs (including banners), except that no sign shall be higher than the building wall on which it is mounted. Signs shall not encroach upon any window, doorway or architectural feature.

c. Barkers. Barkers may only operate under permission of the owner of the site on which the event occurs or in a designated public space (common ground, sidewalks, etc.) and may not operate in the public right-of-way. Their activities shall not impede vehicular or pedestrian traffic or constitute a safety hazard. For each barker on-site under the age of sixteen (16), there shall be one (1) competent person of legal majority on-site to supervise their activities.

7. Installation And Removal. Banners shall remain securely mounted and tightly hung to two (2) posts, or by an alternative method approved by the Administrative Officer, for the duration of time that the banner is installed. Flag banners, such as feather and teardrop flags, must be secured by being staked into the ground. All mounting devices (posts, stakes, etc.) shall be removed at the time that the temporary sign is removed.

Section 410.090. Supplemental Regulations For Special Use Signs. [Ord. No. 834, 9-20-2017]

A. The sign types and sign uses in this Section are ones which, by their design or purpose, require special regulations in addition to those for typical wall or freestanding signs. These special signs are considered permanent signs and require permits. The exceptions to this rule are the subdivision construction signs and the off-premises signs; they require permits, but are considered temporary signs.

1. (Reserved)

2. Changeable-copy signs. Changeable-copy signs will only be allowed as wall or freestanding signs, if they are included as part of the permitted permanent signage. The lines of changeable copy shall be designed as an integral part of the sign and not added to the same pole or structure without being designed as part of the original sign.

3. Electronic Message Signs. Electronic message signs will only be allowed as wall or freestanding signs, if they are included as part of the permitted permanent signage. The electronic message center shall be designed as an integral part of the sign and not added to the same pole or structure without being designed as part of the original sign. All electronic message centers shall adhere to the following:

a. A maximum of one (1) display shall be permitted during each item frame. No continuous or rolling displays shall be permitted.

b. The minimum time per display shall be five (5) seconds.

c. The intensity of the lights used in the message board shall not constitute a visual hazard for vehicular or pedestrian traffic.

4. Auxiliary Signs. Auxiliary signs shall only be permitted subject to the review and approval by the Code Enforcement Officer as to whether the sign meets the definition of an auxiliary sign. Said signs shall be calculated independently of the maximum number of signs [Section 410.070(A)(1)]. There shall be a limit of two (2) such signs on a single lot, and the total square footage for both signs added together shall not exceed sixty (60) square feet. Such signs shall conform to all design, location and other applicable regulations. Auxiliary signs shall not exceed a maximum height of eight (8) feet, if freestanding. Such signs if located on property having a drive-through service shall be located within ten (10) feet of the vehicle traffic lane used in connection with the drive-through service.

5. In MUTDD zoned areas, HTCD zoned areas and/or other specially designated areas where different types of activities, entities or zonings are brought together as a single community or neighborhood-style development, the owner(s) may seek additional signage located within the limits of the development, upon receiving the approval of a conditional use permit by the Planning and Zoning Commission in accordance with Chapter 400 of the Municipal Code. The proposed size, height, configuration, design and number of the sign(s) allowed shall be reviewed and approved as part of the conditional use permit application. All signs designated as community signs will have to abide by the following conditions of approval:

    a. Such signs shall abide by all other applicable provisions of this Chapter.

    b. Such signs may be located on private or public property, but not within the right-of-way.

    c. Such signs shall conform to the visibility requirements of the City pertaining to intersections.

    d. Such signs shall not be counted toward the total allowed signage on the subject property.

6. (Reserved)

7. Residential Land Use Signs.

    a. Multiple-Family Or Institutional Residential Lots With More Than Four (4) Dwelling Units. For each development made up of multiple-family or institutional residential lots containing more than four (4) dwelling units, one (1) sign, not to exceed thirty-two (32) square feet in area, is permitted per entrance. Such signs shall comply with the City's visibility standards for intersections.

b. Subdivision Entrance Signs. Subdivisions are permitted to place signs not to exceed thirty-two (32) square feet in area. A maximum of two (2) such signs are permitted per entrance to the subdivision. Such signs shall comply with the City's visibility standards for intersections.

c. Subdivision Construction Signs. For each real estate subdivision that has been approved in accordance with the Country Club Hills Zoning Code, one (1) temporary sign is permitted per entrance. Each such sign shall be not more than seventy-two (72) square feet in area and shall not exceed ten (10) feet in height (if freestanding). Such signs shall be allowed to have two (2) faces if placed back to back or in a "V" shape. These signs shall comply with the City's visibility standards pertaining to driveway and street intersections. All signs shall be removed upon the cessation of the presence of an active sales office within the subdivision.

d. Internal Construction Subdivision Signs. A sign that shall be placed within the limits of a residential development. These types of signs shall not exceed thirty-two (32) square feet in size and eight (8) feet in height. The signs shall be placed no closer than five (5) feet to the right-of-way and shall not impede traffic circulation. These types of signs shall be removed when building permits have been issued for all lots within a subdivision.

8. Off-Premises Signs. The City will allow persons and entities with valid permits to install, at specified locations within the City, additional signage. Such signs shall be divided into two (2) categories:

a. Annual Use. These signs are semi-permanent; once installed, they may be left in place as long as they do not interfere with traffic safety, are not in a state of disrepair and apply for renewal on a yearly basis. In addition to all other applicable parts of this Chapter, all signs used under this Section must adhere to the following:

(1) The owner of the sign must be either a resident, business owner, non-profit entity, or active development located within the City of Country Club Hills.

(2) Signs shall be freestanding and shall not exceed thirty-two (32) square feet in sign face size.

(3) These signs shall be out of any public rights-of-way, out of the applicable sight triangles and shall require the written approval of the property owner of the lot on which the signs are placed.

(4) A separate annual permit shall be required for each annual use off-premises directional sign installed within the City. The permit fee is identified in the Schedule of Fees, Costs and Expenses. Failure to pay the fee prior to placement of the sign shall result in a citation. Each sign shall be considered a separate violation. Each annual use sign will expire at the end of the calendar year and will be subject to submitting a renewal application. The fee for a renewal is identified in the Schedule of Fees, Costs and Expenses.

b. Weekend Use. These signs are to be displayed during the higher-volume-traffic periods on the weekends. In addition to all other applicable parts of this Chapter, all signs used must adhere to the following:

(1) Signs may only be displayed between 6:00 P.M. Fridays and 6:00 A.M. Mondays of the same weekend.

(2) Shall be freestanding and shall not exceed four (4) square feet in area or six (6) feet in height from the adjacent finished grade.

(3) Placement of such signs shall be prohibited on private property without the express permission of the property owner.

(4) Signs shall not be placed as to interfere in any way with public health or safety. Such signs placed within the State right-of-way are further subject to the rules and regulations of the Missouri Department of Transportation.

(5) No such sign shall be attached to any utility structure, tree, fence or any public or existing private sign standard.

(6) An annual permit shall be required for each entity requesting to place weekend use signs within the City. The annual permit fee is identified in the Schedule of Fees, Costs and Expenses. Failure to pay the fee prior to placement of the signs shall result in a citation. Each sign shall be considered a separate violation.

c. Billboards, as defined in Section 410.060 are not considered to be off-premises signs.

9. In non-residential zoning districts, additional signs may be located on a project, site or development exceeding ten (10) acres in size, provided that the signs located on any site shall not exceed twenty-eight (28) square feet in area, and no sign should be more than ten (10) feet in height or located closer than fifty (50) feet to a public or private right-of-way. (Example usage: signs designed to accommodate the names of all businesses/buildings with directional arrows within a development.)

ARTICLE IV
Applications, Fees And Performance Standards

Section 410.100. General Application And Fee Requirements. [Ord. No. 834, 9-20-2017]

A. The primary responsibility for securing the necessary permits shall be the property owner(s)'. However, a duly authorized agent, purchaser, lessee, devisee or judiciary may be allowed to represent the owner with proper consent. Regardless of whether the owner or their agent applies, all required permits and approvals must been secured prior to any work being initiated.

1. Application Requirements. All applications for sign permits shall be electronically submitted in a manner prescribed by the Code Enforcement Officer. All forms are to be completed in their entirety and shall have attached thereto the following information:

a. A Scaled Plot Plan. For all freestanding signs, a copy of the approved site plan showing the location of the sign on the subject property. The location of the proposed sign shall be shown by giving the distances of that sign from the property lines and the backs of applicable curbing. For all wall signs, a building elevation showing the location of the proposed wall sign and a site plan verifying that the proposed location is a street frontage.

b. The configuration of the proposed sign listing the height, width, total square footage (including sign area calculations), proposed items of information, method of attachment, method of illumination, sign construction materials and colors.

c. Footing/foundation details (applies to freestanding signs).

d. Seismic and wind load calculations in accordance with the City's Building Code (applies to freestanding signs classified as interchange signs).

2. Review Procedure. The Code Enforcement Officer shall review the submitted application for compliance with the requirements of the Subsection above. If the application is determined to be complete, the Code Enforcement Officer shall review the application for compliance with the requirements of this Chapter and all other applicable City codes and requirements and shall approve or deny the permit application based on the submitted information.

3. Schedule Of Fees, Costs And Expenses. The Board of Aldermen shall establish a Schedule of Fees, Costs and Expenses for all matters pertaining to the Sign Code. The Schedule of Fees, Costs and Expenses shall be filed with the City Clerk and posted in the offices of the Code Enforcement Officer. The schedule shall only be amended by the Board of Aldermen and shall not require a

recommendation from the Planning and Zoning Commission. The processing fee is applicable regardless of approval of the sign. A permit approved by the Code Enforcement Officer is not valid until the permit fee has been paid in full.

Section 410.110. General Performance Requirements. [Ord. No. 834, 9-20-2017]

A. No sign in any district shall be installed or erected in any manner so as to create any dangerous, injurious or otherwise objectionable condition so as to adversely affect the surrounding area or adjoining premises.

1. Installation. The base or support(s) of any and all permanent freestanding signs shall be securely anchored to a concrete base or footing approved by the City's Building Division. All signs shall be constructed and mounted in accordance with the City's Building Code.

2. Inspection. All permanent freestanding signs require a footing inspection to be performed by a Multidiscipline Inspector.

3. Maintenance. All signs, including non-conforming signs and signs which do not require a permit, shall be maintained in their original, pristine condition. Any signs which may be or may hereafter become deteriorated, rotted, unsafe or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign or owner of the property upon which the sign stands upon notice of the Code Enforcement Officer.

4. Dangerous Signs. If it is deemed that an existing sign (or a sign currently under construction) is or becomes an immediate danger or hazard to the health, safety or general welfare of residents, pedestrians and/or vehicular traffic, City staff is hereby empowered to immediately remove the sign and its structure without notice to, and at the expense of, the property and/or sign owner. City staff is also hereby empowered to issue a stop-work order upon such a sign currently under construction.

ARTICLE V
Exempt Signs

Section 410.120. Signs Which Do Not Require A Permit. [Ord. No. 834, 9-20-2017]

A. These signs are permitted in all zoning districts for the following uses and purposes without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area, maximum number of signs per lot or building and other bulk and design regulations. No sign permitted by this Section shall be displayed in a manner that would otherwise cause it to be prohibited. All signs permitted in this Section shall comply with all applicable codes and ordinances in regard to design, illumination, placement, construction and maintenance.

1. The erection, construction and maintenance of official traffic signs, signals, and any public notice or warning required by a valid and applicable Federal, state or local law, regulation or ordinance.

2. Signs for the control or direction of traffic and other authorized public purposes related to the promotion of the health, safety and welfare of the general public as required by the City or other governmental or private authority.

3. One (1) ground sign not to exceed thirty-two (32) square feet in area and a height of eight (8) feet in residential zoning districts or twelve (12) feet in height in all other zoning districts shall be permitted provided in each instance that any such sign is located on private property with the owner's permission. Additional ground signs of six (6) square feet or less in all residential zoning districts or sixteen (16) square feet or less in all other zoning districts are permitted under this Subsection during the election season, not to exceed the total number of questions or candidates on the ballot for the ensuing election.

4. Construction Signs. For construction on or development of a lot, one (1) sign per street frontage, not more than forty-eight (48) square feet in area and a maximum of twelve (12) feet in height (if freestanding). Construction signs shall be removed upon issuance of an occupancy permit.

5. Any property located in non-residential zoning districts having a parking area is allowed one (1) sign not more than four (4) square feet in area for each entrance and/or exit. In addition, three (3) other on-premises signs per lot, a maximum of four (4) square feet each, shall be allowed. No sign permitted pursuant to this Subsection shall exceed three and one-half (3 1/2) feet in height if an individual freestanding sign rather than a wall sign.

6. Any lot in a residentially zoned area that is on the market for sale or lease shall be permitted two (2) additional signs of not more than

twelve (12) square feet in sign area. Any lot in a commercially (non-residentially) zoned area that is on the market for sale or lease shall be permitted one (1) additional sign of not more than thirty-two (32) square feet in sign area and twelve (12) feet in height, for each street frontage.

7. Interior Signs.

8. Legal/Public Notices. Any public notice or warning required by applicable Federal, State or local law, regulation or ordinance.

9. Incidental Signs.

10. Picketers And Picket Signs. They may only operate under permission of the owner of the site on which the event occurs or in a designated public space (common ground, sidewalks, etc.) and may not operate in the public right-of-way. Their activities shall not impede vehicular or pedestrian traffic or constitute a safety hazard.

11. Residential Signs. The owners of property located within the City of Country Club Hills may place signs, not to exceed four (4) square feet in size, within the subdivision the property is located in and/or outside the subdivision for a radius of two (2) miles, provided they have the permission of the owner of the ground on which the sign is located. Signs may be installed at any time and left in place until the home is sold. All signs shall conform to the visibility requirements of the City pertaining to intersections.

12. Temporary Signs. Such signs must comply with the following:

    a. Barkers. A maximum of two (2) barkers may be active during a designated day. They may only operate under permission of the owner of the site on which the event occurs or in a designated public space (common ground, sidewalks, etc.) and may not operate in the public right-of-way. Their activities shall not impede vehicular or pedestrian traffic or constitute a safety hazard. For each barker on site under the age of sixteen (16), there shall be one (1) competent person of legal majority on-site to supervise their activities. The owner or other authorized individual must inform the City's Building Division at least forty-eight (48) hours prior to using barkers.

    b. In non-residential zoning districts, after there has been a change of ownership of a property, the new owner may erect one on-site temporary wall, banner or freestanding sign, not to exceed thirty two (32) square feet in sign area, for each street frontage. Such signs may be erected for a maximum of sixty (60) days at any time during the first six (6) months the property is under the new ownership (example usage: "Coming Soon" and "Now Hiring" signs).

13. Time And Temperature Signs. Time and temperature signs not exceeding twelve (12) square feet in area. Such signs shall comply with all electrical codes. Such signs may be a wall, window or other permitted sign type.

14. Window Signs And Displays. Window signs shall not cover more than twenty percent (20%) of the window or a series of contiguous windows. Merchandise, pictures or models of products that are not affixed or touching the window but are visible through the window, that are not intended to be part of the signage, are not considered signs. Any sign placed on the outside of a window, except for individual letters painted directly onto the window, shall be considered a wall sign.

15. Sandwich Boards. A sandwich board sign, not exceeding eight (8) square feet per face, may be placed no further than twenty (20) feet from the front entrance of a business while opened. Each business shall be allowed a maximum of one (1) sandwich board sign per public entrance. At no time should a sandwich board sign block a public sidewalk or designated parking space, or be placed within a green space. Sandwich boards shall only be displayed during hours of operation.

16. Internal Construction Subdivision Signs. Refer to Section 410.090(A)(7)(d) for definition.

17. Vehicular And Trailer Signs.

    a. Vehicular and trailer signs shall include, but are not limited to, signs, lettering or logos mounted, attached, or painted on trailers, boats or vehicles which are parked and left stationary near the business or development which is the subject of the vehicular or trailer sign. However, vehicular and trailer signs in compliance with the following regulations shall be allowed to be parked within non-residential zoning districts, unless otherwise prohibited by this Code:

        (1) Any vehicle or trailer classified by the Department of Transportation (DOT) as Class 3 and above and any step van or any trailer displaying signage or advertising shall be parked behind the building face of any multitenant development. For purposes of this Section, "building face" shall mean the facade of the building which faces any public street. Further, for purposes of this Section, the phrase "in front of the building face" shall not be construed as limited to directly in front of the building, but instead shall be construed as the entire area, running from side property boundary to side property boundary, between the building face and the public street. Where parking is not available behind the building face of a multitenant development, the vehicle or trailer with

signage shall be parked in the parking space closest to the business that utilizes said vehicle or trailer. Occupants of single-tenant buildings shall be prohibited from parking vehicles or trailers with signage in the parking spaces closest to the right-of-way or private street.

(2) All vehicles and/or trailers shall be parked within a properly designated parking space and shall not encroach upon any drive aisle or sidewalk.

b. Exceptions. The following vehicles and trailers shall be exempt from the above-listed regulations:

(1) Mini buses or vans Class 3 or below predominantly used in the routine transportation of people to and from a place of business;

(2) Construction-related vehicles parked on property under construction; service and delivery vehicles while services are being provided;

(3) Governmental and public safety vehicles; and

(4) Vehicles rented to the general public by a business whose primary purpose is the rental of such vehicles, provided that such vehicles are not parked on any drive aisle, sidewalk or landscaped area.

18. Home Occupations. Any property owner operating a permitted home occupation or other commercial use permitted in a residentially zoned area (unless otherwise noted), may have one (1) sign, not to exceed two (2) square feet in area, per lot. These signs may be placed without a permit.

ARTICLE VI
Prohibited Signs

Section 410.130. Prohibited Signs. [Ord. No. 834, 9-20-2017]

A. Signs other than those specifically permitted under this Chapter or those that are considered exempt are to be considered prohibited by the terms herein. Such signs shall include, but not be limited to:

1. Balloons. Hot and cold air balloons that exceed the twelve-foot height limit for freestanding signs; smaller balloons may be used as temporary signs.

2. Beacons, spotlights and searchlights.

3. Flashing Signs. Except as exempt holiday decorations and displays.

4. Moving Signs. Except for electronic message signs, balloons and flag banners (such as feather and teardrop flags), no fluttering, undulating, swinging, rotating or otherwise moving signs, lights or decorations shall be allowed.

5. Non-Durable Signs.

6. Obscene Or Indecent Signs. Signs which contain characters, cartoons, statements, words or pictures of an obscene, indecent, prurient or immoral character.

7. Off-Premises Signs. No off-premises advertising signs shall be permitted, except as expressly authorized in this Chapter.

8. Projecting Signs.

9. Pylon Signs. Unless used as interchange signs.

10. Right-Of-Way Signs And Signs On Public Property. No sign, unless erected by or required by a government agency to protect the health and safety of the general public (such as emergency or warning signs), shall be located within or across any public right-of-way or on any public property or utility pole.

11. Roof Signs. Except in the case where the wall plane does not allow for wall signage due to insufficient wall area to meet the requirements of the Code. A roof sign shall not interfere with other necessary equipment or access to such equipment located on the roof, shall not utilize a pole or similar device to increase height, shall not overhang the building and shall be securely mounted to the roof.

12. Traffic-Imitating Or -Interfering Devices Or Signs. No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape or color, it may obstruct, impair, obscure, interfere with the view of or be confused

with any authorized traffic control sign, signal or device. No sign shall use any word, phrase, symbol, shape, form or character in such manner as to interfere with moving traffic, including signs that incorporate typical street-type and/or traffic-control-type signage designs and colors.

13. Wooden Signs. Except as temporary real estate or construction ID signs. This does not include vinyl-coated signs, MDO board or other signs that are composed of wood that is completely covered or encased in a durable material.

14. Vehicular And Trailer Signs Not Otherwise Allowed Under Section 410.120 Of This Chapter. Vehicular and trailer signs shall include, but are not limited to, signs, lettering or logos mounted, attached, or painted on trailers, boats or vehicles which are parked and left stationary near the business or development which is the subject of the vehicular or trailer sign.

ARTICLE VII
Preexisting Signage

Section 410.140. Non-Conforming Signs. [Ord. No. 834, 9-20-2017]

A. Non-Conforming Temporary Signs. All signs installed under a temporary sign permit found not to be in conformance with the provisions of this Chapter, regardless of when erected, shall be removed immediately upon official notice of non-compliance and removal from the Code Enforcement Officer.

B. Non-Conforming Permanent Signs. No sign which is non-conforming in one respect may be altered even if such change is permitted herein, e.g., if a sign exceeds the maximum height permitted, said sign shall not be enlarged even if such increase in sign area is permitted within these regulations. This requirement is based on the fact that non-conforming structures may not generally be altered in any manner unless such alterations bring the structure into conformance with current standards.

1. Grandfathering Of Existing Signs. Installed signs which do not conform to the provisions of this Chapter, but were previously approved and legally installed at the time of its passage, shall not be required to adhere to the general regulations stated herein for as long as they are maintained in their original state. If the sign is altered in any way, then it shall be removed per Subsection (B)(2) below.

2. Conditions For Removal. Signs given a "grandfather" exemption from this Chapter per Subsection (B)(1) above must be brought into compliance if one (1) of the following occurs:

a. There is any alteration in the existing sign's size, shape or configuration (this does not include modification of the text or graphics on the sign face);

b. The sign is moved to another location on the subject property;

c. The sign's frame or structural support(s) are replaced or altered for reasons other than normal maintenance of the sign; or

d. The sign falls into a state of disrepair as called out in Section 410.110 of this Chapter (General Performance Requirements).

C. The repair or replacement of damaged or malfunctioning portions of the sign face (including repair or replacement of the entire sign face) is not considered to be an alteration of a sign, provided that the repair or replacement does not alter the size, shape or configuration of the sign face.

ARTICLE VIII
Violations, Penalties, Interpretations and Appeals

Section 410.150. Violations. [Ord. No. 834, 9-20-2017]

A. All signs erected within the City limits of Country Club Hills, Missouri, found not to be in compliance with the provisions of the prevailing ordinance in force at the time of their erection or which were erected without the proper permits shall be deemed illegal.

1. Code Violations. If it is found that a sign is in violation of this Chapter, official notice shall be given to the owner of the sign or, if the owner cannot be located, to the owner or property management agent of the premises on which the sign is located or, if the sign erection is not complete, to the sign erector. Such notice shall state:

a. The violations found.

b. That all violations must be brought into compliance with the requirements of this Chapter and all other provisions of the Country Club Hills Zoning Code[28] within the time frame allowed [five (5) days from the date of such notice for an installed sign or immediately for a temporary sign or specialty display].

c. The requirements which must be met.

d. That any person found to be in violation of any provision of this Chapter shall be subject to a fine of up to five hundred dollars ($500.00), up to ninety (90) days' imprisonment or both, with each day of such violation constituting a separate offense without further notice being required.

2. Removal Of Signs In Violation.

a. Any and all signs that are defined as "prohibited" under the terms of this Chapter or that are located on public property or public rights-of-way are subject to immediate removal by City staff without any notice or warnings being issued.

b. All signs removed by City staff become City property and may be destroyed. Under the terms of this Section, the parties from whom the signs are taken will not be entitled to compensation or remuneration.

Section 410.160. Voiding Of A Sign Permit. [Ord. No. 834, 9-20-2017]

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28. Editor's Note: See Ch. 405, Zoning Regulations.

A. A permit may be revoked by the Code Enforcement Officer at any time it appears that there is departure from the plans, specifications or conditions as required under terms of the permit, that the same was procured by false representation or that any provisions of this Chapter are being violated.

1. Notice of such revocation shall be served upon the owner, his/her agent, contractor or upon any such person employed on the building or structure for which such permit was issued via a stop-work order which shall be posted in a prominent location, and thereafter no such construction shall proceed.

2. A new permit application shall be completed that correctly and completely reflects the departure from the voided permit(s) and/or plans, specifications or conditions. If said application is not returned within ten (10) days (for an installed sign, or immediately for a specialty display) of the date of notification, a summons to the Country Club Hills Municipal Court may be issued. A summons may be issued for each subsequent day of non-compliance.

3. If the sign, as detailed in the revised permit application, does not meet the standards of this Chapter, the Code Enforcement Officer shall notify the owner or authorized agent of same and shall allow ten (10) days (for an installed sign, or immediately for a specialty display) for the removal of the sign. If the sign is not removed within the time allotted, a notice of violation and a summons to appear before the Country Club Hills Municipal Court may be issued as of the expiration of the grace period and each subsequent day thereafter until the violation is abated.

4. Any sign permit under which no construction work has been commenced within ninety (90) days after the date of issuance of said permit or under which proposed construction has not been completed within six (6) months of the time of issuance shall expire by limitation.

Section 410.170. Amendments, Variances, Interpretations And Appeals. [Ord. No. 834, 9-20-2017]

A. All text amendments, variances, interpretations or appeals sought from the provisions of this Chapter shall follow the procedures outlined in the Country Club Hills Zoning Code.[29]

B. To obtain a variance the applicant must show that this property was acquired in good faith and where by reason of exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the practical use of his/her property in the manner similar to that of other property in the zoning district where it is located.

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29. Editor's Note: See Ch. 405, Zoning Regulations.

Section 410.180. Billboards. [Ord. No. 834, 9-20-2017]

A. General Provisions.

1. All billboard signs must comply with the more restrictive of these regulations or the requirements contained in all State and Federal laws, including, without limitation, Sections 226.500 to 226.600, RSMo., 1986, as amended (the "state sign law").

2. All new billboard signs must comply with all provisions of applicable building codes, and the applicant must obtain all necessary permits or licenses which are necessary or required.

3. Where a billboard sign, whether installed prior to or subsequent to the effective date of this Chapter, does not include any message for a period of one hundred twenty (120) continuous days, such billboard structure shall be deemed abandoned thereafter and shall be removed.

4. No billboard sign shall be placed on rocks, trees, or on poles maintained by public utilities.

5. The owner of a billboard sign and each user thereon shall indemnify and hold the City harmless from and against any loss, claim or expense (including attorneys' fees, publisher's liability and advertiser's liability) arising, directly or indirectly, from the erection and or/use of said billboard sign, and such owner and user shall maintain liability insurance in accordance with, in an amount to be approved by the City, except that the minimum insurance for publisher's and advertiser's liability shall be five hundred thousand dollars ($500,000.00) per occurrence, one million dollars ($1,000,000.00) aggregate.

6. In the event of any conflict between the provisions of this Section and any other provision in this Chapter, the provisions of this Section shall prevail.

7. The provisions of Section 410.140(B)(1) and (2) shall apply to billboards. Also, an existing non-conforming billboard may be removed and replaced with a billboard upon the Board of Aldermen's approval of, and pursuant to, a relocation and reconstruction agreement. Additional conditions and restrictions relating to the replacement of billboards shall be set forth in the replacement and relocation agreement. Each such replacement and relocation agreement shall contain:

a. Identification of the location of the relocation agreement;

b. Conceptual design drawings for the relocated billboard; and

c. The time period within which billboard removal and construction must occur.

8. Review Of Replacement And Relocation Agreement.

    a. Prior to consideration by the Board of Aldermen of a replacement and relocation agreement, such application shall be reviewed by the Code Enforcement Officer, and submitted to the Planning and Zoning Commission, which shall make a recommendation to the Board of Aldermen as to whether:

        (1) A proposed relocation site is compatible with the uses and structures on the site and in the surrounding area;

        (2) The proposed billboard would create a traffic or safety problem, including problems associated with on-site access circulation or visibility;

        (3) The proposed billboard would interfere with on-site parking or landscaping required by the City's Municipal Code; and

        (4) The proposed billboard would otherwise result in a threat to the general health, safety and welfare of the community.

    b. In considering approval after a recommendation from the Planning and Zoning Commission, the Board of Aldermen shall consider the same forgoing criteria. If the Board of Aldermen approves a replacement and relocation agreement, the applicant will be required to apply for any applicable sign permits.

9. The sign face of an existing billboard, that is visible from Interstate Highway 64 and Interstate Highway 70, and that does not have a digital display, may be changed for a digital display, provided that the dimensions of the digital display are no greater than the existing sign face, and that the digital display complies with all applicable requirements of the City's Municipal Code.

10. Audio speakers are prohibited in association with a billboard.

B. Standards For Location, Spacing, Size, Height And Lighting:

1. Location And Spacing:

    a. No billboard sign shall be maintained, erected, or located anywhere in the City unless:

        (1) The proposed site for such billboard sign is in an area of the City then zoned non-residential; and

        (2) The proposed site of such billboard sign is within six hundred sixty (660) feet of the nearest edge of the right-of-way of, and visible from, Interstate Highway 64 and Interstate Highway 70; and

b. No billboard sign shall hereafter be maintained, erected or located within one (1) mile of an existing billboard sign on the same side of the highway, irrespective of whether such existing billboard sign is located within or outside the territorial limits of the City. This distance shall be measured along the nearest edge of the pavement at points directly opposite the billboard sign along each side of the highway. This shall apply only to billboard signs located on the same side of the highway involved.

c. No billboard sign shall be placed closer than five hundred (500) feet to an intersection on a dual or proposed dual highway; provided, however, that such billboard may be affixed to or located adjacent to a building at such intersection in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself.

d. All billboard signs shall be exempt from the setback requirements of the zoning district in which they are permitted. All billboard signs shall, however, be set back from the road right-of-way a minimum of thirty (30) feet.

e. No billboard sign shall be located on the right-of-way or any road or any slope or drainage easement for such road.

f. No portion of a billboard shall be placed within a fifty-foot radius of any point of a building.

g. No billboard shall be placed within a one-thousand-foot radius of the nearest point of any structure on a residentially zoned property, measured from the base of the billboard.

2. Size.

a. The maximum area for any one (1) billboard shall be six hundred seventy-two (672) square feet with a maximum height of twenty (20) feet and a maximum length of fifty (50) feet, inclusive of border and trim but excluding the base, apron, or supports and other structural members. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire billboard.

b. The maximum size limitations shall apply to each side of a billboard structure, and billboards may be placed back to back, double faced, or in V-type construction with not more than two (2) displays to each facing, but such billboard structure shall be considered as one (1) billboard.

c. Temporary cutouts, to the extent permitted by the Missouri Department of Transportation, are allowed, provided such cutouts do not exceed thirty percent (30%) of the normal size of the sign, and are not in place for a period of three (3) years

or more. When temporary cutouts are utilized, the size of the sign may exceed the prescribed maximum size set forth herein.

3. Height. The maximum height to top of signage shall not exceed forty-five (45) feet above ground level or the grade level of the adjoining street, whichever is higher.

4. Lighting.

   a. No revolving or rotating beam or beacon of light shall be permitted as part of any billboard sign. No flashing, intermittent or moving light or lights shall be permitted as a part of any billboard sign.

   b. External lighting, such as floodlights, thin-line and goose-line reflectors are permitted, provided the light source is directed upon the face of the billboard sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of any road or highway near such billboard sign, and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle or otherwise interfere with a driver's operation of a motor vehicle.

   c. No billboard sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal.

5. Digital Billboards. Billboards having a digital display ("digital billboards") are permitted, provided that such billboards do not flash, scroll or employ any form of animation or moving images. Digital billboards must present a static display that changes no more frequently than every ten (10) seconds. A digital billboard that complies with the provisions of this Section shall not be considered a flashing sign. Digital billboards shall also be subject to the following requirements:

   a. When the full billboard image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous repixalization.

   b. The digital billboard must not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum illumination of three hundred (300) nits (candelas per square meter) between dusk and dawn as measured from the sign's face at maximum brightness.

   c. Digital billboards must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between dusk and dawn.

6. Fees.

    a. Application Fees. A non-refundable application fee calculated in the same manner as application fees payable for other signs shall be paid to the City upon application for any billboard sign to defray the ordinary and necessary expense of the City to assure compliance with local wind and other structural load and electrical requirements.

Section 410.190. Message Substitution Clause. [Ord. No. 834, 9-20-2017]

Whenever a sign containing a commercial message would be permitted under this Chapter, subject to the landowner's consent, a sign containing a non-commercial message may be installed in its place, or vice versa, provided it otherwise complies with this Chapter. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more-specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or vice versa. This provision does not create a right to increase total signage on a parcel, nor does it affect the requirements that the sign comply in all other respects with the provisions of this Chapter.

Title V Building and Construction

Chapter 500

BUILDING CODES AND BUILDING REGULATIONS

ARTICLE I
Adoption of Building Codes

Section 500.010. Adoption of County Codes. [Ord. No. 627 §1-2, 5-18-2001; Ord. No. 634 §1, 2-13-2002; Ord. No. 652 §1, 1-28-2004; Ord. No. 665§1, 7-13-2005; Ord. No. 675 §1, 3-8-2006; Ord. No. 763 §1, 8-22-2011; Ord. No. 769 §1, 1-11-2012]

A. The City of Country Club Hills hereby adopts the St. Louis County Codes governing "Building", "Electrical", "Explosives", "Mechanical", "Plumbing", "Property Maintenance", "Existing Building", and "Residential" three (3) copies of which are on file in the office of the City Clerk.

B. The St. Louis County Codes adopted are as follows:

1. Building (County Ordinance 24,444 — adopted July 21, 2010).

2. Electrical (County Ordinance 24,439 — adopted July 14, 2010).

3. Explosives (County Ordinance 18,693 — adopted November 6, 1997).

4. Mechanical (County Ordinance 24,438 — adopted July 14, 2010).

5. Plumbing (County Ordinance 24,441 — adopted July 14, 2010).

6. Property Maintenance (County Ordinance 24,440 — adopted July 14, 2010).

7. Existing Building (County Ordinance 24,444 — adopted July 21, 2010).

8. Residential (County Ordinance 24,427 — adopted July 13, 2010).

St. Louis County Building, Electrical, Explosives, Mechanical, Plumbing, Property Maintenance, Existing Building and Residential Codes are hereby adopted by the City of Country Club Hills as if fully set out herein.

C. *Penalty.* Whenever in any code adopted herein or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of any code adopted herein or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an

offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.

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

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

Section 500.015. Property Maintenance Code Amendments.

A. The Property Maintenance Code, as adopted in Section 500.010 (B)(6), is hereby amended as follows:

Add 107.6: If the owner, occupant, mortgagee, or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the Building Commissioner shall certify the cost of the work borne by the City of Country Club Hills for such repair, vacation or demolition or cleaned up to the City Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon such property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City of Country Club Hills and such contractor files a mechanic's lien against the property where violation(s) occur. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 107.7 of this Section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of eight percent (8%) per annum until paid.

Add 107.7: As to damage or loss to a building or other structure by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Code Official as provided in Section 107.6, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property. If there are proceeds of any insurance policy based upon a covered claim, payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is establisher for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in Subdivisions (a) and (b) of the Section. This Subsection shall apply only to a covered claim payment

that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

a. The insurer shall withhold from the covered claim, payment up to twenty-five percent (25%) of the covered claim payment, and shall pay such monies to the City of Country Club Hills to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.

b. The City of Country Club Hills shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (a) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance monies, unless the City of Country Club Hills has instituted legal proceedings of 107.6 of this Section. If the City of Country Club Hills has proceeded under the provisions of 107.6 of this Section, all monies in excess of that necessary to comply with the provisions of 107.6 of this Section for removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

Add 107.8: If there are no proceeds of any insurance policy as set forth in 107.7 of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the owner(s) until paid.

Add 107.9: Section 107.7 of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

Add 107.10: Section 107.7 of this Section does not make the City of Country Club Hills 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.

Add 107.11: The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Section 107.7 that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after the receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Section 107 of this Section. It shall be the obligation of the insured or other person(s) making a claim to provide the insurance company with the written certificate provided from this Section.

B. Any person violating any of the provisions of the code adopted in this Section shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars ($1,000.00) or be imprisoned in the City or County Jail for a period not exceeding three (3) months, or both such fine and imprisonment. Each day such violation is committed or permitted to

continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 500.020. Earthquake and Seismic Design Requirements.

All construction in the City shall comply with the requirements of Sections 319.200 through 319.207, RSMo., and any amendments thereto, relating to earthquakes and seismic construction requirements.

ARTICLE II
Building Regulations

Section 500.030. Plans Required for Building Permits — Fees Required. [Ord. No. 640 §§1 — 4, 9-11-2002]

A. *Plans Required.* The Building Commissioner of the City of Country Club Hills shall require the submission for his/her approval of the following plans, plats and cost specifications for permits of construction which change the existing contour of real property or any improvement thereon:

1. *Buildings.* Construction plan, including cost of construction;

2. *Additions in and to buildings.* Construction plan, including cost of construction;

3. *Garages.* Construction plan, including cost of construction;

4. *Porches.* Construction plan, including cost and materials of construction;

5. *Sidewalks placed in front of buildings.* Construction plan, including cost of construction;

6. *Driveways.* Construction plan, including cost of construction;

7. *Fences.* Construction plan conforming to City ordinances, including costs of construction;

8. *Swimming pools.* Construction plan, including provisions for prevention of pollution and cost of construction;

9. *All other construction.* Construction plan, including cost of construction.

B. *Fees Required.*

1. The Building Commissioner of the City of Country Club Hills shall charge a fee equal to ten percent (10%) of the cost of the construction.

2. No fee shall be charged for repair or reconstruction as shall merely restore any real property or improvement thereon to its originally existing condition; provided however, that any repair or reconstruction which shall change the width, length, height or material of construction of any real property or improvement thereon shall be permitted only upon payment of the appropriate fee based upon cost of construction as specified in Subsections (A) (1) and (2) hereinabove.

C. *Penalty For Violation.* It shall be unlawful for any person, partnership, association, firm or corporation to begin any construction which changes the existing contour of any real property or improvement

thereon with the City of Country Club Hills without having first obtained a building permit from the Building Commissioner for such construction; and any person, partnership, association, firm or corporation who shall begin such construction shall be deemed guilty of a misdemeanor and, upon conviction, be punished as provided in Section 100.220 of this Code. Such penalty shall be in addition to the cost of any building permit issued after such construction shall have begun.

Section 500.040. Fence Regulations. [Ord. No. 431 §§1 — 2, 5-14-1980]

A. No tight board fence or tight fence of any other material may be erected within the City. No fence shall be more than five (5) feet in height nor constructed of any material other than wood or wire. No fence shall extend in front of the building line on the property. All fences constructed in compliance with this Section shall have openings aggregating not less than fifty percent (50%).

B. Any variation from the requirements set out herein for fencing must be with the approval of the Board of Aldermen.

C. Before any fence shall be erected on any lot in the City, a permit to erect or construct such fence shall be obtained by the lot owner or his/her agent from the Building Commissioner. A fee of five dollars ($5.00) shall be paid for such permit.

Section 500.050. Private Swimming Pools — Construction, Location, Fencing and Maintaining — Permit. [Ord. No. 408 §§1 — 5, 1-10-1979]

A. *Swimming Pool Defined.* A "*swimming pool*" is hereby defined as a pool intended to be or used for swimming which is more than twenty-four (24) inches in depth at any point and with a surface area of two hundred fifty (250) square feet or more.

B. *Permit Required — Construction Or Assembly.* Before any swimming pool is constructed or assembled above ground, at ground level or below ground, a permit for same must be obtained from the Building Commissioner of the City.

C. *Location.* No swimming pool may be constructed, assembled or placed where the side of the pool is closer than ten (10) feet from the property line of the premises.

D. *Fence.* No swimming pool may be constructed, assembled or placed unless the property on which it is located or the pool itself is enclosed by a fence and/or structure at least four (4) feet in height and capable of being secured to make such pool inaccessible to small children.

E. *Maintenance.* All swimming pools now located within the City or hereinafter constructed, assembled or placed in the City must meet the

minimum health and safety requirements for private swimming pools located in St. Louis County, Missouri.

Section 500.060. Street and City Easement Excavations. [Ord. No. 388 §§1 — 2, 12-14-1977]

A. *Secure Covering Or Filling Of All Street And City Easement Excavations — Removal Of Vehicles, Tools, Devices And Other Objects From Street And Easements No Later Than 3:30 P.M. Daily.* All persons, firms and corporations performing excavations or other work upon the streets or City easements of the City of Country Club Hills shall securely cover or fill such excavations to permit safe passage of pedestrian and vehicular traffic and shall remove all vehicles, tools, devices and other objects from such streets and City easements no later than 3:30 P.M. each day.

B. *Exception For Authorized Emergency.* The provisions of Subsection (A) hereinabove shall be inapplicable in case of emergency where authorized by the Chief of Police or Police supervisor on duty at the time thereof.

Section 500.070. Installation of Smoke Detectors in Dwelling Units. [Ord. No. 511 §§1 — 8, 2-10-1988]

A. *Definitions.* For the purposes of this Section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present time include the future, words in singular number include the plural number. The word "*shall*" is mandatory and "*may*" is permissive. Words not defined shall be given their common and ordinary meaning.

DWELLING UNIT — A structure, building, area, room or combination of rooms occupied by persons for sleeping or living.

OWNER — Any person, firm, partnership, corporation who alone or jointly or severally with other persons, firms, partnerships has legal title to any premises. The term "*owner*" includes any person, partnership or corporation who has charge, care or control over any premises as:

1. An agent, officer, fiduciary or employee of the owner;

2. The conservator or legal guardian of an owner who is non-compos mentis, a minor or otherwise under a disability;

3. A trustee elected or appointed, or a person required by law to execute a trust, other than a trustee under a deed of trust to serve the payment of money; or

4. An executor, administrator, personal representative, receiver, fiduciary, officer appointed by any court, or other similar representative of the owner or his/her estate. The term "*owner*"

does not include a lessee, sublessee or other person who merely has the right to occupy or possess a premises.

SLEEPING AREA — A bedroom or room intended for sleeping or a combination of bedrooms or rooms intended for sleeping within a dwelling unit, which are located on the same floor and are not separated by another habitable room, such as a living room, dining room or kitchen but not a bathroom, hallway or closet. A dwelling unit may have more than one (1) sleeping area.

SMOKE DETECTOR — A device which detects visible or invisible particles of combustions and shall be either the ionization chamber or the photoelectric type.

B. The owner of each dwelling unit which is constructed or rehabilitated after January 1, 1988, shall install smoke detectors and/or fire suppression systems prior to the occupancy of said dwelling unit in compliance with the existing building code and fire codes of the City of Country Club Hills in effect at the date of occupancy. If there is no ordinance in effect requiring smoke detectors or fire suppression systems to be installed at the time of occupancy, then the owner shall install smoke detectors as required by this Section.

C. The owner of each existing dwelling or newly constructed or rehabilitated unit that is not at the effective date of this Section required to be protected by a smoke detector or fire suppression system shall install smoke detectors as required by this Section within one (1) year of the effective date of this Section.

D. *Location.* The owner of each existing dwelling or newly constructed or rehabilitated unit shall install at least one (1) smoke detector to protect each sleeping area. In an efficiency, the owner shall install the smoke detector in the room used for sleeping. In all other dwelling units, the owner shall install the smoke detectors outside the bedrooms, but in the immediate vicinity of the sleeping area. An owner subject to this Section shall install each smoke detector on the ceiling at a minimum of four (4) inches from the side wall to the near edge of the detector or on a wall located four (4) to twelve (12) inches from the ceiling to the top of the detector and within fifteen (15) feet of all rooms used for sleeping purposes with not less than one (1) detector per level containing a habitable room and in the basement or cellar. The smoke detector shall not be installed in dead air space, such as where the ceiling meets the wall. Where one (1) or more sleeping areas are located on a level above the cooking and living area, the smoke detector for such sleeping area(s) shall be placed at the top of the stairway. An owner shall also install not less than one (1) smoke detector on the uppermost ceiling, not less than four (4) inches from any wall, or on a wall located four (4) to twelve (12) inches from the uppermost ceiling of all interior stairwells. For good cause shown, the Building Commissioner or his/her designated department representatives have the authority to modify the location requirements of this Section.

E. *Type Of Detector.* The owner shall install a smoke detector which is capable of sensing visible or invisible particles of combustion and emitting an audible signal and may be wired directly to the building power supply or may be powered by self-monitored battery. The smoke detector shall comply with all the specifications of the Underwriters' Laboratories, Inc. Standard UL217 (Standard for Safety-Single and Multiple Station Smoke Detectors) 2nd Edition October 4, 1978, as revised May 19, 1983, or any recognized standard testing laboratory that certifies the detector meets the requirement of National Fire Protection Association (NFPA) Standards 72E and 74. Smoke detectors shall bear the label of a nationally recognized standards testing laboratory that indicates that the smoke detectors have been tested and listed under the requirement of UL217 2nd Edition or NFPA 72E and 74.

F. It shall be the responsibility of the owner to supply and install all required detectors. The owner shall be responsible for testing and maintaining detectors in common stairwells. It shall be the responsibility of the tenant to provide and maintain functional batteries for each detector to test and maintain detectors within dwelling units and to notify the owner or authorized agent in writing of any deficiencies. The owner shall be responsible for providing each tenant with written information regarding detector testing and maintenance.

G. *Enforcement And Inspection.* The Building Commissioner or his/her designated department representatives shall have jurisdiction to inspect dwelling units for the installation of any smoke detector required to be installed under this or any other ordinance. Said inspections may be held between the hours of 9:00 A.M. and 5:00 P.M. Monday through Friday.

H. It shall be unlawful for any person to remove batteries or in any way make smoke detectors inoperable.

ARTICLE III
Excavations in Highways

Section 500.080. Excavations Without Permit — Misdemeanor. [Ord. No. 197 Art. 4 §30, 6-19-1952]

Except in case of public work done by authority of the Board of Aldermen, no person shall make or cause to be made any opening or excavation in any public street, alley, highway, sidewalk, tree lawn, parkway or public place or thoroughfare, without written permit from the Building Commissioner. Any person violating the provisions of this Article shall be deemed guilty of a misdemeanor.

Section 500.090. Application for Permit — Fees to Be Paid. [Ord. No. 197 Art. 4 §31, 6-19-1952]

Any person having occasion to make any such opening or excavation, shall make written application for permit therefor to the Building Commissioner who is hereby given authority to issue such permit. The application shall state the location and size of the proposed excavation and when the work is to be commenced. Permit fee shall be paid to the Building Commissioner before such permit is issued in an amount as follows: For each excavation involving disturbance of the pavement of any street, curb or sidewalk, fifteen dollars ($15.00), and one dollar fifty cents ($1.50) additional for each square foot over ten (10) in area and for each excavation in parkway, tree lawn or other improved area back of curb, four dollars ($4.00) and forty cents ($.40) additional for each square foot over ten (10) in area. The permit fees aforesaid shall compensate for the issuance of permit, inspections and the restoration of the surface, which work of restoration shall be done by the City. The Building Commissioner shall inspect the location as may be required and see that the conditions of the permit and the provisions of the ordinance are complied with. The person doing the excavation or excavating shall back-fill the opening. When the work is completed, the Building Commissioner shall with due diligence restore and resurface the area so excavated with a surface similar to its original state.

Section 500.100. Building Commissioner to Keep Record of Permits and Pay Over Monies. [Ord. No. 197 Art. 4 §32, 6-19-1952]

The Building Commissioner shall keep a full and complete account in a book provided for that purpose, of all permits issued showing the date, party to whom issued, location and fees received on account thereof, which fees, together with all deposits and monies, shall be turned over to the City Collector when and as received to the credit of the General Revenue Fund.

Section 500.110. Time of Application in Emergency. [Ord. No. 197 Art. 4 §33, 6-19-1952]

The provisions of this Article requiring permit before any work is commenced shall not apply in emergencies where the public safety or

welfare is endangered, but such work may immediately proceed, provided, permit is applied for and issued as soon as practicable after the work is commenced.

Section 500.120. Deposit in Lieu of Fees — Statement of Costs to Be Rendered. [Ord. No. 197 Art. 4 §34, 6-19-1952]

In lieu of the payment of the permit fees in the manner aforesaid, any person having occasion to make frequent openings or excavations may make and maintain a standing cash deposit of at least one hundred dollars ($100.00) with the City of Country Club Hills to secure the payment of all fees and expenses in connection with permits issued and excavations and openings made by such person. In such case, permits shall be issued for work form time to time an application as provided in this Article without payment of fees in the manner as herein provided. The Building Commissioner shall inspect the work and restore and resurface the area so excavated as in other cases and shall proceed to render a statement of cost therefor for payment by the person having the standing deposit. The statement of cost shall include the expense to the City of restoring and repaving the area excavated and also one dollar ($1.00) per hour for making inspection thereof and fifty cents ($.50) as a permit fee therefor. In the event, such person does not pay the amount of the statement rendered within forty-five (45) days thereafter, such amount shall be charged against his/her standing deposit.

Section 500.130. Standing Deposit Not Maintained — Action to Be Taken. [Ord. No. 197 Art. 4 §35, 6-19-1952]

In case any person having such standing deposit shall permit the same to decline below the sum of one hundred dollars ($100.00) and to so remain for a period of sixty (60) days, the Building Commissioner shall notify such person thereof and shall not issue any future permit to such person without the payment of the proper fees therefor until such standing deposit is brought up to the one hundred dollar ($100.00) minimum herein required.

Section 500.140. Duty of Police and Street Department. [Ord. No. 197 Art. 4 §36, 6-19-1952]

It shall be the duty of the Police and members of the Street Department to report any excavation or opening in or being made in or being made in any street, alley, highway, sidewalk, curb, parkway, tree lawn or public place and to ascertain whether the provisions of this Article have been complied with and arrest shall be made of any person violating the provisions hereof and said work shall be stopped until compliance is made herewith.

Section 500.150. Excavation Safeguards to Public — Misdemeanor. [Ord. No. 197 Art. 4 §37, 6-19-1952]

No person shall make any opening or excavation, with or without permit, in any street, highway, alley, sidewalk, parkway, tree lawn or public place in

the City of Country Club Hills without providing during the progress of the work and until said excavation has been backfilled and the surface restored, barricades around the same as a warning to the public, and between sunset, and sunrise lights or red lanterns around said excavation, lighted and sufficient in number and placed in such a manner as to be clearly visible in all directions. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor.

Chapter 505

DANGEROUS BUILDINGS

Section 505.010. Purpose and Scope. [Ord. No. 658 §1, 11-10-2004]

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Country Club Hills, Missouri.

Section 505.020. Dangerous Buildings Defined. [Ord. No. 658 §2, 11-10-2004]

A. All buildings that are detrimental to the health, safety or welfare of the residents of the City and that have any or all of the following defects shall be deemed "dangerous buildings":

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members, or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.

3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.

4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.

5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.

6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.

8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.

9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

Section 505.030. Dangerous Buildings Declared Nuisance. [Ord. No. 658 §3, 11-10-2004]

All dangerous buildings, as defined by Section 505.020, are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided herein.

Section 505.040. Standards for Repair, Vacation or Demolition. [Ord. No. 658 §4, 11-10-2004]

A. The following standards shall be followed in substance by the Building Inspector and the Building Commissioner in ordering repair, vacation or demolition of any dangerous building.

1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.

2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.

3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.

4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this City or Statute of the State of Missouri, it shall be repaired or demolished.

Section 505.050. Building Inspector. [Ord. No. 658 §5, 11-10-2004]

All City Police Officers and all other City employees so designated by the Mayor shall be Building Inspectors within the meaning of this Chapter.

Section 505.060. Duties of Building Inspector — Procedure and Notice. [Ord. No. 658 §6, 11-10-2004]

A. The Building Inspector shall have the duty under this Chapter to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places a

dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.

2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.

3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.

4. Notify in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Saint Louis County, of any building found by him/her to be a dangerous building within the standards set forth in Section 505.020.

   The notice required shall state that:

   a. The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.

   b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.

   c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County wherein the land is located, may, at his/her own risk, repair, vacate, or demolish the building and clean up the property or have such work done, provided that any person notified under this Subsection to repair, vacate or demolish any building, or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above Subsection.

6. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the

property or upon the failure to proceed continuously with the work without unnecessary delay.

7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.

8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Saint Louis County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

Section 505.070. Building Commissioner. [Ord. No. 658 §7, 11-10-2004]

The Mayor or other designated officer or officers shall act as Building Commissioner under this Chapter.

Section 505.080. Duties of the Building Commissioner. [Ord. No. 658 §8, 11-10-2004]

A. The Building Commissioner shall have the power pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter, and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source, that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City department or retain services of an expert whenever the Building Commissioner deems such service necessary.

2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee occupant, mortgagee, agent or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, the Building Commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.

   Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks, in a newspaper qualified to publish legal notices, at least ten (10) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as show by the land records of the Recorder of Deeds of the County wherein the land is located, to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein.

   Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 505.020.

4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other person(s) having an interest in said building as shown by the land records of the County wherein the land is located, 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 County wherein the land is located, may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

5. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant;

and the Building Commissioner shall certify the cost of the work borne by the City for such repair, vacation or demolition or cleaned up to the City Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Subparagraph (6) of this Section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of nine percent (9%) per annum until paid.

6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Building Commissioner as provided in Subparagraph (5) of this Section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in Subdivisions (a) and (b) of this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

   a. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment, and shall pay such moneys to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.

   b. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (a) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance moneys, unless the City has instituted legal proceedings under the provisions of Subsection (5) of this Section. If the City has proceeded under the provisions of Subsection (5) of this Section, all moneys in excess of that necessary to comply with the provisions of Subsection (5) of this Section for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

7. If there are no proceeds of any insurance policy as set forth in Subsection (6) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

8. Subsection (6) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

9. Subsection (6) 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.

10. The Building Commissioner may certify in lieu of payment of all or part of the cover claim under Subsection (6) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (6) 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 505.090. Appeal. [Ord. No. 658 §9, 11-10-2004]

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of the County wherein the land is located, may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of the County wherein the land is located, pursuant to the procedure established in Chapter 536, RSMo.

Section 505.100. Emergencies. [Ord. No. 658 §10, 11-10-2004]

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building and clean up of the property. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 505.080(5).

Section 505.110. Violations — Disregarding Notices or Orders. [Ord. No. 658 §11, 11-10-2004]

A. The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section 100.220 of this code.

B. Any person removing any notices provided for in this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with Section 100.220 of this Code.

Section 505.120. Fee For Abatement. [Ord. No. 794 § 1, 9-10-2014]

The fee for abatement of any nuisances as described in Chapter 215, Nuisances, of the Country Club Hill City Code, or in Chapter 505, Dangerous Buildings, of the Country Club Hills City Code, shall be a minimum charge of seven hundred fifty dollars ($750.00) per abatement, or the actual cost of abatement, whichever is higher.

Chapter 510

MINIMUM HOUSING CODE

Section 510.010. Purposes of Chapter. [Ord. No. 386 §100.0, 11-2-1977]

A. The general purpose of this Chapter is to protect the public health, safety and the general welfare of the people of the municipality (City). These general objectives include, among others, the following specific purposes:

1. To protect the character and stability of residential property within the municipality (City).

2. To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of buildings.

3. To provide facilities for light and ventilation necessary to health and safety.

4. To prevent additions or alterations to existing dwellings that would be injurious to the life, health, safety or general welfare of the occupants of such dwellings on neighboring properties.

5. To prevent the overcrowding of dwellings by providing minimum space standards per occupant of each dwelling unit.

6. To provide minimum standards for the maintenance of existing residential buildings and to thus prohibit the spread of slums and blight.

7. To thus preserve the property value of land and buildings throughout the municipality (City).

8. To provide mechanisms for the enforcement and administration of the code to ensure that the above purposes are accomplished.

Section 510.020. Definitions. [Ord. No. 386 §110.0, 11-2-1977]

For the purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

ACCESSORY STRUCTURE — A structure subordinate to the main or principal structure, the use of which is customary to the main building.

BASEMENT — That portion of a building which is partly underground but having at least fifty percent (50%) of its ceiling height above the average grade of the adjoining ground.

BATHROOM — A room affording privacy containing bathing and sanitary facilities provided within each living unit consisting of a water closet, a tub or shower and a lavatory basin.

CELLAR — That portion of a building which is partly underground but having less than fifty percent (50%) of its ceiling height above the average grade of the adjoining ground.

CHANGE OF OCCUPANCY — Any circumstances wherein the composition of the residents of a dwelling unit changes either through the sale, lease, rental or other provision for the occupancy of any dwelling unit or by the addition of one (1) or more persons to the number of residents of a dwelling unit, except by birth or legal custody of minors.

CONDITIONAL OCCUPANCY PERMIT — A document which states the names, ages, relationships and number of occupants of a dwelling unit which does not comply with all of the provisions of this Chapter. It is issued only under specified circumstances listed in Section 510.180 (Occupancy Permit Required) for a limited, specified length of time.

DETERIORATION — The condition of appearance of a building or part thereof characterized by evidence of physical decay or neglect, excessive use or lack of maintenance.

DWELLING — A structure or portion thereof which is wholly or partly designed for or used for human habitation.

DWELLING UNIT — One (1) or more rooms or any part thereof in a building usable for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

ENFORCEMENT OFFICIAL — The official designated herein or otherwise charged with the responsibilities of administering this Chapter or his/her authorized representatives.

EXTERIOR APPURTENANCES — Objects which are added to a structure for aesthetic or functional purposes. These include, but are not limited to,

screens, awnings, trellises, television antennae, storm windows and storm doors.

EXTERMINATION — The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Health Commissioner of this municipality (City).

FAMILY — An individual or married couple and the children thereof and no more than two (2) other persons related directly to the individual or married couple by blood or marriage and not more than one (1) unrelated person (excluding servants) or a group of not more than four (4) persons not related by blood or marriage living together as a single housekeeping unit in a dwelling unit.

FENCE — An independent structure forming a barrier at grade between lots, between a lot and a street or an alley, or between portions of a lot or lots. A barrier includes a wall or latticework screen but excludes a hedge or natural growth or a barrier less than eighteen (18) inches in height which is used to protect plant growth.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GARDEN LEVEL — That portion of a building which is partly underground but having at least sixty percent (60%) of its ceiling height above the average grade of the adjoining ground.

GUTTER — A trough under an eave to carry off water.

HABITABLE BUILDING — Any structure or part thereof that shall be used as a home or place of abode by one (1) or more persons.

HABITABLE ROOM — Every room in any building in which persons sleep, eat or carry on their usual domestic or social vocations or avocations. It shall not include private laundries, bathrooms, toilet rooms, water closet compartments, pantries, storerooms, foyers, closets, corridors, rooms for mechanical equipment for service in the building or other similar spaces not used by persons frequently or during extended periods.

HARBORAGE PLACES — INSECTS, PESTS OR RODENTS — Any place where insects, pests or rodents can live, nest or seek shelter.

INFESTATION — The presence, within or contiguous to of a structure or premises, of insects, rodents, vermin or other pests.

KITCHEN — A space which contains a sink and adequate space for installing cooking and refrigeration equipment and for the storage of cooking utensils.

MULTIPLE-FAMILY DWELLING — A building or portion thereof designed or altered for occupancy by two (2) or more families living independently of each other in separate dwelling units.

OCCUPANCY PERMIT — A document which states the names, ages, relationships and number of occupants of a dwelling unit and that the occupancy complies with all of the provisions of this Chapter. It is issued under the circumstances listed in Section 510.180 (Occupancy Permit Required).

OCCUPANT — Any person living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

OPENABLE AREA — Part of a window 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 building or part thereof which is let or offered for occupancy.

OWNER — Any person, firm or corporation who, alone, jointly or severally with others, shall be in actual possession of or have charge, care or control of any dwelling or dwelling unit within the municipality (City) as owner, employee or agent of the owner or as trustee or guardian of the estate or person of the title holder and such person shall be bound to comply with the provisions of this Chapter to the same extent as the owner.

PERSON — A corporation, firm, partnership, association, organization and any other group acting as a unit as well as any individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "*person*" is used in any Section of this Chapter prescribing a penalty or fine as to partnerships or associations, the word shall include the partners or members thereof and as to corporations, shall include the officer, agents or members thereof who are responsible for any violation of such Section.

PLUMBING — Facilities and equipment including, but not limited to, the following: Gas pipes, gas- burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar fixtures, together with all connections to water, sewer, vent or gas lines.

PREMISES — A lot, plot or parcel of land or any part thereof including the buildings or structures thereon.

PROVIDED — Any material furnished, supplied, paid for or under the control of the owner.

PUBLIC HALL — A hall, corridor or passageway for egress from a dwelling not within the exclusive control of one (1) family or dwelling unit.

REPAIR — To restore to a sound and acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

REPLACE — To remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new. Replacement will ordinarily take place when the item is beyond repair.

ROOMING UNIT — Any room or group of rooms or any part thereof forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

RUBBISH — Non-putrescible solid wastes consisting of both combustible and non-combustible wastes.

STRUCTURE — Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or freestanding wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

SUBSTANDARD — All structures which do not conform to the minimum standards established by this Chapter or any other ordinances.

SUPPLIED — Paid for, installed, furnished or provided by or under the control of the owner or operator.

VENTILATION — The process of supplying and removing air by natural or mechanical means to or from any space. Ventilation by power-driven devices shall be deemed mechanical ventilation. Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driven devices shall be deemed natural ventilation.

YARD — An open space at grade on the same lot as a building or structure located between the main building and the adjoining lot line and/or street line. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

Section 510.030. Applicability of Chapter. [Ord. No. 386 §120.0, 11-2-1977]

Every building or its premises used in whole or in part as a dwelling or as an accessory structure thereof shall conform to the requirements of this Chapter.

Section 510.040. Interpretation of Chapter. [Ord. No. 386 §130.0, 11-2-1977]

A. *Scope.* This Chapter establishes minimum standards for dwellings, dwelling units and accessory buildings and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings except such as are in conflict with the provisions of this Chapter. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of this municipality (City) existing on the effective date of this Chapter, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

B. *Severability.* If any Section, Subsection, paragraph, sentence, clause or phrase of this Chapter should be declared invalid for any reason

whatsoever, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect.

Section 510.050. Dwellings and Dwelling Units — Minimum Standards. [Ord. No. 386 §200.0, 11-2-1977]

A. *Applicability.* It shall be unlawful for any person to occupy as owner/occupant or to let or hold out to another for occupancy any dwelling unit for the purpose of living, sleeping, cooking or eating which is not safe, clean and fit for human occupancy and which does not comply with the particular requirements of the following paragraphs of this Section.

B. *Foundation, Exterior Walls And Roofs.* The foundation, exterior walls and roof shall be substantially watertight, weathertight and protected against rodents and shall be kept in sound condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be maintained in a sound condition of repair and shall be free of any other condition which admits rain or dampness to the interior portions of the building. All exterior surface material must be treated, painted in a workmanlike manner or otherwise maintained in a sound condition. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. All cornices, rustications, quoins, moldings, belt courses, lintels, sills, oriel windows, pediments, gutters and similar projections shall be kept in good repair and free from defects which make them hazardous and dangerous.

C. *Floors, Interior Walls And Ceilings.* Every floor, interior wall and ceiling shall be adequately protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotting floor boards. Every interior wall and ceiling shall be free of large cracks and holes and shall be free of loose plaster or other structural or surface materials. Every toilet room and bathroom floor surface shall be substantially impervious to water and be capable of being maintained easily in a clean and sanitary condition. Toxic paint and materials shall not be used where readily accessible to children.

D. *Windows, Doors And Hatchways.* Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair. Every window shall be fully supplied with window panes which are without cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware. Every exterior door, door hinge and door latch shall be in good condition. Every exterior door, when closed, shall fit reasonably well within its frame. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain and substantially to exclude wind from entering the dwelling. Every basement hatchway and window shall be

so constructed, screened or maintained as to prevent the entrance of rodents, rain and surface drainage water into the building.

E. *Exterior Appurtenances.* Exterior appurtenances including, but not limited to, screens, awnings, trellises, television antennae, storm windows and storm doors shall be installed in a safe and secure manner and shall be maintained in sound condition.

F. *Stairways And Porches.* Every stairway inside or outside of the dwelling and every porch shall be kept in safe condition and sound repair. Every flight of stairs and every porch floor shall be free of deterioration. Every stairwell and every flight of stairs which is more than four (4) risers high shall have a rail not less than two and one-half (2½) feet high measured vertically from the nose of the tread to the top of the rail; and every porch which is more than four (4) risers high shall have a rail not less than two and one-half (2½) feet above the floor of the porch. Every rail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled more than one (1) inch out of its intended position or have pulled away from supporting or adjacent structures. No flight of stairs shall have rotting, loose or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height. Every stair tread shall be strong enough to bear a concentrated load of at least four hundred (400) pounds. Every porch shall have a sound floor. No porch shall have rotting, loose or deteriorating supports.

G. *Basements, Garden Levels And Cellars.* Every basement, garden level and cellar shall be maintained in a safe and sanitary condition. Water shall not be permitted to accumulate or stand on the floor. All sewer connections shall be properly trapped. All cellar and slab drains shall be covered with grating. Junk, rubbish and waste shall not be permitted to accumulate to such an extent as to create fire hazard or to endanger health or safety.

H. *Facilities, Equipment And Chimneys.* Every supplied facility, system, piece of equipment or utility and every chimney and chimney flue shall be maintained in a safe, sound and sanitary working condition consistent with the requirements of this Chapter.

I. *Driveways.* Driveways shall be maintained in good repair and free of safety hazards.

J. *Yards.* All areas which are not covered by lawn or vegetation shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public thoroughfare shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians. Hazardous dead trees and shrubs shall be promptly removed.

Section 510.060. Infestation. [Ord. No. 386 §220.0, 11-2-1977]

Each dwelling and all exterior appurtenances on the premises shall be adequately protected against insects, rats, mice, termites and other vermin infestation. Building defects which permit the entrance of insects, rats, mice, termites and other vermin shall be corrected by the owner. Tenants shall be responsible for the elimination of rodents and vermin from that part of the premises under their exclusive control, except when more than one (1) unit is infested at the same time and in this instance the owner shall be responsible for elimination of the infestation.

Section 510.070. Space Requirements at Change of Occupancy. [Ord. No. 386 §230.0, 11-2-1977]

A. *Space Requirements.* Every dwelling unit shall contain minimum gross floor area of not less than one hundred fifty (150) square feet for the first (1st) occupant and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

B. *Required Space In Sleeping Rooms.* In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.

C. *Ceiling Height.* Habitable rooms shall have a clear ceiling height over the minimum area required of at least seven (7) feet. Attics or top half stories calculated as habitable rooms shall have a clear ceiling height of at least seven (7) feet over at least one-third (1/3) of the floor area. Only those portions of the floor area of such rooms having a clear ceiling height of five (5) feet or more may be included.

D. *Basement Rooms.* Basement rooms and below ground level areas that do not comply with minimum habitable floor area required.

Section 510.080. Basement and Garden Level Rooms. [Ord. No. 386 §240.0, 11-2-1977]

A. It shall be unlawful for any person to use or permit any room in any basement or garden level to be used to satisfy the habitable room requirements of Section 510.070 (Space Requirements at Change of Occupancy) unless such room meets all the applicable requirements of this Chapter, particularly with regard to ceiling height, ventilation, window area and meets the following additional requirements:

1. The lowest point of the ceiling shall be at least three (3) feet six (6) inches above the surface of the ground immediately adjoining the room.

2. The required minimum window area is entirely above ground level.

3. No floor area three (3) feet below grade shall be used in determining habitable living space.

4. Two (2) means of exit are provided, at least one (1) of which leads directly to the outside of the building.

5. The floors and walls shall be constructed in a manner to prevent the entry of moisture and insulated to prevent the condensation of moisture within the room.

Section 510.090. Illumination. [Ord. No. 386 §250.0, 11-2-1977]

A. *Public Halls.* All habitable rooms, passageways and stairways shall be provided with electrical fixtures so that they can be adequately lighted at night. A minimum of five (5) foot-candles of daylight or artificial illumination shall be required at all times in all public halls.

B. *Natural Lighting.* All habitable rooms except as otherwise provided in this Chapter shall be provided with a means of transmitting natural light from outside complying with the following requirements:

1. *Window area.* Every habitable room shall have at least one (1) window or skylight of approved size facing directly to the outdoors except in kitchens where artificial light may be provided in accordance with the provisions of the Building Code. The minimum total window area, measured between stops, for every habitable room shall be at least five percent (5%) of the floor area of such room and not less than five (5) square feet. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area for the room.

2. *Windows leading to porches.* Whenever the natural light area opening from a habitable room is to an enclosed porch, such area shall not be counted as a required light area unless the enclosed porch has a natural light area of at least thirty percent (30%) of the floor area of the room in question.

Section 510.100. Electrical Service. [Ord. No. 386 §260.0, 11-2-1977]

A. *Generally.* It shall be unlawful to occupy or permit another to occupy any dwelling unit for the purpose of living therein, which is not adequately and safely provided with an electrical system in compliance with the requirements of this Section.

B. *Minimum Requirements.* The following shall be considered as absolute minimum requirements: Conditions such as size of the dwelling unit

and usage of appliances and equipment within the unit shall be used as the basis for requiring additional electrical works.

1. *Deficiencies.* Wherever it is found, in the judgment of the Enforcement Official, that the electrical system in the building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, improper or inadequate grounding of the system, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, the defects shall be corrected to eliminate the hazard. The Enforcement Official shall base his/her findings of hazard on accepted engineering practice standards as listed in the latest edition of the National Electrical Code.

2. *Number of electrical outlets.* Every habitable room shall contain not less than two (2) separate and remote wall or approved floor convenience outlets, one (1) of which may be a ceiling or wall-type electric light fixture. Every kitchen shall be provided with at least three (3) separate and remote wall-type electric convenience outlets, one (1) of which may be a ceiling or wall-type electric light fixture.

3. *Laundry area.* Every laundry area shall contain at least one (1) grounded-type convenience outlet.

4. *Non-habitable space.* Every bathroom, laundry room, furnace room and public hall shall contain not less than one (1) ceiling or wall lighting fixture.

C. *Good Working Order.* Every outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.

D. *Hazards Defined.* In addition to the hazards established by the Enforcement Official, the following installations are prohibited and their presence shall be deemed a hazard:

1. Flush or semi-flush mounted floor convenience outlets, unless provided with an approved water-proof cover.

2. Extension cords for other than short-term, temporary use.

3. Conductor supported pendant switches or conductor supported light fixtures.

4. Loose or hanging wires.

5. Frayed or bare wires.

6. Inadequately grounded, grounded-type convenience outlets.

Section 510.110. Water Facilities. [Ord. No. 386 §270.0, 11-2-1977]

A. *Scope.* No person shall occupy as owner/occupant or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements regarding water facilities.

B. *Bathrooms.* Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet, lavatory basin and bathtub or shower, all of which are in good working condition and are properly connected to hot and cold water lines and to an approved water and sewer system.

C. *Kitchen Sink.* Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required which is in good repair and in working condition, properly connected to hot and cold water lines and to an approved water and sewer system.

D. *Water Heating Facilities.* Every dwelling unit shall have supplied water heating facilities which are properly installed and are maintained in safe and good working condition, capable of heating water to a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (120°F).

E. *Plumbing Fixtures.* Every dwelling unit and structure covered by this Chapter shall have water lines, plumbing fixtures, vents and drains which are properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the Building Code or Plumbing Code of the municipality (City).

Section 510.120. Heating. [Ord. No. 386 §280.0, 11-2-1977]

A. *Applicability.* Every dwelling unit shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments within its walls to a temperature of at least seventy degrees Fahrenheit (70°F) when the outside temperature is minus ten degrees Fahrenheit (-10°F) and a temperature of at least sixty degrees Fahrenheit (60°F) when the outside temperature is less than minus ten degrees Fahrenheit (-10°F).

B. *Prohibited Equipment.* Gas appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this Section. Portable heating equipment employing flame and the use of liquid fuels or coal does not meet the requirements of this Chapter and is prohibited.

C. *Good Working Condition.* The owner shall see that the heating facilities shall be properly installed, safely maintained and in good working condition.

Section 510.130. Ventilation Requirements. [Ord. No. 386 §290.0, 11-2-1977]

A. *Generally.* Every habitable room shall have natural ventilation or a mechanical ventilation system adequate for the purpose for which the room is used.

B. *Toilet Rooms, Bathrooms And Kitchens.* Every toilet room, bathroom and kitchen shall have adequate ventilation which may be either an openable window with an openable area of five percent (5%) of the floor area, mechanical ventilation or a gravity vent flue constructed with incombustible material leading to the roof of the building or a combination of any of these. The gravity vent shall be computed at an aggregate clear area of not less than five percent (5%) of the floor area of the room with a minimum area of at least one hundred twenty (120) square inches. Gravity vents shall be provided with a weather cap, directional vane or rotary type ventilation on the roof.

C. *Adequacy.* A ventilating system maintained in a safe and good working condition which provides a complete change of air for the bathroom or water closet compartment every fifteen (15) minutes shall meet the requirements of this Chapter.

Section 510.140. Refuse, Garbage and Rubbish Storage. [Ord. No. 386 §300.0, 11-2-1977]

Adequate containers and covers for storage of rubbish, refuse and garbage shall be required for every dwelling unit.

Section 510.150. Accessory Structures. [Ord. No. 386 §310.0, 11-2-1977]

A. *Obstruction Or Disrepair Not Permitted.* Accessory structures shall not obstruct light and air of doors and windows of any dwelling unit or obstruct a safe means of access to any dwelling unit or create fire and safety hazards or provide rat or vermin harborage. Accessory structures shall be functional and shall be maintained in a state of good repair and alignment. All structures must have verminproof floors.

B. *Removal Of Non-Functioning Structures.* All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated condition which are not economically repairable shall be removed. Such structures shall include, but not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, miscellaneous sheds and sidewalks.

C. *Dish Antennae — Location, Construction And Installation.* A building permit may be issued for a dish antenna in accordance with the provisions of this Chapter provided that:

1. The dish is not located on the roof of a residential building unless it is less than thirty-six (36) inches in diameter.

2. The dish structure does not exceed twenty (20) feet in height from the ground.

3. The dish is located in the rear yard or on the roof; provided that when on a corner lot, it cannot be closer to the side street than is the main building permitted to be located.

4. All parts of the dish structure are a minimum of five (5) feet in distance from any rear or side property line.

5. The dish structure and its attachment to a building on the ground meet the applicable requirements of the Building Code.

6. The base assembly when placed on the ground, shall be adequately anchored to the steel pipe support so as not to constitute a hazard in winds of eighty (80) miles per hour velocity when the dish stand is located on the ground. Structural design for dish antennas base assembly, steel pipe support and concrete foundation shall conform to applicable BOCA Basic Building Code requirements in existence at the time of application for permit. All plans, computations and specifications required for such design work shall be prepared and sealed by a registered architect or engineer in the State of Missouri.

7. Shall be ground or roof mounted and all associated wiring must be placed immediately inside the building or underground.

8. Year-round screening shall be provided to avoid viewing the dish antenna from the adjoining street when placed on the ground.

9. All satellite antenna dish installations shall require a building permit.

Section 510.160. Egress. [Ord. No. 386 §320.0, 11-2-1977]

A. *General Egress.* Every dwelling unit shall have a safe and unobstructed means of egress leading to safe and open space outside at the ground level. Passage through such exit shall not lead through any other dwelling unit.

B. *Structures With Three Or More Stories.* All habitable structures of three (3) or more stories with dwelling units occupying the third (3rd) or higher story shall be provided with two (2) separate usable unobstructed means of egress for each dwelling unit located above the second (2nd) story.

C. *Easy Egress Mandatory.* Every door available as an exit shall be capable of being opened from the inside easily.

Section 510.170. Enforcement Authority. [Ord. No. 386 §400.0, 11-2-1977; Ord. No. 629 §1, 9-11-2002]

A. *Enforcement Official.* It shall be the duty and responsibility of the Enforcement Official and his/her delegated representatives of the municipality (City) to enforce the provisions of this Chapter. No order for correction of any violation under this Chapter shall be issued without the approval of the Enforcement Official.

B. *Inspections.* The Enforcement Official is authorized and directed to make inspections to determine whether dwellings, dwelling units, rooming units, accessory structures and premises located within this municipality (City) conform to the requirements of this Chapter. For the purpose of making such inspections, the Enforcement Official is authorized to enter, examine and survey at reasonable times all dwellings, dwelling units, rooming units, accessory structures and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit, accessory structure and its premises shall give the Enforcement Official access thereto at reasonable times for the purpose of such inspection, examination and survey.

If any owner, occupant or other person in charge of a structure subject to the provisions of this Chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Chapter is sought, the Enforcement Official may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

Inspections shall be initiated under the following circumstances:

1. Upon application for any occupancy permit for the dwelling unit or other notification that there will be a change of occupancy of said dwelling unit.

2. When, on the basis of a complaint or his/her personal observation, the Enforcement Official reasonably suspects that a dwelling unit has code violations and, as such, constitutes a health and/or safety hazard.

C. *Access By Owner Or Operator.* Every occupant of a structure or premises shall give the owner or operator thereof or his/her agent or employee access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Chapter.

D. *Inspection Fees.* The fee for such inspection is as follows:

1. One hundred dollars ($100.00) for an initial inspection, and

2. Fifty dollars ($50.00) for each reinspection.

Inspections are good for only ninety (90) days (three (3) months).

Section 510.180. Occupancy Permit Required. [Ord. No. 386 §410.0, 11-2-1977; Ord. No. 639 §1, 9-11-2002; Ord. No. 762 §1, 8-10-2011]

A. *Applicability.* This Section shall not apply to any occupancy in existence at the time of the adoption of this Chapter and until a change of occupancy occurs.

B. *Scope.* Except as otherwise provided, it shall be unlawful for any person or family to occupy or for any owner or agent thereof to permit the occupation of any dwelling, dwelling unit or addition thereto or part thereof for any purpose until an occupancy permit has been issued by the Enforcement Official. The occupancy permit shall not be issued until all violations of this Chapter have been brought into compliance. The occupancy permit so issued shall state that the occupancy complies with all of the provisions of this Chapter.

C. *Permit Fee.* The occupancy permit fee shall be one hundred dollars ($100.00).

D. *Content Of Occupancy Permit.* The occupancy permit shall state the names, ages, relationships and number of occupants of the dwelling unit. It shall be unlawful for any person to knowingly make any false statement in his/her application for an occupancy permit as to the names, ages, relationships or number of occupants of the dwelling unit. No more than one (1) family as defined in this Chapter shall occupy each dwelling unit. All persons who occupy the premises of a dwelling unit must be listed on the occupancy permit or be subject to the penalties provided in this Chapter.

E. *Report Change Of Occupancy.* Every dwelling unit in which a change of occupancy is to occur must be reported by the owner to the Building Commissioner so that the Enforcement Official may inspect the structure according to the provisions of this Chapter. Upon inspection, he/she shall determine the number of occupants which can be housed in the dwelling unit without creating a health or safety hazard. Failure to make such a report shall constitute a violation of this Chapter and the person responsible for the failure shall be subject to the penalties of this Chapter. A change in occupancy under this Subsection shall require a new permit and permit fee of twenty-five dollars ($25.00).

F. *Responsibilities Of Real Estate Brokers.* All real estate brokers and agents and similar businesses and owners of multiple-family dwelling units shall report each dwelling unit which is to change occupancy as in this Chapter defined so that the Enforcement Official may inspect the unit according to the provisions of this Chapter. Failure to register or make such a report shall constitute a violation of this Chapter and the person or firm responsible for the failure shall be subject to the penalties of this Chapter.

G. *Conditional Occupancy Permit.* A conditional occupancy permit may be issued by the Enforcement Official if, in his/her judgment, any deficiencies in structures covered by this Chapter would not seriously

endanger the health or safety of the occupants or the community and provided that the occupant makes an affidavit stating that he/she will correct deficiencies within a specified time and thus bring the structure into compliance with the provisions of this Chapter. The occupant may then occupy the dwelling unit while repairs are being made. At such time as the dwelling complies with all the provisions of this Chapter, an occupancy permit will be issued as provided above.

Section 510.190. Non-Compliance With Chapter — Notice to Be Given. [Ord. No. 386 §420.0, 11-2-1977]

Whenever the Enforcement Official or his/her delegated representative finds evidence of a violation of any provision of this Chapter, he/she shall declare a public nuisance and give notice of same to the person or persons responsible hereunder. Such notice shall be in writing and shall include a statement of each of the provisions of this Chapter being violated together with a statement of the corrective action required to cure such violation. Such notice shall specify the period of time within which such remedial action shall be taken, which time shall be a reasonable period of time under all of the circumstances. Appeal procedures available shall be specified. Such notice shall be served by delivering a copy to the owner or his/her agent or the occupant, as the case may require, or if such person cannot be found, by sending a copy of the notice by registered or certified mail with return receipt requested or if same cannot be delivered by posting a copy of such notice in a conspicuous place in or about the building affected by the notice. The notice shall be deemed served on the date served or received or ten (10) days after posting as herein provided.

Section 510.200. Non-Compliance With Chapter. [Ord. No. 386 §430.0, 11-2-1977]

A. *Remedy Of Defects.* The owner of any building shall have thirty (30) days from the issuance of the notice provided for in Section 510.190 (Non-Compliance with Chapter — Notice to be Given) in which to remedy the condition therein specified, except when emergency conditions shall require immediate action as provided in Section 510.260 (Emergency Measures), provided however, that the Enforcement Official may, at his/her discretion, extend the time for compliance with any such notice.

B. *Reinspection.* At the time when the defects have allegedly been brought into compliance, the Enforcement Official shall reinspect the dwelling, dwelling unit, rooming unit, accessory structure and its premises. At this time he/she shall make a complete inspection, taking particular notice that the violations previously noted have been brought into compliance and that no new violations have come into existence in the time which has elapsed since the first (1st) inspection.

Section 510.210. Buildings Unfit for Human Habitation. [Ord. No. 386 §440.0, 11-2-1977]

A. *Placard On Building.* The designation of dwellings or dwelling units as unfit for human habitation and the procedure for such declaration and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

Any dwelling or dwelling unit which shall be found to have any of the following defects shall be declared unfit for human habitation and shall be so designated and placarded by the Enforcement Official when the person responsible has failed to correct the condition set forth in a notice issued in accordance with Section 510.190 (Non-Compliance with Chapter — Notice to be Given). One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

B. *Building To Be Vacated.* Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Enforcement Official shall be vacated within a reasonable time as ordered by the Enforcement Official.

C. *Reoccupation Of Building.* No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard removed by, the Enforcement Official. The Enforcement Official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

D. *Unlawful To Remove Placard.* No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in the preceding paragraph.

Section 510.220. Vacated Buildings to Be Made Secure. [Ord. No. 386 §450.0, 11-2-1977]

The owner of every building or dwelling unit or rooming unit which is declared "unfit for human habitation" for continued occupancy shall make the dwelling, building or rooming unit safe and secure under the terms so that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant dwelling open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and public nuisance within the meaning of this provision.

Section 510.230. Broken Glass and Boarding-Up. [Ord. No. 386 §460.0, 11-2-1977]

A. *Applicability.* Every window, glazed exterior door, exterior transom or exterior sidelight shall be provided with properly installed glass or other approved glazing material. In the event of breakage, the owner shall cause the immediate removal of broken glass from the premises and shall temporarily board up the affected openings with suitable

material to provide protection from the elements and to prevent entry of birds or animals and to provide security to occupants or contents of the building. Within ten (10) days after the boarding-up, the owner shall cause the boarding material to be removed and all affected opening shall be simultaneously reglazed by the owner.

B. *Provision Of Adequate Lighting And Ventilation.* Adequate ventilation and natural lighting shall be provided for all occupied dwelling units. Whenever any exterior openings are found boarded-up, it shall be the duty of the Enforcement Official to notify the owner or agent of this requirement giving him/her a period of not more than ten (10) working days in which to properly replace the broken glass or cause the dwelling unit to be vacated. This notice shall be given in the manner required by Section 510.190 (Non-Compliance with Chapter — Notice to be Given).

C. *Specifications.* Since the presence of boarded-up buildings, particularly those where the boarding is unpainted or applied in an insecure, careless or unpresentable fashion, invites vandalism and creates a blighting influence which adversely affects the general welfare of the people of this municipality (City), it is hereby required that all boarding-up of exterior openings be accomplished in a neat workmanlike manner with not less than one-half (½) inch thick, weather-resistant plywood cut to fit within the openings, fastened in place as securely as possible and suitably coated with an appropriate neutral color blending with or harmonizing with the exterior colors of the building as inconspicuously as possible. It shall be the duty of the Enforcement Official to notify the owner or agent of any boarded-up dwelling unit not complying with the above requirements of the necessity of immediate compliance and ordering him/her to replace the broken glass or repair, replace or paint the boarding. This notice shall be given in the manner required in Section 510.190 (Non-Compliance with Chapter — Notice to be Given).

Section 510.240. Prosecution of Violation. [Ord. No. 386 §470.0, 11-2-1977]

A. *Prosecution*. In case any violation of this Chapter is not remedied within the prescribed time period designated by the Enforcement Official, he/she shall request the legal representative of the municipality (City) to institute an appropriate action or proceeding at law against the person or firm responsible for the failure to comply, ordering him/her:

1. To restrain, correct or remove the violation or refrain from any further execution of work;

2. To restrain or correct the erection, installation or alteration of such building;

3. To require the removal of work in violation;

4. To prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Chapter or in violation of a plan or specification under which an approval, permit or certificate was issued; or

5. To enforce the penalty provisions of this Chapter.

B. *Penalty For Violations.* Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof, be subject to a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) at the discretion of the court. Every day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Section 510.250. Appeals. [Ord. No. 386 §500.0, 11-2-1977]

A. *Hearing.* Upon failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the Enforcement Official shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten (10) working days' written notice of the time, place and purpose of the hearing. Said notice shall be given in the same manner as notice of the declaration of nuisance is given. At that hearing, any party may be represented by counsel and all parties shall have an opportunity to be heard. After the hearing, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the municipality (City), the Enforcement Official shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety or welfare of the residents of the municipality (City) and ordering the building or structure to be demolished and removed or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the municipality (City), no order shall be issued. Notice of any post-hearing orders shall be given in the same manner as notice of the declaration of a nuisance.

B. *Special Tax Bill.* If any post-hearing order of the Enforcement Official is not obeyed within fifteen (15) days after its issuance, and if appeal of any post-hearing order is not made to the Circuit Court as provided for in this Section within fifteen (15) days after issuance of any such order, the Enforcement Official may cause such building or structure to be repaired, vacated or demolished as provided in his/her post-hearing order. The Enforcement Official shall certify the costs for such repair, vacation or demolition to the City Clerk or officer in charge of finance who shall cause a special tax bill therefor against the property to be prepared, filed and collected by the City Collector or other official

collecting taxes. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. Said assessment shall bear interest at the maximum rate that the law will allow until paid. The tax bill shall be a lien on the property until paid.

C. *Appeal To Circuit Court Of St. Louis County.* The decision by the Enforcement Official may be appealed by a party aggrieved thereby to the Circuit Court of St. Louis County pursuant to Chapter 536, RSMo., provided that any party so aggrieved, other than the municipality (City), may either appeal directly to the Circuit Court of St. Louis County or to the Housing Board of Appeals of this municipality (City). The decision by the Housing Board of Appeals may be appealed by any party aggrieved thereby to the Circuit Court of St. Louis County pursuant to Chapter 536, RSMo.

Section 510.260. Emergency Measures. [Ord. No. 386 §600.0, 11-2-1977]

A. *Applicability.* When any dwelling unit has become so damaged by fire, wind or other causes or has become so unsafe, unhealthful or unsanitary that, in the opinion of the Enforcement Official, life or health is immediately endangered by the occupation of the dwelling unit, the Enforcement Official is hereby authorized and empowered to revoke without notice any occupancy permit for such dwelling unit and to order and require the occupants to vacate the same forthwith and to order the owner or agent to proceed immediately with the corrective work and repairs required to make the dwelling unit temporarily safe and fit for human habitation, whether or not a notice of violation has been given as described in this Chapter and whether or not legal procedures described by municipal (City) ordinances have been instituted.

B. *Procedures.* In the event the Enforcement Official determines that there is an immediate danger to the health, safety or welfare of any person, he/she may take emergency measures to vacate and repair the structure or otherwise remove the immediate danger.

Section 510.270. Building Code Inspections. [Ord. No. 19-849, 7-10-2019]

Prior to building code inspections and issuance of occupancy permit there shall be no furniture in the building other than kitchen appliances.

Section 510.280. Air Conditioning And Heating. [Ord. No. 19-851, 7-10-2019]

Any lessors of rental homes or apartments shall promptly repair air-conditioning or heating units for tenants who were leased such property with air-conditioning or heating.

Chapter 520

RELOCATION POLICY

Section 520.010. Relocation Policy. [Ord. No. 682 §1, 3-22-2007]

A. *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;

2. Primarily for the sale of services to the public; or

3. On a not-for-profit basis by any organization that has obtained an exemption from the payment of Federal income taxes as provided in Section 501(c)(3) of Title 26, U.S.C., as amended, and veterans organizations.

DECENT, SAFE AND SANITARY DWELLING — A dwelling which meets applicable housing and occupancy codes. The dwelling shall:

1. Be structurally sound, 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. For a handicapped person, 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.

HANDICAPPED PERSON — Any person who is deaf, legally blind or orthopedically disabled to the extent that acquisition of another residence presents a greater burden than other persons would encounter or to the extent that modifications to the replacement residence would be necessary.

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.

PERSON — Any individual, family, partnership, corporation or association that has a legal right to occupy the property including, but not limited to, month-to-month tenants.

URBAN REDEVELOPMENT CORPORATION — A corporation organized pursuant to Chapter 353, RSMo., as further defined in Section 353.020, RSMo.

B. 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.

C. 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 provide for the following:

1. Payments to all eligible displaced persons who occupied the property to be acquired for not less than ninety (90) days prior to the initiation of negotiations who are required to vacate the premises;

2. A program for identifying special needs of displaced persons with specific consideration given to income, age, size of family, nature of business, availability of suitable replacement facilities and vacancy rates of affordable facilities;

3. A program for providing proper and timely notice to all displaced persons, including a general description of their potential rights and benefits if they are displaced, their eligibility for relocation assistance and the nature of that assistance. The notices required for compliance with this Section are as follows:

   a. A general information notice that shall be issued at the approval and selection of a designated redeveloper and shall inform residential and non-residential owners and occupants of a potential project, including the potential acquisition of the property; and

   b. A notice of relocation eligibility that shall be issued as soon as feasible after the execution of the redevelopment agreement and shall inform residential and non-residential occupants within the project area who will be displaced of their relocation assistance and nature of that assistance, including ninety (90) days' advance notice of the date the occupants must vacate.

4. A program for referrals of displaced persons with provisions for a minimum of three (3) decent, safe and sanitary housing referrals for residential persons or suitable referral sites for displaced businesses, a minimum of ninety (90) days' notice of referral sites for all displaced persons prior to the date such displaced persons are required to vacate the premises and arrangements for transportation to inspect referral sites; and

5. Every displaced person shall be given a ninety (90) day notice to vacate, prior to the date such displaced person is required to vacate the premises.

D. All displaced residential persons eligible for payments shall be provided with relocation payments based upon one (1) of the following, at the option of the person:

1. A one thousand dollar ($1,000.00) fixed moving expense payment; or

2. Actual reasonable costs of relocation including, but not limited to, actual moving costs, utility deposits, key deposits, storage of personal property up to one (1) month, utility transfer and connection fees and other initial rehousing deposits including first (1st) and last month's rent and security deposit. Such costs of relocation shall not include the cost of a replacement property or any capital improvements thereto.

E. All displaced businesses eligible for payments shall be provided with relocation payments based upon the following, at the option of the business:

1. A three thousand dollar ($3,000.00) fixed moving expense payment and up to an additional ten thousand dollars ($10,000.00) for re-establishment expenses. Re-establishment expenses are limited to costs incurred for physical improvements to the replacement property to accommodate the particular business at issue; or

2. Actual costs of moving including costs for packing, crating, disconnection, dismantling, reassembling and installing all personal equipment and costs for relettering similar signs and similar replacement stationery and up to an additional ten thousand dollars ($10,000.00) for re-establishment expenses. Re-establishment expenses are limited to actual costs incurred for physical improvements to the replacement property to accommodate the particular business at issue.

F. If a displaced person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the developer or the City shall issue the payment subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished. Payment for a satisfactory claim shall be made within thirty (30) days following receipt of sufficient documentation to support the claim. All claims for relocation payment shall be filed with the displacing agency within six (6) months after:

1. For tenants, the date of displacement;

2. For owners, the date of displacement or the final payment for the acquisition of the real property, whichever is later.

G. Any displaced person, who is also the owner of the premises, may waive relocation payments as part of the negotiations for acquisition of the interest held by such person. Such waiver shall be in writing, shall disclose the person's knowledge of the provisions of this Relocation Policy and his entitlement to payment and shall be filed with the acquiring public agency. However, any such waiver shall not include a waiver of any notice provisions of this Relocation Policy and a displaced person shall remain entitled to all of the provisions regarding programs which are contained in subparagraphs (2) and (3) of Subsection (C) above.

H. All persons eligible for relocation benefits shall be notified in writing of the availability of such relocation payments and assistance, with such notice to be given concurrently with the notice of referral sites as required in subparagraph (3) of Subsection (C) above.

I. Any urban redevelopment corporation, its assigns or transferees, which have 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 Board of Aldermen 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.

J. An urban redevelopment corporation which fails to comply with the relocation requirements provided in this Relocation Policy shall not be eligible for tax abatement as provided for in Chapter 353, RSMo.

K. The requirements set out herein 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 Board of Aldermen or public agency shall determine the adequacy of the proposal and may require additional elements to be provided.

L. Relocation assistance shall not be provided to any person who purposely resides or locates his business in a redevelopment area solely for the purpose of obtaining relocation benefits.

Chapter 525

HOMESTEAD PROGRAM

Section 525.010. Title. [Ord. No. 18-839, 2-14-2018]

This Chapter shall be entitled the "Homestead Ordinance of the City of Country Club Hills, Missouri." Any reference to the homestead ordinance

of the City shall be construed as referring to this Chapter and any amendments thereto.

Section 525.020. Definitions. [Ord. No. 18-839, 2-14-2018]

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

APPLICANT — Any qualified person, whether male or female, who makes an application under the terms hereof.

B. The words used in this Chapter shall be taken and construed according to the dictionary definition of such words, provided that where applicable the definition of terms in the Municipal Code of the City shall apply to the language used here.

Section 525.030. Administration. [Ord. No. 18-839, 2-14-2018]

The administration of the provisions of this Chapter shall be assigned to the Homestead Board hereinafter created. Applications hereunder shall be made to the Homestead Board which shall have the responsibilities of carrying out the provisions of this Chapter.

Section 525.040. Establishment. [Ord. No. 18-839, 2-14-2018]

There is hereby established a Homestead Program for the City. Buildings owned by the City but which remain unoccupied for reasons of physical deterioration, location, or for any other reason shall be subject to this program in accordance with the terms of this Chapter.

Section 525.050. Applicants. [Ord. No. 18-839, 2-14-2018]

A. Any resident of the City who is twenty (20) years old or over and is a citizen of the United States shall be eligible to apply for and acquire property under this Chapter. A non-resident of the City may apply and be accepted, provided that he or she becomes a resident of the City promptly after the application has been accepted and a conditional deed issued to him as provided for in this Chapter. Applicants shall be first-time home buyers and not part of any real estate investment company or group.

B. Such an applicant shall prove that he or she has the ability to rehabilitate, repair or remodel the building concerned in accordance with the terms of this Chapter; and that he or she has financial ability to do so.

Section 525.060. Requirements. [Ord. No. 18-839, 2-14-2018]

A. Any applicant under this Chapter by making such application shall agree to bring the parcel and building up to the standards required by the Building Code and other ordinances within one (1) year after the

conditional deed hereinafter referred to has been issued. The applicant has one (1) year to bring up to standards with exceptions.

B. In the event that the applicant fails to bring the premises up to a satisfactory condition within one (1) year of the time the conditional deed is issued, he or she shall quitclaim the property back to the City within thirty (30) days after receipt of notice to do so. The conditional deed heretofore issued shall be null and void upon such failure.

Section 525.070. Inspections. [Ord. No. 18-839, 2-14-2018]

The Building Inspector shall inspect or cause to be inspected all premises subject to this Chapter, from time to time, to observe the progress being made. In connection with such inspection, the Inspector shall offer such advice and assistance as he or she deems necessary to assist the applicant in compliance with the provisions of this Chapter.

Section 525.080. Occupation Of Premises. [Ord. No. 18-839, 2-14-2018]

Premises subject to this Chapter shall be occupied as single-family dwellings. The applicant shall move into and occupy the premises as soon as they are fit for such occupancy even though the reconstruction, repair or rehabilitation work is being continued during such occupancy only if the structure is sound or approved by the Building Commissioner.

Section 525.090. Resale. [Ord. No. 18-839, 2-14-2018]

Premises subject to this Chapter may not be sold or transferred for a period of five (5) years and until they have been brought up to the standards required; provided that if the applicant shall be transferred or assigned to another City, he or she may assign or transfer his or her interest to some other qualified person with the consent of the Board.

Section 525.100. Conditional Deed. [Ord. No. 18-839, 2-14-2018]

Upon acceptance of the application a conditional deed shall be issued giving the applicant the right to occupy the premises subject to the provisions of this Chapter. Such conditional deed shall not be recorded with the Recorder of Deeds and may be revoked by the Board of Aldermen for any violation of the terms of this Chapter.

Section 525.110. Taxes. [Ord. No. 18-839, 2-14-2018]

Upon the issuance of a conditional deed as provided for herein, it shall be the obligation of the applicant to pay any and all taxes and assessments lawfully levied on the premises after the deed is assigned.

Section 525.120. Use Of Premises. [Ord. No. 18-839, 2-14-2018]

Premises subject to this Chapter may be used for any single-family purpose permitted by the zoning ordinance for the area in which they are located.

Section 525.130. Consideration To City. [Ord. No. 18-839, 2-14-2018]

The restoration of the property to the tax rolls, the rehabilitation or repair of the buildings thereon and bringing the premises up to the standards required by the general ordinances of the City shall constitute consideration to the City for the deed when finally issued to the applicant upon fulfillment of the terms of this Chapter.

Section 525.140. List Of Premises. [Ord. No. 18-839, 2-14-2018]

A. The Board shall cause a list to be compiled of all property in the City upon which such building or buildings stand and remain unoccupied and for which the City has no immediate plans.

B. Such premises shall be listed as premises subject to the provisions of this Chapter. Upon publication of this list in such manner and to such extent as the Board may require, applications may be received from persons qualified under this Chapter. Upon examination of the application, if the Board is satisfied that the applicant complies with the requirements of this Chapter and will fulfill his obligations hereunder, a conditional deed to the premises concerned shall be issued to him.

Section 525.150. Repair To Comply With Chapter. [Ord. No. 18-839, 2-14-2018]

Upon receipt of the conditional deed heretofore referred to, the applicant shall assume control of the premises subject to the provisions of this Chapter. All work necessary to be done to bring the premises up to the standard required by all applicable ordinances shall be commenced and carried to completion with reasonable diligence.

Section 525.160. Inspection. [Ord. No. 18-839, 2-14-2018]

Premises shall be inspected from time to time while subject to the provisions of this Chapter to determine the progress of the work and whether or not the applicant is in need of assistance or advice to complete the work. Such assistance as can be furnished by the Homestead Board, the Superintendent of Homestead or any of their employees or subordinates shall be furnished without cost to the applicant.

Section 525.170. Final Deed. [Ord. No. 18-839, 2-14-2018]

A. Upon completion of the work undertaken so that the premises are in compliance with the ordinances applicable thereto, the applicant shall apply for a final deed. Such application shall contain a statement that

the work is completed in compliance with this Chapter; that all bills and obligations for labor and material have been satisfied and paid; and that all of the conditions of this Chapter have been complied with.

B. The Board shall investigate to determine whether this Chapter has been complied with and whether the statements in the application for a final deed are correct. If it finds that they are and that this Chapter has been fully complied with, it shall cause the issuance of a deed to the applicant conveying title in fee simple. Such deed shall be by way of quitclaim rather than warranty. Upon receipt of this deed, the applicant shall become the owner of the property.

Section 525.180. Advisory Service. [Ord. No. 18-839, 2-14-2018]

The Board is hereby authorized to establish and maintain an advisory service to assist applicants in making their application, in drawing up plans and generally complying with the provisions of this Chapter. Such service shall be rendered to the applicant without charge.

Section 525.190. Death Or Incompetency Of Applicant. [Ord. No. 18-839, 2-14-2018]

A. In the event an applicant shall die or become incompetent before a final deed is issued under the provisions of this Chapter, the provisional deed heretofore issued to him shall become null and void, and the property subject hereto shall revert to the City.

B. Provided, that if a substantial amount of work has been done or expense incurred in complying with the provisions of this Chapter, the Homestead Board may offer the property to any person qualified under this Chapter as an applicant upon such terms as may be proper and fair to all concerned. Any money received for such transfer or sale shall be paid to the estate of the deceased or incompetent applicant.

C. Provided, further, that if rights are sold the oldest of the applicant's children who are qualified under the provisions of this Chapter or the widow or wife of said applicant shall have the option of purchasing the property subject to the terms of this Chapter and continuing with the work until the final deed is issued.

Section 525.200. Rules And Regulations. [Ord. No. 18-839, 2-14-2018]

The Board may establish and promulgate such rules and regulations as it deems necessary or desirable to effectuate the provisions of this Chapter.

Section 525.210. General Powers And Duties. [Ord. No. 18-839, 2-14-2018]

A. The Board is empowered and has the duty and responsibility to:

1. Review and publicize, by newspaper advertising or some other effective method, the availability of Homestead Program properties.

2. Accept and review applications and determine the qualifications of applicants within the criteria established by this Chapter and the regulations promulgated hereunder.

3. Approve and certify applicants with a view toward compatibility of the applicant and the parcel assigned to him.

4. Approve and recommend the execution, by the Mayor and the City Clerk, of a conditional deed to the assigned parcel upon the applicant being approved.

5. Approve and recommend the execution, by the Mayor and the City Clerk, of all documents necessary to convey fee-simple title to the assigned parcel to the applicant upon the applicant's fulfillment of all conditions enumerated hereof.

Title VI Business and Occupation

Chapter 600

ALCOHOLIC BEVERAGES

Section 600.010. Definitions. [Ord. No. 824 § 1, 11-9-2016]

When used in this Chapter, the following words shall have the following meanings:

AMUSEMENT PLACE — Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least twenty-five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars ($100,000.00) of which at least fifty thousand dollars ($50,000.00) of such gross receipts is in non-alcoholic sales.

CLOSED PLACE — A place where all doors are locked and where no patrons are in the place or about the premises.

CLUB or ORGANIZATION — Includes any organization, whether incorporated or not, of ten (10) or more members not formed for profit which maintains in the City any facilities for the benefit and convenience of its members.

COMMON EATING AND DRINKING AREAS — Those areas within a building or group of buildings designated for the eating of food and drinking of liquor sold at retail by establishments which do not provide areas within

their premises for the consumption of food and liquor; where the costs of maintaining such area or areas are shared by the payment of common area maintenance charges as provided in the respective leases permitting the use of such areas or otherwise; and where the annual gross income from the sale of such prepared meals or food consumed in such common eating and drinking area is or is projected to be at least two hundred seventy-five thousand dollars ($275,000.00).

CONTROLLED ACCESS LIQUOR CABINET SYSTEM — A system for the sale of intoxicating liquor in qualified packages or containers in the rooms provided for the overnight accommodation of transients guests in a qualified hotel by means of a controlled access liquor cabinet in accordance with Section 311.099, RSMo.

ENTERTAINMENT PLACE — Any establishment which has gross annual sales in excess of two hundred fifty thousand dollars ($250,000.00) and the establishment has been in operation for at least one (1) year.

INTOXICATING LIQUOR — Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume, except for non-intoxicating beer as defined herein. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

LIGHT WINES — An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

MALT LIQUOR OR BEVERAGE (BEER) — Any intoxicating liquor manufactured from pure hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water. Beer shall be brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer.

MICROBREWERY — A business whose primary activity is the brewing and selling of beer with an annual production of ten thousand (10,000) barrels or less.

NON-INTOXICATING BEER — Any beer manufactured from pure hops or pure extract of hops, and pure barley malt, or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

ORIGINAL PACKAGE — Any package containing one (1) or more standard bottles, cans or pouches of beer; fifty (50) milliliters (1.7 ounces) or more of spirituous liquors or one hundred (100) milliliters (3.4 ounces) of vinous liquors in the manufacturer's original container.

PERSON — An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

PICNIC LICENSE — A temporary permit for the sale of intoxicating liquor for consumption on the premises where sold and may be issued to a church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair or similar gathering.

PREMISES — Includes the entire building or that portion of any building in which a licensee hereunder has a place of business and any additional building or portion thereof used in connection therewith and the entire lot or lots, parcel or parcels of land on which said building are situated or which are used in connection with the sale or consumption of intoxicating liquor.

RESORT — Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars ($75,000.00) per year with at least fifty thousand dollars ($50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

RESTAURANT BAR — Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars ($200,000.00) from the sale of prepared meals or food consumed on such premises.

SPIRITUOUS — Preparations or mixtures for beverage purposes that contain alcohol obtained by distillation, including brandy, rum, whiskey, gin and all other preparations or mixtures for beverage purposes of a like character and excluding all vinous, fermented or malt liquors.

VINOUS — Relating to wine.

WINE — Any vinous liquor produced by fermentation of juice of grapes, berries and other fruits or a preparation of certain vegetables by

fermentation and containing alcohol not in excess of twenty-two percent (22%) by volume.

Section 600.015. Sale By The Drink Defined. [Ord. No. 824 § 1, 11-9-2016]

The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "sale by the drink" and may be made only by a holder of a retail liquor dealer's license and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

Section 600.017. Size Of Original Package Restricted. [Ord. No. 824 § 1, 11-9-2016]

No person licensed under the provisions of this Chapter to sell intoxicating liquor at retail in the original package not to be consumed on the premises where sold shall sell any such intoxicating liquor in any package containing less than an original package as defined in this Article, except they may sell from thirty-two (32) to one hundred twenty-eight (128) fluid ounces of draft beer to customers in containers filled by an employee of the licensee (who is at least twenty-one (21) years of age) on the premises for consumption off the premises in accordance with Section 311.201, RSMo. Any other sale of intoxicating liquor in any package shall require the applicable "by the drink" license.

Section 600.020. License Required — Classes Of Licenses. [Ord. No. 824 § 1, 11-9-2016]

A. No person shall sell or offer for sale intoxicating liquor or non-intoxicating beer in the City of Country Club Hills without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.

B. General Licenses. Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer:

   1. Package Liquor — Malt Liquor Only. Sales of malt liquor at retail in the original package not for consumption on the premises where sold. This license may include Sunday sales from 9:00 a.m. to Midnight.

   2. Package Liquor — Non-Intoxicating Beer. Sales of non-intoxicating beer at retail in the original package not for consumption on the premises where sold.

   3. Package Liquor — All Kinds. Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the

premises where sold, including sales as set forth in Subsections (B)(1) and (2) of this Section.

4. Liquor By The Drink — Malt Liquor/Light Wine Only. Sales of malt liquor, and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B) (1) and (5) of this Section.

5. Malt Liquor By The Drink. Sales of malt liquor at retail by the drink for consumption on the premises, which license shall also permit the holder thereof to sell non-intoxicating beer as defined in Section 600.010 of this Chapter and set out in Subsection (6) hereof. This license may include Sunday sales from 9:00 a.m. to Midnight.

6. Liquor By The Drink — Non-Intoxicating Beer. Sales of non-intoxicating beer at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection (B) (2) of this Section.

7. Liquor By The Drink — All Kinds. Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B) (3) of this Section.

8. Consumption Of Intoxicating Liquor On Premises License. Issued to any establishment where food, beverage or entertainment are sold or provided for compensation and where patrons are allowed to bring their own intoxicating liquor on the premises for consumption.

C. Sunday Sales. Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 9:00 a.m. and Midnight:

1. Package Liquor — All Kinds. Sales of liquor of all kinds in the original package at retail not for consumption on the premises where sold.

2. Liquor By The Drink — Including Package Liquor. Sale of liquor of all kind at retail by the drink for consumption on the premises and shall also allow the sale of intoxicating liquor in the original package as defined in this Chapter, regardless of where the intoxicating liquor is to be consumed.

D. Permits.

1. Temporary Permit For Sale By Drink. Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(C) below may apply for a special

permit to sell intoxicating liquor for consumption on premises where sold.

2. Tasting Permit. Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(3) and (C) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

Section 600.030. License Regulations. [Ord. No. 661 § 1, 11-10-2004; Ord. No. 735 § 1, 4-14-2010; Ord. No. 796 § 1, 10-8-2014; Ord. No. 824 § 1, 11-9-2016]

A. Package Sales, Limitations. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars ($1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.

B. Newly-Opened Restaurant Bars Or Amusement Places.

1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 a.m. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars ($200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 a.m. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars ($100,000.00) of which at least fifty thousand

dollars ($50,000.00) of such gross receipts are in non-alcoholic sales for the first year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

C. Temporary Permit For Sale By Drink — Picnic License Or Festival Permit.

1. A Picnic license is issued for the temporary sale of all kinds of intoxicating liquor at retail by the drink for consumption on the premises where sold by any church, school, civic, service, fraternal, veteran, political, charitable club or organization, or any entity with a temporary State sales license issued pursuant to Sections 311.483 through 311.485, RSMo., between the hours of 11:00 a.m. and Midnight daily for sale at a picnic, bazaar, fair or similar gathering. Said permit shall be issued only for the day or days named therein and it shall not authorize the sale of the aforesaid beverages for more than seven (7) days by any said organization as described above in any fiscal year.

2. A Festival Permit is issued to an entity with a special permit issued by the State pursuant to Section 311.915, RSMo., subject to the restrictions thereon, and is only valid for seventy-two (72) hours.

3. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 a.m.

4. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.

5. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. Operating Hours, Days.

1. No person having a license issued pursuant to this Chapter, nor any employee of such person shall sell, give away or permit the consumption of any intoxicating liquor or non-intoxicating beer in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. on Sunday and 6:00 a.m. on Monday upon or about his/her premises, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor or non-intoxicating beer by the drink shall keep a closed place during the aforementioned prohibited times.

2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday," any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. Limit On Number Of Licenses. The number of alcoholic beverage licenses issued by the Board of Aldermen shall be limited on the following basis: **[Ord. No. 836, 10-11-2017]**

1. Two (2) intoxicating liquor licenses and/or renewals shall be issued for each five thousand (5,000) residents (population) or fraction thereof residing in the City of Country Club Hills.

2. The determination of population shall be based on the year-ending annual certified estimate of population made by the City Public Works Officer.

F. General License Regulations.

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.

2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.

4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged

and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

G. Druggists May Sell And Physicians Prescribe Liquor. Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State, and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservant; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

Section 600.040. Schedule Of License Fees. [Ord. No. 824 § 1, 11-9-2016]

A. The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:

1. General Licenses.

a.	Malt liquor — original package	$50.00
b.	Non-intoxicating beer — original package	$22.50
c.	Intoxicating liquor (all kinds) — original package	$150.00
d.	Malt liquor — by drink	$50.00
e.	Malt liquor and light wines — by drink	$50.00
f.	Non-intoxication beer — by drink	$37.50
g.	Intoxicating liquor (all kind) — by drink	$450.00
h.	Consumption of intoxicating liquor on premises	$90.00

2. Sunday Sales. (Additional fees).

a.	Intoxicating liquor — original package	$300.00
b.	Restaurant bars	$300.00
c.	Amusement places	$300.00
d.	Liquor by the drink — charitable organizations	$300.00

3. Permits.

a.	Temporary permit — by the drink for certain organizations (seven (7) days max.)	$37.50
b.	Tasting permit	$37.50
c.	Caterers	$15.00 per each calendar day

Annual licenses shall be issued to run concurrent with the City's fiscal year, from July 1st to June 30th. Full fees must be paid for all licenses regardless of date of application. Renewal applications should be filed on or before May 15th of each year with the applicable fees to minimize the possibility of interruption of licensed status.

Section 600.045. Temporary Location For Liquor By The Drink, Caterers — Permit — Fee Required. [Ord. No. 824 § 1, 11-9-2016]

A. The City may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in Chapter 311, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the City an amount as set out in Section 600.040(3)(c) above, or fraction thereof, for which the permit is issued.

B. Except as provided in Subsection (C), all provisions of the Liquor Control Law and the ordinances, rules and regulations of the City, in which is located the premises in which such function, occasion or event is held, shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees or stock are in such premises. Except for Missouri-produced

wines in the original package, the provisions of this Section shall not include the sale of packaged goods covered by this temporary permit.

C. Notwithstanding any other law to the contrary, any caterer who possesses a valid State and valid local liquor license may deliver alcoholic beverages, in the course of his/her catering business. A caterer who possesses a valid State and valid local liquor license need not obtain a separate license for each City the caterer delivers in, so long as such City permits any caterer to deliver alcoholic beverages within the City.

D. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight or non-intoxicating beer delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Section.

Section 600.050. Application For License And Renewal. [Ord. No. 824 § 1, 11-9-2016]

A. Filing Of An Application. Each application for an original or renewal license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.

B. Qualifications.

1. The City shall not issue a license to any applicant who:

a. Does not receive a favorable recommendation from the Chief of Police, or

b. Is not of good moral character, registered to vote in the State and current on all taxes for which he/she is liable in the State, County, City or municipality in which he/she resides and the City, or

c. Is not at least twenty-one (21) years of age, or

d. Has been convicted, since the ratification of the Twenty-First (21st) Amendment to the Constitution of the United States, of violating the provisions of any law applicable to the sale or manufacture of intoxicating liquor or non-intoxicating liquor, or employs someone convicted of violating such law, or

e. Has had a prior revocation of a license, unless the State has issued them a new license five (5) or more years after such revocation or employs any person whose license has been revoked within the past five (5) years, or

f. Has been individually or as an officer, director or shareholder of a corporate applicant been convicted of a felony or any laws of the United States or any State involving the distribution, sale or possession of any controlled substance or dangerous drug, or

g. Makes a false statement of material facts or by deliberate omission is untruthful in the application for a license or renewal license, or

h. Does not comply with all provisions of the State law and with all other ordinances and regulations of the City related to the terms of the license.

2. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business and, if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located.

3. The Board of Aldermen also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.

C. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.

D. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in this Subsection.

Section 600.060. Minors. [Ord. No. 824 § 1, 11-9-2016]

A. Persons Eighteen (18) Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.

2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.

3. In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.

4. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.

B. Sales To Minor — Exceptions.

1. No licensee, his/her employee or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to

such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.

3. It shall be a defense to prosecution under this Subsection if:

   a. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit or an employee thereof;

   b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and

   c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C. Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in liquor control enforcement activity authorized by law.

2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., or other form of identification for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. Minors In Possession Of Intoxicating Liquor, Non-Intoxicating Beer.

1. No person under the age of twenty-one (21) years, shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor as defined in Section 600.010 or, shall be visibly intoxicated as defined in Section 577.001, RSMo., or shall have a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) or more by weight of alcohol in such person's blood.

2. The provisions of this Subsection shall not apply to a student who:

   a. Is eighteen (18) years of age or older;

   b. Is enrolled in an accredited college or university and is a student in a culinary course;

   c. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and

   d. Tastes a beverage under Subsection (D)(2)(c) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

   The beverage must at all times remain in the possession and control of any authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

3. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be performed according to methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose. The State Department of Health and Senior Services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid and shall establish standards to ascertain the

qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health and Senior Services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. "Full information" is limited to the following:

a. The type of test administered and the procedures followed;

b. The time of the collection of the blood or breath sample or urine analyzed;

c. The numerical results of the test indicating the alcohol content of the blood and breath and urine;

d. The type and status of any permit which was held by the person who performed the test;

e. If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.

"Full information" does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, "full information" does not include information in the possession of the manufacturer of the test instrument.

E. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor or non-intoxicating beer therein need not be opened or the contents therein tested to verify that there is intoxicating liquor or non-intoxicating beer in such container. The alleged violator may allege that there was no intoxicating liquor or non-intoxicating beer in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor or any non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer.

Section 600.070. Miscellaneous Offenses.

A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale

liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.

B. Any retailer licensed pursuant to this Chapter shall not:

1. Sell intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or

2. Repackage intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.

C. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.

D. *Unlawful To Sell Unlabeled Liquor — Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.

E. *Only Those Liquors Authorized By License To Be Kept On Premises.*

1. It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.

2. Any retailer licensed pursuant to this Chapter shall not:

a. Sell intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or

b. Repackage intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.

F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor or non-intoxicating beer, or permit such to be sold or supplied, to a

habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

G. *Drinking In Public Places Prohibited.*

1. For purposes of this Section, the term "*public place*" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.

2. No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.

3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.

4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

Section 600.075. Restrictions — Entertainment on Premises Where Liquor Is Sold. [Ord. No. 476 §7, 6-13-1984]

A. No licensee shall on the licensed premises:

1. Employ or use any person as an entertainer or in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the areola of the female breast or any portion of his/her pubic hair, anus, cleft of the buttocks, vulva or genitals;

2. Employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (1) above;

3. Encourage or permit any person on the licensed premises to touch, caress or fondle the breast, buttocks, anus or genitals of any other person; and

4. Permit any employee or person to wear or use any device or covering exposed to view which simulates the breast, genitals, anus, pubic hair or any portion thereof.

B. No licensee shall permit, on the licensed premises, any person to perform acts of or acts which constitute or simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

2. The touching, caressing or fondling of the breast, buttocks, anus or genitals; and

3. The displaying of any portion of the areola of the female breast or any portion of his/her pubic hair, anus, vulva or genitals.

No licensee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

No licensee shall permit any person to remain in or above licensed premises who exposes to public view any portion of the areola of the female breast or any of his/her pubic hair, anus, vulva or genitals.

C. No licensee shall permit, on the licensed premises, the showing of film, slide pictures or any other electronic reproduction depicting:

1. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

2. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals;

3. Scenes wherein a person displays any portion of the areola of the female breast or any portion of his/her pubic hair, anus, vulva or genitals; and

4. Scenes wherein artificial devices or inanimate objects are employed to depict any of the prohibited activities described above.

D. No licensee or employee thereof shall knowingly permit, on the licensed premises, any solicitation of or act of prostitution.

E. If the provisions of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application and to this end, the provisions of this rule are severable.

Section 600.080. Administration of Law — License Suspension.

A. *Suspension Or Revocation Of License — When — Manner.* The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board not

less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.

B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:

1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the City;

2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;

3. Making a false affidavit in an application for a license under this Chapter;

4. Failing to keep an orderly place or house;

5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;

6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or

7. Selling, giving or otherwise supplying intoxicating liquor to:

a. Any person under the age of twenty-one (21) years,

b. Any person during unauthorized hours on the licensed premises,

c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or

d. Any person on the licensed premises during a term of suspension as ordered by the Board.

C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 or Chapter 312, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.

D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor or non-intoxicating beer during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

Section 600.090. Hearings Upon Suspension or Revocation of Licenses.

A. *Testimony — Evidence.* Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.

B. *Witnesses — How Summoned.* Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.

C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.

D. *Decision — Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.080 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.

E. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within ten (10) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

Section 600.100. Warning Sign Displayed — Liquor Licenses.

A. Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth

defects". The licensee shall display such sign in a conspicuous place on the licensed premises.

B. Any employee of the Supervisor of Alcohol and Tobacco Control may report a violation of this Section to the Supervisor, and the Supervisor shall issue a warning to the licensee of the violation.

Section 600.105. Self-Dispensing Systems. [Ord. No. 824 § 1, 11-9-2016]

Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a self-dispensing system which is monitored and controlled by the licensee and allows patrons of the licensee to self-dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two (32) ounces of beer or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.

Chapter 605

BUSINESS REGULATIONS

Section 605.010. Definitions. [Ord. No. 228 §1, 7-6-1955]

Any person, partnership, firm or corporation engaged in or carrying on the business of selling any goods, wares or merchandise at any store, stand or place occupied for that purpose, within the City of Country Club Hills, is hereby declared to be a merchant, except as is or may be otherwise provided by ordinance.

Section 605.020. License Required. [Ord. No. 228 §2, 7-6-1955]

Every person coming within the foregoing definition of a merchant shall, before doing or offering to do business as such, procure from the City Clerk a license therefor in conformity with the provisions of this Chapter.

Section 605.025. Issuance Of License Subject To Applicant Being Current On Real Property Taxes And Sewer Lateral Fees. [Ord. No. 830, 6-2-2017; Ord. No. 18-838, 2-14-2018]

Any person, partnership, firm, company or corporation or related entity (as defined by Federal Income Tax Law) engaged in or carrying on any business within the City of Country Club Hills shall be current on all real property taxes and sewer lateral fees before they are entitled to issuance of a business, alcohol sales or merchants' license.

Section 605.030. License Not Transferable. [Ord. No. 228 §3, 7-6-1955]

No license issued under the provisions of this Chapter shall be transferable or assignable.

Section 605.035. Fee for Business License Within the City. [Ord. No. 774 §1, 6-13-2012]

Any person, partnership, firm, company or corporation engaged in or carrying on any business within the City of Country Club Hills shall pay a business license fee of thirty-five dollars ($35.00) per year to cover administrative and regulatory costs for each fiscal year of the City of Country Club Hills in order to obtain a license to operate as a business. This fee shall not be charged to any such person, partnership, firm, company or corporation that is paying a merchant's license fee or persons exempt from a business license under Section 605.140 of the Country Club Hills City Code or any other provision of exemption contained in the Statutes of the State of Missouri.

Section 605.037. License Tax On Mechanical Vending Or Similar Machines. [Ord. No. 809 § 1, 3-9-2016]

A license tax of ten dollars ($10.00) per year is imposed on all mechanical vending or similar machines in the City.

Section 605.040. Merchants to File Statement. [Ord. No. 228 §4, 7-6-1955]

The City Clerk shall after the first (1st) day of March and before the first (1st) day of June in each year, call upon every merchant, as defined in Section 605.010 of this Chapter, within the City of Country Club Hills and it shall be the duty of every merchant, whether so notified or not, to furnish to the City Clerk prior to the first (1st) day of June of each year a statement of the value of the greatest amount of goods, wares and merchandise that such merchant had in his/her possession or under his/her control at any time between the first (1st) Monday in July and the first (1st) Monday of the month next preceding the date of the statement required herein, as well as a statement of the aggregate amount of all sales made by such merchant during the preceding calendar year at each store, stand or place occupied for that purpose within the City of Country Club Hills, which statements shall be made in writing and delivered to the City Clerk, verified by the affidavit of the merchant or officer of the corporation making it, if residing within the City of Country Club Hills or if not, then by some credible person duly authorized to do so.

Section 605.050. Tax on Inventory and Sales. [Ord. No. 228 §5, 6-7-1955; Ord. No. 455§1, 5-12-1982; Ord. No. 641 §§1 — 2, 9-11-2002]

A. Every merchant coming within the definition of Section 605.010 hereof shall on or before the first (1st) day of July each year pay to the City Clerk an annual merchant's license tax of four dollars ($4.00) for each one thousand dollars ($1,000.00), or fractional part thereof, of the gross amount of sales made during the preceding calendar year by such merchant at each stand, store or place occupied for the purpose within

the City of Country Club Hills and in addition shall pay to the City Clerk an ad valorem tax on the value of the largest amount of all goods, wares and merchandise situated within the City of Country Club Hills at the rate of three percent (3%) of said value of all such goods, wares and merchandise; provided however, that no license shall be issued under the provisions of this Chapter having a sum less than three hundred dollars ($300.00) for any merchant other than one dealing in new or used automobiles; and provided further, that no license shall be issued under the provisions of this Chapter for a sum less than five hundred dollars ($500.00) for any merchant dealing in new or used automobiles.

B. A delinquent fee of ten percent (10%) shall be assessed for all licenses not paid in full and renewed by June first (1st) of each year.

Section 605.060. Bond. [Ord. No. 228 §6, 7-6-1955]

When any merchant shall commence business within the City of Country Club Hills after the first (1st) day of July in any year, such merchant shall take out a merchant's license, therefor, but before any license shall be issued, such merchant shall execute a bond to the City of Country Club Hills, to be approved by the Mayor, with two (2) or more sufficient securities, who shall be freeholders at the time, or deposit with the City Clerk bonds of the State of Missouri or other securities of equal value, conditioned that such merchant will on or before the first (1st) day of June next following furnish to the City Clerk statements, verified as required by this Chapter of the aggregate amount of all sales made by such merchant between the date upon which such merchant commenced business and the thirty-first (31st) day of May next succeeding, and of the value of the greatest amount of goods, wares and merchandise that such merchant had in his/her possession or under his/her control between the date upon which such merchant commenced business and the thirty-first (31st) day of May next succeeding, and that such merchant will pay to the City Clerk the merchant's license tax due according to the provisions of this Chapter, which bond or securities shall be in such sum as the Collector may deem sufficient to protect the City's interests. There shall be paid upon such statements the merchant's license tax provided for in Section 605.050 of this Chapter. Any merchant who shall fail or neglect to perform or fulfill the conditions of the bond executed by such merchant shall be deemed to have forfeited said bond, and in that event, it shall be the duty of the City Clerk to cause suit to be instituted thereon against the principals and all securities on such bond in a Court having competent jurisdiction, or make sale of the securities deposited with him/her in lieu of such bond, at public sale, after having given ten (10) days' notice thereof in a newspaper of general circulation within the City of Country Club Hills.

Section 605.070. Merchants to Keep Accounts. [Ord. No. 228 §7, 7-6-1955]

It shall be the duty of each merchant to keep proper books or records, in which shall be entered, in ink, and account of all sales made by such

merchants and of all goods, wares and merchandise in the possession or under the control of such merchant, which records shall always be open to the inspection of the City Clerk to verify the returns made by such merchant. The statements or returns made to the City Clerk, under the provisions of this Chapter, shall not be made public nor shall they be subject to the inspection of any person except the Mayor and the members of the Board of Aldermen.

Section 605.080. Dramshops Prohibited. [Ord. No. 228 §8, 7-6-1955]

The provisions of this Chapter shall not be construed to authorize any person to conduct a dramshop and the same shall only be authorized or lawful when commenced or operated in conformity with applicable laws of the State of Missouri and ordinances of City of Country Club Hills relating to such establishments.

Section 605.090. License Form [Ord. No. 228 §9, 7-6-1955]

It shall be the duty of the City Clerk to furnish blanks for licenses which shall be in the following form:

LICENSE

Know all men by these presents, that _____ having paid to the _____ of the _____ of _____ in the County of _____ State of Missouri, the sum of _____ dollars, in conformity to the ordinances of the said _____ is hereby licensed and authorized to _____

_____

_____

in the said _____ of _____ for the term of _____ from the date hereof.

Given this _____ day of _____ of 20___

(Signed)_____

Mayor

(Countersigned)_____

City Clerk

Section 605.100. Copies of Licenses to Be Retained. [Ord. No. 228 §10, 7-6-1955]

The blank licenses, provided for in Section 605.090 of this Chapter, shall be executed in duplicate and a copy thereof retained by the City Clerk for his/her file. Upon the copy of the license so retained by the City Clerk shall be entered separately the amounts of the total tax collected in accordance with the statements filed by such merchant based on the amount of sales and the value of the inventory of goods, wares and merchandise.

Section 605.110. Penalty for Failing to Obtain License. [Ord. No. 228 §11, 7-6-1955]

Any merchant selling or offering for sale, within the City of Country Club Hills, any goods, wares or merchandise without first complying with the provisions of this Chapter, or shall otherwise violate the provisions of this Chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) for each offense.

Section 605.120. Penalty for Failing to File Statements and Pay Tax. [Ord. No. 228 §12, 7-6-1955]

Any merchant failing, neglecting or refusing to deliver the statements required by the provisions of this Chapter and to pay the license tax levied thereon on or before the first (1st) day of July in each year shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) for each offense, and in addition thereto the City Clerk shall assess a license tax for double the aggregate amount of sales of such merchant and double the aggregate value of the greatest amount of goods, wares and merchandise in the possession or under the control of such merchant, to be determined by the best information available, and the City Clerk shall report the delinquent to the City Attorney.

Section 605.130. Penalty for False Affidavit. [Ord. No. 228 §13, 7-6-1955]

Whoever shall make or file with the City Clerk, under the provisions of this Chapter, a false statement under oath, shall upon conviction thereof forfeit his/her license and be subject to the penalty prescribed in Section 605.120 of this Chapter. It shall be the duty of the City Clerk to carefully examine all statements filed by such merchant and refer to the proper authorities for prosecution all violations of this Chapter.

Section 605.140. Persons Not to Be Charged for Business License.

A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and after December 31, 2003, no investment funds service corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty-five thousand dollars ($25,000.00) annually, any law, ordinance or Charter to the contrary notwithstanding.

B. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his/her profession unless that person maintains a business office within the City of Country Club Hills.

Section 605.150. Hours For Business Operation. [Ord. No. 827 § 1, 2-8-2017]

It shall be unlawful for any person to operate a place of business within the City of Country Club Hills between the hours of 10:00 p.m. and 6:00 a.m. of the succeeding day, except for the three (3) weeks before December 25 of each year, when businesses may stay open until 12 Midnight.

Chapter 606

MEDICAL MARIJUANA

Section 606.010. Definitions. [Ord. No. 19-859, 12-4-2019]

A. All definitions shall be from the State Constitution or State law and the ordinances of Country Club Hills, unless otherwise stated herein.

B. For the purpose of this Chapter, the term "directly" shall mean the shortest possible practicable route from the medical marijuana facility to the permitted destination or destinations, without any voluntary detours or additional stops.

Section 606.020. No Additional Licenses. [Ord. No. 19-859, 12-4-2019]

Medical marijuana businesses shall be required to have a City business license but shall not be required to have any other City-issued license.

Section 606.030. Transportation And Possession. [Ord. No. 19-859, 12-4-2019]

A. No person shall possess marijuana within the City, except: or

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 an 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.

Section 606.040. Medical Marijuana Dispensaries. [Ord. No. 19-859, 12-4-2019]

A. Medical marijuana dispensaries shall not be open to the public or make any sales between the hours of 9:00 P.M. and 9:00 A.M. Mondays through Saturdays and 6:00 P.M. to 10:00 A.M. on Sundays.

B. No medical marijuana, of any type, may be consumed on the premises of a medical marijuana dispensary, nor shall the licensee permit such consumption.

C. Any medical marijuana dispensary shall require any customer to display the customer's permit card from the Department of Health and Senior Services or other proof of eligibility at the time of each purchase.

D. No person under the age of eighteen (18) years old shall be allowed into a medical marijuana dispensary; except that a qualifying patient who is under the age of eighteen (18) years but who has been emancipated by a court order and a qualifying patient, under the age of eighteen (18) years when accompanied by the qualifying patient's parent or guardian.

E. A medical marijuana dispensary shall have displayed its State-issued license, visible to the public, at all times.

F. No medical marijuana dispensary shall emit any odor of marijuana which is capable of being smelled by a person of ordinary senses outside of the boundary of the lot on which the facility is located.

G. Each medical marijuana dispensary shall be operated from a permanent and fixed location. No medical marijuana dispensary shall be permitted to operate from a movable, mobile, or transitory location. This Subsection shall not prevent the physical delivery of medical marijuana to a patient or the patient's primary caregiver at a location off of the premises of the permittee's medical marijuana dispensary, to the extent so allowed by law, if:

1. The marijuana was lawfully purchased by the patient or the patient's primary caregiver from the permittee's medical marijuana dispensary;

2. The marijuana is delivered only to the patient or the patient's primary caregiver;

3. The marijuana is delivered only by the permittee or an employee of the permittee;

4. The marijuana is delivered only to a location within the City; and

5. The marijuana is delivered only by the use of a motor vehicle, bicycle, or other lawful means of transportation; marijuana may not

be delivered by drone or any remotely operated vehicle, or by any self-navigating vehicle unless a human occupies such self-navigating vehicle.

H. Devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold at a medical marijuana dispensary. Such items may be sold or provided only to patients or primary care-givers.

I. A dispensary shall provide adequate security on the premises of a medical marijuana dispensary, including, but not limited to, the following:

1. Security surveillance cameras installed to monitor the main entrance along with the interior and exterior of the premises to discourage and to facilitate the reporting of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least seventy-two (72) hours by the permittee;

2. Robbery and burglary alarm systems which are professionally monitored and maintained in good working conditions;

3. A locking safe permanently affixed to the premises that is suitable for storage of all of the salable inventory of marijuana if marijuana is to be stored overnight on the premises; and

4. Exterior lighting that illuminates the exterior walls of the business and is compliant with the City Code.

J. No dispensary shall be located within one thousand (1,000) feet of a church, elementary or secondary school or child day-care business, nor within one thousand (1,000) feet of another such dispensary.

K. A dispensary shall only be located in commercial districts C1 and C2 of the City and shall not be within two hundred (200) feet of residentially zoned property, measured from the nearest wall of the dispensary to the nearest wall of the residential property.

Section 606.050. Disposal Of Medical Marijuana. [Ord. No. 19-859, 12-4-2019]

No person shall dispose of marijuana or marijuana-infused products in an unsecured waste receptacle not in possession and control of the licensee and designed to prohibit unauthorized access.

Section 606.060. Residential Cultivation. [Ord. No. 19-859, 12-4-2019]

A. To the extent allowed by State law, marijuana for medicinal purposes may be cultivated in a residential structure, provided:

1. The structure is the primary residence of a primary caregiver or qualifying patient and the marijuana is grown solely for the use of the qualifying patient who resides there or who is under the care of the primary caretaker.

2. The residence has operating systems to assure that the emission of fumes or vapors connected with the cultivation are not allowed out of the building or, if the residence is in a multifamily building, that such fumes and vapors are not allowed into any other residence.

3. The cultivation must comply with the security and other requirements of State law and the rules of the Division of Health and Senior Services.

4. The resident has notified the City Clerk, including providing proof of eligibility, on a form provided by the City Clerk, so that Law Enforcement and Code Officials will be aware that the cultivation is lawfully taking place.

Section 606.070. Residential Consumption. [Ord. No. 19-859, 12-4-2019]

Qualified patients may dispense medical marijuana in their private residence, or in the residence of another with permission, but may not dispense or smoke marijuana in such a manner that the marijuana smoke or odor exits the residence. In a multifamily or similar dwelling, medical marijuana may not be dispensed or consumed in any common area.

Chapter 610

ALARM SYSTEMS CODE

Section 610.010. Citation and Scope. [Ord. No. 410 §1, 2-14-1979]

A. *Citation Of Chapter.* This Chapter shall be known and cited as the "Alarm Systems Code".

B. *Scope.* The provisions of this Chapter shall apply to the area within the incorporated area of the municipality.

Section 610.020. Definitions. [Ord. No. 410 §1, 2-14-1979]

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

ALARM BUSINESS — The business of any person who sells, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes same to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure, facility or premises.

ALARM SYSTEM — Any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion or other emergency in or on any building, structure, facility or premises through the emission of a sound or transmission of a signal or message.

ALARM USER — A person uses an alarm system to protect any building, structure, facility or premises.

AUTOMATIC-DIALING DEVICE — An alarm system which automatically dials a specific telephone number and transmits an emergency message by a recording over regular telephone lines when actuated.

CHIEF OF POLICE — The Chief of the Department of Police of Country Club Hills, Missouri, and includes his/her duly authorized agents.

DEPARTMENT — The Department of Police of Country Club Hills, Missouri.

DIRECT SIGNAL ALARM SYSTEM — An alarm system which provides for a special telephone line that is directly connected to the department and has an outlet at the department which emits a sound or transmits a signal or both when actuated.

DIRECTOR — The City Clerk of Country Club Hills, Missouri.

FALSE ALARM — Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which the department responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarms:

1. When the Chief of Police determines that an alarm has been caused by the malfunction of the indicator at the department.

2. When the Chief of Police determines that an alarm has been caused by damage, testing or repair of telephone equipment or lines by the telephone company, provided that such incidents are promptly reported to the telephone company;

3. When an alarm is caused by an attempted and unauthorized or illegal entry, of which there is visible evidence;

4. When an alarm is intentionally caused by the resident acting under a reasonable belief that a need exists to call the department;

5. When an alarm is followed by a call to the department cancelling the alarm by giving proper information, prior to the arrival of the department at the source of the alarm.

LICENSEE — A person who has obtained an alarm business license under the provisions of this Chapter.

Section 610.030. License Required — Exception. [Ord. No. 410 §2, 2-14-1979]

A. No person shall engage or attempt to engage in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing alarm systems in or on any building or premises without a currently valid license issued pursuant to this Chapter.

B. No license shall be required of a person who sells alarm systems at his/her place of business or by mail but neither installs, maintains nor offers to install or maintain such system. For the purpose of this exception, maintenance does not include the repair under warranty of an alarm system without additional charge.

Section 610.040. Application and Renewal. [Ord. No. 410 §3, 2-14-1979]

A. A person applying for a license or a renewal thereof shall file a written verified application with the Director on a form provided by the Director, which form shall require the following information:

1. The name, address and telephone number of the applicant;

2. The business or trade name, address and telephone number of the applicant;

   a. If an unincorporated association, the names and addresses of the associates;

   b. If a corporation, the corporation's registered name and the names and addresses of the officers of the corporation;

   c. If an individual proprietorship, the name and address of the proprietor.

3. The address of all offices of the alarm business in St. Louis County, Missouri;

4. The name and address of any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users;

5. Specifications of the alarm systems to be dealt in;

6. A copy of the instructions provided alarm users;

7. A statement of repair and maintenance service to be made available to applicant's customers;

8. Name and address of the person designated by the applicant to receive notice issued under this Chapter;

9. Signature of the applicant.

B. A person applying for a renewal of a license shall file his/her application not less than ten (10) days before his/her license expires.

C. Upon the filing of a license application, the Director shall conduct an investigation to determine whether the following requirements are satisfied:

1. That the information contained in the license application is true;

2. That the applicant for a license or an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has not had a license revoked within one (1) year immediately preceding the date the license application is filed or does not have a license that is currently suspended;

3. That neither the applicant nor any employee, agent, corporate officer, partner or business associate, whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users, has been convicted of the following:

   a. Any felony involving moral turpitude within the previous five (5) years;

   b. Any misdemeanor involving moral turpitude within the previous two (2) years;

   c. Repeated or continual violation of any provision of this Chapter within the previous two (2) years.

4. That the types of alarm systems, the instructions for the alarm systems and repair and maintenance services available through applicant's alarm business are in compliance with this Chapter.

   The City Clerk may request the department to assist the Director in the investigation of a license application.

D. If the City Clerk determines that a license application satisfies the requirements prescribed by this Section, the Director shall issue a license; otherwise, the Director shall deny the license application.

E. The City Clerk shall notify the applicant of the issuance of a license or denial of the license application. In the case of a denial of a license application, the City Clerk shall notify the applicant by certified mail and include in the notice the reason for the denial and a statement informing the applicant of his/her right to a hearing if requested by the applicant within ten (10) days after receipt of the notice.

F. A license shall expire on the thirty-first (31st) day of December next succeeding issuance thereof except in the following instances:

1. If an applicant timely applies for a license renewal in accordance with this Section and the determination of the renewal request is delayed beyond the thirty-first (31st) of December, the licensee's license is extended pending the determination of the renewal request by the Director.

2. If an applicant's license has been suspended or revoked.

G. If an applicant is denied a license solely because an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has been convicted of the offenses listed in Subsection (C)(3) or had a license revoked within one (1) year immediately preceding the date the license application is filed or has a license that is currently suspended, then said applicant, upon disassociation with said individual, may obtain a license upon reapplication.

Section 610.050. Annual License Fee. [Ord. No. 410 §4, 2-14-1979]

A. The annual fee for a license for an alarm business shall be fifty dollars ($50.00).

B. The fee for issuing a duplicate license for one lost, destroyed or mutilated shall be ten dollars ($10.00).

Section 610.060. Instructions on Operation. [Ord. No. 410 §5, 2-14-1979]

A licensee who sells, leases, installs, alters or replaces an alarm system shall furnish the alarm user with written instructions as to how the system operates.

Section 610.070. Repair and Maintenance Service Required. [Ord. No. 410 §6, 2-14-1979]

A licensee shall make available repair and maintenance services, including emergency services during non-business hours, to alarm users for whom the licensee has made installations. At the time of installation, the licensee shall furnish to the alarm user a repair service information card. This card shall inform the alarm user of the services available and include the telephone numbers to call for regular and emergency service.

Section 610.080. License Not Assignable — Changes. [Ord. No. 410 §7, 2-14-1979]

A. A license issued under this Chapter shall not be assigned or transferred.

B. A licensee shall notify the City Clerk of the following information within ten (10) days:

1. Change of control and ownership or management of the alarm business;

2. Change in address or a new address of the alarm business;

3. Change of trace name of the alarm business;

4. Names of new employees, agents, corporate officers, partners or business associates;

5. Any change in the repair and maintenance services available by or through the licensee's alarm business.

Section 610.090. Rules and Regulations. [Ord. No. 410 §8, 2-14-1979]

The City Clerk may establish, promulgate and enforce reasonable rules and regulations in order to administer and enforce the provisions of this Chapter.

Section 610.100. Suspensions and Revocations. [Ord. No. 410 §9, 2-14-1979]

A. The City Clerk shall have the power to suspend a license for new installations, sales, leases or replacements of alarm systems for any one (1) or more of the following reasons:

1. Attempted assignment or transfer of a license prohibited under Section 610.080(A).

2. Failure to notify the City Clerk of any change as required under Section 610.080(B).

3. Failure to comply with any reasonable rule or regulation of the Director.

4. Failure to provide proper instructions as required under Section 610.060.

5. Failure to provide adequate repair and maintenance services as required by Section 610.070.

6. Installation or replacement of alarm systems not in accordance with Sections 610.140, 610.150 and 610.160.

B. Suspension of a license may be for up to thirty (30) days.

C. A licensee is still licensed and is still required to provide repair and maintenance service during a suspension period, but no other alarm business shall be conducted.

D. The City Clerk shall revoke a license for any one (1) or more of the following reasons:

1. Conviction of the licensee of any of the offenses listed in Section 610.040(C)(3) or the hiring of any person or the retention of any employee, agent, corporate officer, partner or business associate who is convicted for same and whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users.

2. Suspension of a license more than twice in any twelve (12) month period.

3. The making of any false statement as to a material matter or the omission of any material fact in any application for a license or any change in the information required under Section 610.080(B).

E. After revocation of a license, a person may file a new application for a license pursuant to Section 610.040.

Section 610.110. Power to Investigate. [Ord. No. 410 §10, 2-14-1979]

For the purpose of enforcing this Chapter, the City Clerk shall have the power to make an investigation and, to the extent necessary for this purpose, he/she may examine a licensee or any other persons and shall have the power to compel the production of all relevant books, accounts, documents and other records.

Section 610.120. Hearings on Charges — Decision. [Ord. No. 410 §11, 2-14-1979]

A. No license shall be suspended or revoked until a licensee has been afforded an opportunity for a hearing before the Director.

B. The City Clerk shall provide notice to the licensee of the hearing at least ten (10) days prior to the hearing. Notice shall be served either personally or by certified mail and shall state the date and place of hearing and a summary of the charges against the licensee.

C. A licensee shall be heard in his/her defense either in person or by counsel and may produce witnesses to testify in his/her behalf. A record of the hearing shall be made. The City Clerk shall make a report of his/her findings and decision. For the purpose of this Chapter, the City Clerk may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents relevant to the investigation.

Section 610.130. False Alarm Service Charge. [Ord. No. 410 §12, 2-14-1979]

A. All false alarms to which the department responds shall result in the following service charge to the alarm user:

1. A warning for the first (1st) false alarm in any calendar year;

2. A no charge for the second (2nd) false alarm in any calendar year;

3. A twenty-five dollar ($25.00) service charge for the third (3rd) false alarm in any calendar year;

4. A fifty dollar ($50.00) service charge for the fourth (4th) or any subsequent false alarm in any calendar year.

B. Upon determination by the department that a false alarm has occurred, the department shall send a notice to the alarm user notifying the alarm

user of the determination and directing payment within thirty (30) days of any service charge that may be due.

C. The department shall cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in Section 610.020, the definition of false alarm.

D. Willful refusal to pay any such service charge within thirty (30) days of notice shall constitute a violation of this Chapter, but in any prosecution under Section 610.170 for violation of this provision, the County shall prove, in addition to the willful refusal to pay, that the service charge was properly imposed.

Section 610.140. Automatic-Dialing Device. [Ord. No. 410 §13, 2-14-1979]

A. No person shall install or use an automatic-dialing device which is programmed to dial the Police department's telephone number.

B. Within ninety (90) days from the effective date of this Chapter, all automatic-dialing devices programmed to dial department's telephone number shall be reprogrammed to dial any other consenting person who may relay the emergency message to the department by live voice. The alarm user of such device shall be responsible for having his/her alarm system reprogrammed within the ninety (90) day time period.

Section 610.150. Direct Signal Alarm System. [Ord. No. 410 §14, 2-14-1979]

A. All direct signal alarm systems which connect to the department are prohibited except for Federal institutions which are required to have such an alarm system under Federal law.

B. Any Federal institution which is permitted to have a direct signal alarm system shall be required to pay all costs for the installation, maintenance and repair of the alarm system and shall be subject to the provisions of Section 610.130.

Section 610.160. Audible Alarm. [Ord. No. 410 §15, 2-14-1979]

A. An "*audible alarm*" is an alarm equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn.

B. No person shall install or use an audible alarm without a thirty (30) minute timer.

C. Within ninety (90) days from the effective date of this Chapter, February 14, 1979, any alarm user having an audible alarm shall be responsible for equipping it with a thirty (30) minute timer.

Section 610.170. Violations and Penalties. [Ord. No. 410 §16, 2-14-1979]

A. Any person who violates or causes a violation of any provision of this Chapter shall be punishable, upon conviction, by imprisonment for not more than six (6) months or by a fine of not more than one thousand dollars ($1,000.00) or by both such fine and imprisonment and each day such violation continues shall be deemed a separate offense.

B. The Municipal Prosecutor may bring an action in the name of the municipality to restrain or prevent a violation of any provision of this Chapter or any continuance of any such violation.

Chapter 615

PEDDLERS AND SOLICITORS

Section 615.010. Definitions.

As used in this Chapter, the following words have the meaning indicated:

CANVASSER — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

PEDDLER — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of attempting to sell a good or service. A "*peddler*" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "*solicitor*".

SOLICITOR — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service.

Section 615.020. Exception.

This Chapter shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

Section 615.030. Identification Card Required for Peddlers and Solicitors, Available for Canvassers.

No person shall act as a peddler or as a solicitor within the City without first obtaining an identification card in accordance with this Chapter. A canvasser is not required to have an identification card but any canvasser wanting an identification card for the purpose of reassuring City residents of the canvasser's good faith shall be issued one upon request.

Section 615.040. Fee. [Ord. No. 820 § 1, 7-13-2016]

All peddlers and solicitors who are required to obtain identification cards shall pay a fee of fifteen dollars ($15.00) to cover the cost of issuance of such cards. Cards are valid for a period of ninety (90) days from the date of issuance.

Section 615.050. Application for Identification Card.

Any person or organization, formal or informal, may apply for one (1) or more identification cards by completing an application form at the office of the issuing officer during regular office hours.

Section 615.060. Contents of Application.

A. The applicant, person or organization shall provide the following information:

1. Name of applicant.

2. Number of identification cards required.

3. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver's license, State identification card, passport or other government-issued identification card issued by a government within the United States containing this information may be provided and a photocopy taken. If a photograph is not supplied, the City will take an instant photograph of each person for which a card is requested at the application site. The actual cost of the instant photograph will be paid by the applicant.

4. The permanent and, if any, local address of the applicant.

5. The permanent and, if any, local address of each person for whom a card is requested.

6. A brief description of the proposed activity related to this identification card. Copies of literature to be distributed may be substituted for this description at the option of the applicant.

7. Date and place of birth for each person for whom a card is requested and, if available, the social security number of such person.

8. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a card is requested for the seven (7) years immediately prior to the application.

9. The motor vehicle make, model, year, color and State license plate number of any vehicle which will be used by each person for whom a card is requested.

10. If a card is requested for a peddler:

    a. The name and permanent address of the business offering the event, activity, good or service, i.e., the peddler's principal.

    b. A copy of the principal's sales tax license as issued by the State of Missouri provided that no copy of a license shall be required of any business which appears on the City's annual report of sales tax payees as provided by the Missouri Department of Revenue.

    c. The location where books and records are kept of sales which occur within the City and which are available for City inspection to determine that all City sales taxes have been paid.

11. If a card is requested for a solicitor:

    a. The name and permanent address of the organization, person or group for whom donations or proceeds are accepted.

    b. The web address for this organization, person or group, or other address where residents having subsequent questions can go for more information.

12. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

Section 615.070. Issuance of Identification Card.

A. The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion of an application, unless it is determined within that time that:

1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) years,

2. With respect to a particular card, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven (7) years, or

3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

Section 615.080. Investigation.

During the period of time following the application for one (1) or more identification cards and its issuance, the City shall investigate as to the truth and accuracy of the information contained in the application. If the City has not completed this investigation within the sixteen (16) business hours provided in Section 615.070, the identification card will nonetheless be issued subject, however, to administrative revocation upon completion of the investigation. If a canvasser requests an identification card, the investigation will proceed as described above, but if the City refuses to issue the identification card (or revokes it after issuance), the canvasser will be advised that the failure to procure an identification card does not prevent him/her from canvassing the residents of the City.

Section 615.090. Identification Cards of Other City.

Instead of the application procedure above, if an applicant produces identification cards issued by another City having an ordinance substantially the same as this one, the issuing officer may in his/her discretion immediately issue identification cards without the necessity of a formal application or investigation.

Section 615.100. Denial — Administrative Revocation.

A. If the issuing officer denies, or upon completion of an investigation revokes, the identification card to one (1) or more person, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral notification and even before the preparation of the written report, the applicant shall have at his/her option an appeal of the denial of his/her application before the following tribunal:

1. The Board of Aldermen at its next regular meeting or if the next regular meeting is more than ten (10) days from the denial of the application, at a special meeting to be held within that ten (10) day period, due notice of which is to be given to the public and the applicant.

2. Before the Municipal Court of the City, provided that such a hearing will be scheduled within ten (10) days of the request, due notice of which is to be given to the public and the applicant.

3. Before an administrative tribunal or hearing board as established by City Code, provided that such a hearing will be scheduled within ten (10) days of the request, due notice of which is to be given to the public and the applicant.

Section 615.110. Hearing on Appeal.

If the applicant requests a hearing under Section 615.100, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri and review from the decision (on the record of the hearing) shall be had at the Circuit Court of the County in which the City is located. The hearing shall also be subject to the Missouri open meetings and records law.

Section 615.120. Display of Identification Card.

Each identification card shall be, when the individual for whom it was issued is acting as a peddler or solicitor, worn on the outer clothing of the individual as so to be reasonably visible to any person who might be approached by said person.

Section 615.130. Validity of Identification Card.

An identification card shall be valid within the meaning of this Chapter for a period of one (1) year from its date of issuance or the term requested, whichever is less.

Section 615.140. Revocation of Card.

A. In addition to the administrative revocation of an identification card, a card may be revoked for any of the following reasons:

1. Any violation of this Chapter by the applicant or by the person for whom the particular card was issued.

2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.

3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years.

4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of a complaint by the City Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Section 615.100 above.

Section 615.150. Distribution of Handbills and Commercial Flyers.

A. In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

1. No handbill or flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The Police are authorized to remove any handbill or flyer found within the right-of-way.

2. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.

3. No handbill or flyer shall be left at or attached to any of the property having a "no solicitor" sign of the type described in Section 615.160(1) and (2).

4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing an identification card or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers.

Section 615.160. General Prohibitions.

A. No peddler, solicitor or canvasser shall:

1. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.

2. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.

3. Enter upon any private property where the current occupant has posted the property on the City's "no visit" list, except where the posting form indicates the occupant has given permission for this type of visit, regardless of whether a front yard sign is posted.

4. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the

front or main entrance, except by express invitation of the resident or occupant of the property.

5. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.

6. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M. in the hours of Central Standard Time and 9:00 A.M. and 9:30 P.M. in the hours of Central Daylight Time.

Except that the above prohibitions shall not apply when the peddler, solicitor or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

Section 615.170. Violation to Be Prosecuted as Trespass.

Any person violating any part of this Chapter shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the City. The penalty for such violation shall be the same as for any other trespass.

Chapter 620

GROSS RECEIPTS

Section 620.010. Definitions. [Ord. No. 384§1, 9-14-1977]

For purposes of this Chapter, the following terms shall have the meanings respectively ascribed to them unless a different meaning clearly appears from the context:

CITY COLLECTOR — The City Collector of the City of Country Club Hills.

GROSS RECEIPTS — The aggregate amount of all sales and charges of the commodities or services as herein described made by a public utility in the City of Country Club Hills during any period less discounts, credits, refunds, sales taxes and uncollectible accounts actually charged off during that period.

PUBLIC UTILITY — Every individual, firm, corporation, partnership, joint venture, business trust, receiver and any other person, group, combination or association of any of them who shall be engaged in the business of supplying or furnishing electricity, electrical power, electrical service, gas, gas service, water, water service, telegraph service or exchange telephone service in the City of Country Club Hills.

Section 620.020. License Tax Imposed — Amount. [Ord. No. 384 §2, 9-14-1977; Ord. No. 454 §1, 4-14-1982]

Every public utility shall pay to the City of Country Club Hills a license or occupational tax in the amount equal to eight percent (8%) of the gross receipts derived from such business within the City of Country Club Hills.

Section 620.025. Reaffirming the Gross Receipts Tax. [Ord. No. 766 §1, 9-14-2011]

The gross receipts tax imposed upon utilities, including, but not limited to, Ameren Missouri, pursuant to Chapter 620 of the Municipal Code of Country Club Hills shall be maintained at its existing rate of eight percent (8%), notwithstanding the tariff increase awarded by the PSC to Ameren Missouri effective on July 31, 2011.

Section 620.030. Monthly Reports and Payment of Tax. [Ord. No. 384 §3, 9-14-1977; Ord. No. 445 §1, 8-12-1981]

Every public utility shall file with the City Collector of the City of Country Club Hills a monthly statement showing the gross receipts derived from such business during the previous month ending with the last day of the prior month, which statement shall be filed on the last day of the month following the month being reported. The tax prescribed by Section 620.020 shall be paid at the time of the filing of such statement. The first (1st) such statement shall be due on the last day of November, 1981, such statement being for the period ending the last day of October, 1981.

Section 620.040. Licensees' Duties — Payment — Notice. [Ord. No. 384 §4, 9-14-1977]

All such persons, firms, companies or corporations licensed hereunder on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal, raising, or lowering of wires shall be paid by the party or parties requesting such raising or lowering of wires, and payment in advance may be, required. Not less than forty-eight (48) hours' advance notice shall be given to arrange for such temporary wire changes.

Section 620.050. Licensees' Clearance Rights. [Ord. No. 384 §5, 9-14-1977]

The right is hereby granted to all such persons, firms, companies or corporations licensed hereunder to trim trees, brush or hedges upon and overhanging the streets, alleys, sidewalks, and public places of said City, so as to prevent such foliage from coming in contact with telephone wires and cables, all of said trimming to be done under the supervision and direction of the governing body of said City or of any City Official to whom said duties have been or may be delegated.

Section 620.055. Utility Company Notification. [Ord. No. 816 §§ 1 — 2, 6-8-2016]

A. For any month when there is a change of user of residential rate (rate 001) or non-residential (rate 043) electric service within the City of Country Club Hills, Ameren Missouri Company or its successors in interest shall notify the City Clerk of the changes, indicating the address and apartment number or unit number in whose name the service is connected or billed.

B. The City is authorized to pay up to one hundred fifty dollars ($150.00) annually for this service.

Section 620.060. Collector Authorized to Inspect Records. [Ord. No. 384 §6, 9-14-1977]

The City Collector or his/her Deputies are hereby authorized to investigate the correctness and accuracy of any statement filed pursuant to this Chapter and for that purpose shall have access at all reasonable times to the books, documents, papers and record of any person making such return in order to ascertain the accuracy thereof.

Section 620.070. Construction of Chapter. [Ord. No. 384 §7, 9-14-1977]

This Chapter shall not be construed in such manner so as to relieve any public utility from the payment of any other tax which may be required by any other Ordinance of the City of Country Club Hills.

Section 620.080. Credits for Payment Under Franchises. [Ord. No. 384 §8, 9-14-1977]

Any public utility which has heretofore been granted a franchise or permit by the City of Country Club Hills for the operation thereof and under the terms of which it is now making payments to the City shall receive credit upon the amounts due under this Chapter for such payments.

Chapter 650

VIDEO SERVICE PROVIDERS

Section 650.010. Ratification of Existing Video Franchises. [Ord. No. 771 §1, 1-11-2012]

A. To the extent permitted by the 2007 Video Services Providers Act, the Board of Aldermen of the City of Country Club Hills hereby ratifies all existing agreements, franchises, and ordinances regulating cable television operators and other video service providers, including the imposition of a franchise fee of five percent (5%) imposed on the gross revenues of all such providers, and further declares that such agreements, franchises, and ordinances shall continue in full force and

effect until expiration as provided therein, or until pre-empted by the issuance of video service authorizations by the Missouri Public Service Commission or otherwise by law, but only to the extent of said pre-emption.

B. It shall be unlawful for any person to provide video services, as defined in Section 650.020 hereof, within the City without either an agreement, franchise, or ordinance approved by the City or a video service authorization issued by the Missouri Public Service Commission.

Section 650.020. Definitions — Regulations — Fees — Programming. [Ord. No. 771 §1, 1-11-2012]

A. *Definitions.* The following terms shall have the following meanings unless otherwise defined by context:

FRANCHISE AREA — The total geographic area of the City authorized to be served by an incumbent cable television operator or incumbent local exchange carrier, or affiliate thereof.

GROSS REVENUES — The total amounts billed to subscribers or received from advertisers for the provision of video services within the City, including:

1. Recurring charges for video service;

2. Event-based charges for video service, including, but not limited to, pay-per-view and video-on-demand charges;

3. Rental of set top boxes and other video service equipment;

4. Service charges related to the provision of video service, including, but not limited to, activation, installation, repair, and maintenance charges;

5. Administrative charges related to the provision of video service, including, but not limited to, service order and service termination charges; and

6. A pro rata portion of all revenue derived, less refunds, rebates, or discounts, by a video service provider for advertising over the video service network to subscribers, where the numerator is the number of subscribers within the City and the denominator is the total number of subscribers reached by such advertising; but gross revenues do not include:

   a. Discounts, refunds, and other price adjustments that reduce the amount of compensation received by a video service provider;

   b. Uncollectibles;

   c. Late payment fees;

d. Amounts billed to subscribers to recover taxes, fees, or surcharges imposed on subscribers or video service providers in connection with the provision of video services, including the video service provider fee authorized herein;

e. Fees or other contributions for PEG or I-Net support; or

7. Charges for services other than video service that are aggregated or bundled with amounts billed to subscribers, provided the video service provider can reasonably identify such charges on books and records kept in the regular course of business or by other reasonable means. Except with respect to the exclusion of the video service provider fee, gross revenues shall be computed in accordance with generally accepted accounting principles.

HOUSEHOLD — An apartment, a house, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.

LOW INCOME HOUSEHOLD — A household with an average annual household income of less than thirty-five thousand dollars ($35,000.00) as determined by the most recent decennial census.

PERSON — An individual, partnership, association, organization, corporation, trust, or government entity.

SUBSCRIBER — Any person who receives video services in the franchise area.

VIDEO SERVICE — The provision of video programming provided through wireline facilities, without regard to delivery technology, including Internet protocol technology, whether provided as part of a tier, on demand, or a per channel basis, including cable service as defined by 47 U.S.C. Section 522(6), but excluding video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

VIDEO SERVICE AUTHORIZATION — The right of a video service provider, or an incumbent cable operator, that secures permission from the Missouri Public Service Commission pursuant to Sections 67.2675 to 67.2714, RSMo., to offer video service to subscribers.

VIDEO SERVICE NETWORK — Wireline facilities, or any component thereof, that deliver video service, without regard to delivery technology, including Internet protocol technology or any successor technology. The term "video service network" shall include cable television systems.

VIDEO SERVICE PROVIDER OR PROVIDER — Any person authorized to distribute video service through a video service network pursuant to a video service authorization.

VIDEO SERVICE PROVIDER FEE — The fee imposed under Subsection (C) hereof.

B. *General Regulations.*

1. A video service provider shall provide written notice to the City at least ten (10) days before commencing video service within the City. Such notice shall also include:

   a. The name, address and legal status of the provider;

   b. The name, title, address, telephone number, e-mail address, and fax number of individual(s) authorized to serve as the point of contact between the City and the provider so as to make contact possible at any time (i.e., twenty-four (24) hours per day, seven (7) days per week); and

   c. A copy of the provider's video service authorization issued by the Missouri Public Service Commission.

2. A video service provider shall also notify the City, in writing, within thirty (30) days of:

   a. Any changes in the information set forth in or accompanying its notice of commencement of video service; or

   b. Any transfer of ownership or control of the provider's business assets.

3. A video service provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the area in which the group resides. A video service provider shall be governed in this respect by Section 67.2707, RSMo. The City may file a complaint in a court of competent jurisdiction alleging a germane violation of this Subsection, which complaint shall be acted upon in accordance with Section 67.2711, RSMo.

4. A video service provider shall comply with all Federal Communications Commission requirements involving the distribution and notification of emergency messages over the emergency alert system applicable to cable operators. Any video service provider other than an incumbent cable operator serving a majority of the residents within a political subdivision shall comply with this Section by December 31, 2007.

5. A video service provider shall, at its sole cost and expense, indemnify, hold harmless, and defend the City, its officials, boards, board members, commissions, commissioners, agents, and employees against any and all claims, suits, causes of action, proceedings, and judgments ("claims") for damages or equitable relief arising out of:

a. The construction, maintenance, repair or operation of its video services network;

b. Copyright infringements; and

c. Failure to secure consents from the owners, authorized distributors, or licenses or programs to be delivered by the video service network.

Such indemnification shall include, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim prior to the video service provider assuming such defense. The City shall notify the provider of a claim within seven (7) business days of its actual knowledge of the existence of such claim. Once the provider assumes the defense of the claim, the City may at its option continue to participate in the defense at its own expense. This indemnification obligation shall not apply to any claim related to the provision of public, educational, or governmental channels or programming or to emergency interrupt service announcements.

C. *Video Service Provider Fee.*

1. Each video service provider shall pay to the City a video service provider fee in the amount of five percent (5%) of the provider's gross revenues on or before the last day of the month following the end of each calendar quarter. The City may adjust the video service provider fee as permitted in Section 67.2689, RSMo.

2. A video service provider may identify and pass through on a proportionate basis the video service provider fee as a separate line item on subscribers' bills.

3. The City, not more than once per calendar year and at its own cost, may audit the gross revenues of any video service provider as provided in Section 67.2691, RSMo. A video service provider shall make available for inspection all records pertaining to gross revenues at the location where such records are kept in the normal course of business.

D. *Customer Service Regulations.*

1. For purposes of this Section, the following terms shall mean:

NORMAL BUSINESS HOURS — Those hours during which most similar businesses in the community are open to serve customers. In all cases the term normal business hours must include some evening hours at least one (1) night per or some weekend hours.

NORMAL OPERATING CONDITIONS — Those service conditions which are within the control of the video service provider. Those

conditions which are not within the control of the video service provider include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the video service provider include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the video system.

SERVICE INTERRUPTION — The loss of picture or sound on one (1) or more video channels.

2. All video service providers shall adopt and abide by the following minimum customer service requirements.

   a. Video service providers shall maintain a local, toll-free or collect call telephone access line which may be available to subscribers twenty-four (24) hours a day, seven (7) days a week.

   b. Video service providers shall have trained company representatives available to respond to customer telephone inquiries during normal business hours. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours shall be responded to, by a trained company representative, on the next business day.

   c. Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under normal operating conditions, measured on a quarterly basis.

   d. Under normal operating conditions, the customer will receive a busy signal less than three percent (3%) of the time.

   e. Customer service centers and bill payment locations shall be open at least during normal business hours and shall be conveniently located.

   f. Under normal operating conditions, each of the following standards shall be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:

      (1) Standard installations shall be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to one hundred

twenty-five (125) feet from the existing distribution system.

(2) Excluding conditions beyond the control of the operator, the video service provider shall begin working on "service interruptions" promptly and in no event later than twenty-four (24) hours after the interruption becomes known. The video service provider must begin actions to correct other service problems the next business day after notification of the service problem.

(3) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four (4) hour time block during normal business hours. The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.

(4) A video service provider shall not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(5) If a video service provider's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer must be contacted. The appointment shall be rescheduled, as necessary, at a time convenient for the customer.

g. Refund checks shall be issued promptly, but no later than either:

(1) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier; or

(2) The return of the equipment supplied by the video service provider if the service is terminated.

h. Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

i. Video service providers shall not disclose the name or address of a subscriber for commercial gain to be used in mailing lists or for other commercial purposes not reasonably related to the conduct of the businesses of the video service provider or its affiliates, as required under 47 U.S.C. Section 551, including all notice requirements. Video service providers shall provide an address and telephone number for a local subscriber to use without toll charge to prevent disclosure of the subscriber's name or address.

3. As required by Section 67.2692, RSMo., this Section shall be enforced only as follows:

    a. Each video service provider shall implement an informal process for handling inquiries from the City and customers concerning billing issues, service issues, and other complaints. If an issue is not resolved through this informal process, the City may request a confidential non-binding mediation with the video service provider, with the costs of such mediation to be shared equally between the City and the video service provider.

    b. In the case of repeated, willful, and material violations of the provisions of this Section by a video service provider, the City may file a complaint on behalf of a resident harmed by such violations with Missouri's Administrative Hearing Commission seeking an order revoking the video service provider's Public Service Commission authorization. The City or a video service provider may appeal any determination made by the Administrative Hearing Commission under this Section to a court of competent jurisdiction, which shall have the power to review the decision de novo. The City shall not file a complaint seeking revocation unless the video service provider has been given sixty (60) days' notice to cure alleged breaches but has failed to do so.

E. *Public, Educational, And Government Access Programming.*

1. Each video service provider shall designate the same number of channels for non-commercial public, educational, or governmental ("PEG") used as designated by the incumbent cable operator.

2. Any PEG channel that is not substantially utilized by the City may be reclaimed and programmed by the video service provider at the provider's discretion. If the City finds and certifies that a channel that has been reclaimed by a video service provider will be substantially utilized, the video service provider shall restore the reclaimed channel within one hundred twenty (120) days. A PEG channel shall be considered "substantially utilized" when forty (40) hours per week are locally programmed on that channel for at least three (3) consecutive months. In determining whether a PEG channel is substantially utilized, a program may be counted not more than four (4) times during a calendar week.

3. The operation of any PEG access channel and the production of any programming that appears on each such channel shall be the sole responsibility of the City or its duly appointed agent receiving the benefit of such channel, and the video service provider shall bear only the responsibility for the transmission of the programming on each such channel to subscribers. The City must deliver and submit to the video service provider all transmissions of PEG content and

programming in a manner or form that is capable of being accepted and transmitted by such video service provider holder over its network without further alteration or change in the content or transmission signal. Such content and programming must be compatible with the technology or protocol utilized by the video service provider to deliver its video services. The video service provider shall cooperate with the City to allow the City to achieve such compatibility.

4. The City shall make the programming of any PEG access channel available to all video service providers in a non-discriminatory manner. Each video service provider shall be responsible for providing the connectivity to the City's or its duly appointed agent's PEG access channel distribution points existing as of August 27, 2007. Where technically necessary and feasible, video service providers shall use reasonable efforts and shall negotiate in good faith to interconnect their video service networks on mutually acceptable rates, terms, and conditions for the purpose of transmitting PEG programming. A video service provider shall have no obligation to provide such interconnection to a new video service provider at more than one (1) point per headend, regardless of the number of political subdivisions served by such headend. The video service provider requesting interconnection shall be responsible for any costs associated with such interconnection, including signal transmission from the origination point to the point of interconnection. Interconnection may be accomplished by direct cable microwave link, satellite, or other reasonable method of connection acceptable to the person providing the interconnect.

5. The franchise obligation of an incumbent cable operator to provide monetary and other support for PEG access facilities existing on August 27, 2007 shall continue until the date of franchise expiration (ignoring any termination by notice of issuance of a video service authorization) or January 1, 2012, whichever is earlier. Any other video service provider shall have the same obligation to support PEG access facilities as the incumbent cable operator, but if there is more than one (1) incumbent, then the incumbent with the most subscribers as of August 27, 2007. Such obligation shall be pro-rated, depending on the nature of the obligation, as provided in Section 67.2703.8, RSMo. The City shall notify each video service provider of the amount of such fee on an annual basis, beginning one (1) year after issuance of the video service authorization.

6. A video service provider may identify and pass through as a separate line item on subscribers' bills the value of monetary and other PEG access support on a proportionate basis.

F. *Compliance With Other Regulations.* All video service providers shall comply with all other applicable laws and regulations.

Chapter 651

SMALL WIRELESS FACILITIES

Section 651.010. Small Wireless Facility Deployment. [Ord. No. 19-860, 12-4-2019]

A. Title And Intent.[30] This Section shall be known and may be cited as the "Small Wireless Facility Deployment Code," and it is intended to encourage and streamline the deployment of small wireless facilities in the City and to help ensure that robust and dependable wireless radio-based communication services and networks are available throughout the City, consistent with State and Federal law, including Sections 67.5110 to 67.5121, RSMo. (while in effect) and Sections 67.1830 to 67.1846, RSMo. The provisions of other sections shall apply to small wireless deployments except to the extent inconsistent with this Section.

B. Definitions.[31] As used in this Section, the following terms shall mean:

ANTENNA — Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

APPLICABLE CODES — Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or the City's amendments to such codes enacted to prevent physical property damage or reasonably foreseeable injury to persons to the extent not inconsistent with Sections 67.5110 to 67.5121, RSMo. (while in effect).

APPLICANT — Any person who submits an application and is a wireless provider.

APPLICATION — A request submitted by an applicant to the City for a permit to co-locate small wireless facilities on a utility pole or wireless support structure, or to approve the installation, modification, or replacement of a utility pole.

AUTHORITY OR CITY — The City of Country Club Hills.

AUTHORITY POLE — A utility pole owned, managed, or operated by or on behalf of the City, but such term shall not include municipal electric utility distribution poles.

AUTHORITY WIRELESS SUPPORT STRUCTURE — A wireless support structure owned, managed, or operated by or on behalf of the City.

CO-LOCATE OR CO-LOCATION — To install, mount, maintain, modify, operate, or replace small wireless facilities on or immediately adjacent to a wireless support structure or utility pole, provided that the small

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30. Editor's Note: See Section 67.5110, RSMo.

31. Editor's Note: See Section 67.5111, RSMo.

wireless facility antenna is located on the wireless support structure or utility pole.

COMMUNICATIONS FACILITY — The set of equipment and network components, including wires, cables, and associated facilities used by a cable operator, as defined in 47 U.S.C. § 522(5); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); a provider of information service, as defined in 47 U.S.C. § 153(24); or a wireless services provider; to provide communications services, including cable service, as SS SCS HCS HB 1991 7 defined in 47 U.S.C. § 522(6); telecommunications service, as defined in 47 U.S.C. § 153(53); an information service, as defined in 47 U.S.C. § 153(24); wireless communications service; or other one-way or two-way communications service.

COMMUNICATIONS SERVICE PROVIDER — A cable operator, as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.

DECORATIVE POLE — A City pole that is specially designed and placed for aesthetic purposes.

FEE — A one-time, non-recurring charge.

HISTORIC DISTRICT — A group of buildings, properties, or sites that are either listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the Federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C, or are otherwise located in a district made subject to special design standards adopted by City ordinance or under State law as of January 1, 2019, or subsequently enacted for new developments.

MICRO WIRELESS FACILITY — A small wireless facility that meets the following qualifications:

1. Is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height; and

2. Any exterior antenna no longer than eleven (11) inches.

PERMIT — A written authorization required by the City to perform an action or initiate, continue, or complete a project.

PERSON — An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including any government authority.

RATE — A recurring charge.

RIGHT-OF-WAY — The area on, below, or above a public roadway, highway, street, sidewalk, alley, or similar property used for public

travel, but not including a Federal interstate highway, railroad right-of-way, or private easement.

SMALL WIRELESS FACILITY —

1. A wireless facility that meets both of the following qualifications:

    a. Each wireless provider's antenna could fit within an enclosure of no more than six (6) cubic feet in volume; and

    b. All other equipment associated with the wireless facility, whether ground- or pole-mounted, is cumulatively no more than twenty-eight cubic feet in volume, provided that no single piece of equipment on the utility pole shall exceed nine cubic feet in volume; and no single piece of ground-mounted equipment shall exceed fifteen cubic feet in volume, exclusive of equipment required by an electric utility or municipal electric utility to power the small wireless facility.

2. The following types of associated ancillary equipment shall not be included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs and related conduit for the connection of power and other services;

TECHNICALLY FEASIBLE — By virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design or site location can be implemented without a reduction in the functionality of the small wireless facility.

UTILITY POLE — A pole or similar structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, or for the co-location of small wireless facilities; provided, however, such term shall not include wireless support structures, electric transmission structures, or breakaway poles owned by the State Highways and Transportation Commission.

WIRELESS FACILITY — Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications and radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include:

1. The structure or improvements on, under, or within which the equipment is co-located;

2. Coaxial or fiber-optic cable between wireless support structures or utility poles;

3. Coaxial or fiber-optic cable not directly associated with a particular small wireless facility;

4. A wireline backhaul facility.

WIRELESS INFRASTRUCTURE PROVIDER — Any person, including a person authorized to provide telecommunications service in the State, that builds or installs wireless communication transmission equipment or wireless facilities but that is not a wireless services provider.

WIRELESS PROVIDER — A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES — Any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER — A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE — An existing structure, such as a monopole or tower, whether guyed or self-supporting, designed to support or capable of supporting wireless facilities; an existing or proposed billboard; an existing or proposed building; or other existing or proposed structure capable of supporting wireless facilities, other than a structure designed solely for the co-location of small wireless facilities. Such term shall not include a utility pole.

WIRELINE BACKHAUL FACILITY — A physical transmission path, all or part of which is within the right-of-way, used for the transport of communication data by wire from a wireless facility to a network.

C. Deployment of Small Wireless Facilities and Associated Poles in Right-of-Way.[32]

1. This Subsection shall only apply to activities of a wireless provider within the right-of-way to deploy small wireless facilities and associated utility poles.

2. Subject to the provisions of this Subsection and Sections 67.5110 to 67.5121, RSMo. (while in effect), a wireless provider may, as a permitted use not subject to zoning review or approval, co-locate small wireless facilities and install, maintain, modify, operate, and replace utility poles along, across, upon, and under the right-of-way, except that the placement in the right-of-way of new or modified utility poles in single-family residential zoning districts or areas zoned as historic as of August 28, 2019, shall remain subject to any applicable zoning requirements that are consistent with Sections 67.5090 to 67.5103, RSMo. Small wireless facilities co-located outside the right-of-way in property not zoned primarily for single-family residential use shall be classified as permitted uses and not subject to zoning review or approval. Such small wireless

32. Editor's Note: See Section 67.5112, RSMo.

facilities and utility poles shall be installed and maintained as not to obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by the City, other governmental authorities or other authorized right-of-way users.

3. A wireless provider must obtain a permit pursuant to this Article, with such reasonable conditions as may be imposed by the City, for work in a right-of-way that will involve excavation, affect traffic patterns, obstruct traffic in the right-of-way, or materially impede the use of a sidewalk.

4. Each new, replacement, or modified utility pole installed in the right-of-way shall not exceed the greater of ten (10) feet in height above the tallest existing utility pole in place as of January 1, 2019, located within five hundred (500) feet of the new pole in the same right-of-way, or fifty (50) feet above ground level. New small wireless facilities in the right-of-way shall not extend more than ten (10) feet above an existing utility pole in place as of August 28, 2019, or for small wireless facilities on a new utility pole, above the height permitted for a new utility pole. A new, modified, or replacement utility pole that exceeds these height limits shall be subject to all applicable zoning requirements that apply to other utility poles, including as set forth in this Chapter, to the extent consistent with Sections 67.5090 to 67.5103, RSMo.

5. A wireless provider shall be permitted to replace decorative poles when necessary to co-locate a small wireless facility, but any replacement pole shall reasonably conform to the design aesthetics of the decorative pole or poles being replaced, as determined by the City Manager or his or her designee.

6. Subject to Subsection (D)(4) below, and except for facilities excluded from evaluation for effects on historic properties under 47 CFR 1.1307(a)(4) of the Federal Communications Commission rules, a wireless provider must use appropriate and reasonable, technically feasible, non-discriminatory, and technologically neutral design or concealment measures in an historic district, as determined by the City Manager or his or her designee. Any such design or concealment measures shall not have the effect of prohibiting any provider's technology, nor shall any such measures be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

7. Small wireless facility co-locations shall not interfere with or impair the operation of existing utility facilities, or City or third-party attachments. A wireless provider shall repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and shall return the right-of-way to its functional equivalence before the damage under the competitively neutral, reasonable requirements and specifications of the City. If the wireless provider fails to make the repairs required by the City

within a reasonable time after written notice, the City may make those repairs and charge the wireless provider the reasonable, documented cost of such repairs.

D. Permits For Poles In Right-Of-Way And Wireless Facilities In All Locations.[33]

1. The provisions of this Subsection shall apply to the permitting of small wireless facilities to be installed by or for a wireless provider in or outside the right-of-way and to the permitting of the installation, modification, and replacement of utility poles by a wireless provider within the right-of-way.

2. Wireless providers or their agents shall apply for and obtain a permit to co-locate a small wireless facility or install a new, modified, or replacement utility pole associated with a small wireless facility as provided in Subsection (C) above. The City shall receive applications for, process, and issue such permits subject to the following requirements:

a. An applicant shall not be required to perform services or provide goods unrelated to the permit, such as in-kind contributions to the City, including reserving fiber, conduit, or pole space for the City;

b. An applicant shall not be required to provide more information to obtain a permit than communications service providers that are not wireless providers, provided that an applicant shall include construction and engineering drawings and information demonstrating compliance with the criteria in Subsection (D)(2)(i) of this Section and an attestation that the small wireless facility complies with the volumetric limitations in the definition of "small wireless facilitry" in Subsection (B) above;

c. An applicant shall not be required to place small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole;

d. There is no limit as to the placement of small wireless facilities by minimum horizontal separation distances;

e. An applicant shall comply with reasonable, objective, and cost-effective concealment or safety requirements as provided herein;

f. An applicant that is not a wireless services provider shall provide evidence of agreements or plans demonstrating that the small wireless facilities will be operational for use by a wireless services provider within one (1) year after the permit

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33. Editor's Note: See Section 67.5113, RSMo.

issuance date, unless the City and the applicant agree to extend this period or if delay is caused by lack of commercial power or communications transport facilities to the site and the applicant notifies the City thereof. An applicant that is a wireless services provider shall provide the information required by this Subsection by attestation;

g. Within fifteen (15) days of receiving an application, the City shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City shall specifically identify the missing information in writing. The processing deadline in Subsection (D)(2)(h) of this Section shall be tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline may also be tolled by agreement of the applicant and the City;

h. An application for co-location shall be processed on a non-discriminatory basis and deemed approved if the City fails to approve or deny the application within forty-five (45) days of receipt of the application. An application for installation of a new, modified, or replacement utility pole associated with a small wireless facility shall be processed on a non-discriminatory basis and deemed approved if the City fails to approve or deny the application within sixty (60) days of receipt of the application;

i. The City may deny a proposed co-location of a small wireless facility or installation, modification, or replacement of a utility pole that meets the requirements in Subsection (C)(3) above only if the action proposed in the application could reasonably be expected to:

[1] Materially interfere with the safe operation of traffic control equipment or City-owned communications equipment;

[2] Materially interfere with sight lines or clear zones for transportation, pedestrians, or non-motorized vehicles;

[3] Materially interfere with compliance with the Americans with Disabilities Act, 42 U.S.C. §§ 12101 to 12213, or similar Federal or State standards regarding pedestrian access or movement;

[4] Materially obstruct or hinder the usual travel or public safety on the right-of-way;

[5] Materially obstruct the legal use of the right-of-way by the City, a utility or other third party;

[6] Fail to comply with reasonable and non-discriminatory spacing requirements of general application adopted by ordinance or regulations promulgated by the State Highways and Transportation Commission that concern the location of ground-mounted equipment and new utility poles, subject to wireless provider requests for exception or variance;

[7] Fail to comply with applicable codes, including nationally recognized engineering standards for utility poles or wireless support structures;

[8] Fail to comply with the reasonably objective and documented aesthetics of a decorative pole and the applicant does not agree to pay to match the applicable decorative elements; or

[9] Fail to comply with reasonable and non-discriminatory undergrounding requirements contained in City ordinances as of January 1, 2019, or subsequently enacted for new developments, that require all new utility facilities in the area to be placed underground and prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval, including by wireless provider requests for exception or variance;

j. The City shall document the complete basis for a denial in writing, and send the documentation to the applicant with the communication denying an application. The applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The City shall approve or deny the revised application within thirty (30) days. Any subsequent review shall be limited to the deficiencies cited in the denial;

k. Consolidated Application.

[1] An applicant may file a consolidated application and receive a single permit for the co-location of multiple small wireless facilities; provided, however, the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same batch; and

[2] An application may include up to twenty separate small wireless facilities, provided that they are for the same or materially same design of small wireless facility being co-located on the same or materially the same type of utility pole or wireless support structure and geographically proximate. If the City receives individual applications for approval of more than fifty small wireless facilities or consolidated applications for approval of more than

seventy-five small wireless facilities within a fourteen-day period, whether from a single applicant or multiple applicants, the City may, upon its own request, obtain an automatic thirty-day extension for any additional co-location or replacement or installation application submitted during that fourteen-day period or in the fourteen-day period immediately following the prior fourteen-day period. The City shall promptly communicate its request to each affected applicant. In rendering a decision on an application for multiple small wireless facilities, the City may approve the application as to certain individual small wireless facilities while denying it as to others based on applicable requirements and standards, including those identified in this Subsection. The City's denial of any individual small wireless facility or subset of small wireless facilities within an application shall not be a basis to deny the application as a whole;

l. Installation or co-location for which a permit is granted under this Subsection shall be completed within one (1) year after the permit issuance date unless the City and the applicant agree to extend this period, or the applicant notifies the City that the delay is caused by a lack of commercial power or communications transport facilities to the site.

m. Approval of an application authorizes the applicant to:

[1] Undertake the installation or co-location; and

[2] Operate and maintain the small wireless facilities and any associated utility pole covered by the permit for a period of ten (10) years, which shall be renewed for equivalent durations so long as the facilities and poles remain in compliance with the criteria set forth in Subsection (D)(2)(i) of this Section, unless the applicant and the City agree to an extension term of less than ten (10) years. The provisions of this Subsection shall be subject to the right of the City to require, upon adequate notice and at the facility owner's own expense, relocation of facilities as may be needed in the interest of public safety and convenience, and the applicant's right to terminate at any time;

n. There shall be a temporary moratorium on applications for small wireless facilities and the co-location thereof for the duration of a Federal or State-declared natural disaster plus a reasonable recovery period, or for no more than thirty (30) days in the event of a major and protracted staffing shortage that reduces the number of personnel necessary to receive, review, process, and approve or deny applications for the co-location of small wireless facilities by more than fifty percent (50%);

o. Abandoned small wireless facilities shall be removed as provided in this Chapter or an agreement, as applicable;

p. In determining whether sufficient capacity exists to accommodate the attachment of a new small wireless facility, the City shall take into account that any grant of access hereunder shall be subject to a reservation to reclaim such space, when and if needed, to meet a core utility purpose or documented plan projected at the time of the application pursuant to a bona fide development plan; and

q. In emergency circumstances that result from a natural disaster or accident, the City may require the owner or operator of a wireless facility to immediately remove such facility if the wireless facility is obstructing traffic or causing a hazard on the City's roadway. In the event that the owner or operator of the wireless facility is unable to immediately remove the wireless facility, the City may remove the wireless facility from the roadway or other position that renders the wireless facility hazardous. Under these emergency circumstances, the City shall not be liable for any damage caused by removing the wireless facility and may charge the owner or operator of the wireless facility the City's reasonable expenses incurred in removing the wireless facility.

3. A permit is not required for:

a. Routine maintenance on previously permitted small wireless facilities;

b. The replacement of small wireless facilities with small wireless facilities that are the same or smaller in size, weight, and height; or

c. The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, in compliance with applicable codes. For work described in Subsection (D)(3)(a) and (b) of this Section that involves different equipment than that being replaced, the wireless services provider shall submit a description of such new equipment so that the City may maintain an accurate inventory of the small wireless facilities at that location.

4. No approval for the installation, placement, maintenance, or operation of a small wireless facility under this Section shall be construed to confer authorization for the provision of cable television service, or installation, placement, maintenance, or operation of a wireline backhaul facility or communications facility, other than a small wireless facility, in the right-of-way.

5. The municipal electric utility shall not require an application for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, in compliance with applicable codes.

E. Co-locations On City Poles And Wireless Support Structures Outside Of Right-Of-Way.[34]

1. This Subsection only applies to co-locations on City poles and wireless support structures that are located outside the right-of-way.

2. Subject to Subsection (E)(3) of this Section, the City shall authorize the co-location of small wireless facilities on City wireless support structures and poles to the same extent, if any, that it permits access to such structures for other commercial projects or uses. Such co-locations shall be subject to reasonable and non-discriminatory rates, fees, and terms as provided in an agreement between the City, or its agent, and the wireless provider substantially in the form of Schedule C to this Section.[35]

3. The City shall not enter into an exclusive agreement with a wireless provider concerning City poles or wireless support structures, including stadiums and enclosed arenas, unless the agreement meets the following requirements:

a. The wireless provider provides service using a shared network of wireless facilities that it makes available for access by other wireless providers, on reasonable and non-discriminatory rates and terms that shall include use of the entire shared network, as to itself, an affiliate, or any other entity; or

b. The wireless provider allows other wireless providers to co-locate small wireless facilities, on reasonable and non-discriminatory rates and terms, as to itself, an affiliate, or any other entity.

4. When determining whether a rate, fee, or term is reasonable and non-discriminatory for the purposes of this Subsection, consideration may be given to any relevant facts, including alternative financial or service remuneration, characteristics of the proposed equipment or installation, structural limitations, or other commercial or unique features or components.

F. Co-locations on City Poles Within the Right-of-Way.[36]

1. The provisions of this Subsection apply to co-locations on City poles within the right-of-way by a wireless provider.

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34. Editor's Note: See Section 67.5114, RSMo.

35. Editor's Note: Said Schedule is on file in the City offices.

36. Editor's Note: See Section 65.5115, RSMo.

2. Neither the City nor any person owning, managing, or controlling City poles in the right-of-way shall enter into an exclusive arrangement with any person for the right to attach to such poles. A person who purchases or otherwise acquires a City pole is subject to the requirements of this Subsection.

3. The City shall allow the co-location of small wireless facilities on its poles using the process set forth in Subsection (D).

4. An application shall include engineering and construction drawings, as well as plans and detailed cost estimates for any make-ready work as needed, for which the applicant shall be solely responsible.

5. Make-ready work shall be addressed as follows, unless the City (or its successor) and applicant agrees to different terms in a pole attachment agreement:

   a. The rates, fees, and terms and conditions for the make-ready work to co-locate on a City pole shall be non-discriminatory, competitively neutral, and commercially reasonable, and shall comply with Sections 67.5110 to 67.5121, RSMo.;

   b. Unless the City allows the applicant to perform any make-ready work, the City shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested co-location by a wireless provider, including pole replacement if necessary, within sixty (60) days after receipt of a complete application. If applicable, make-ready work, including any pole replacement, shall be completed by the City within sixty (60) days of written acceptance of the good faith estimate and advance payment by the applicant. The City may require replacement of its pole on a non-discriminatory basis for reasons of safety and reliability, including a demonstration that the co-location would make the pole structurally unsound, including, but not limited to, if the co-location would cause a utility pole to fail a crash test; and

   c. The person owning, managing, or controlling the City pole shall not require more make-ready work than required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting or prior damage or non-compliance unless the City had determined, prior to the filing of the application, to permanently abandon and not repair or replace the structure. Fees for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to other communications service providers for similar work, and shall not include third-party fees, charges, or expenses, except for amounts charged by licensed contractors actually performing the make-ready work.

6. When a small wireless facility is located in the right-of-way of the State highway system, equipment and facilities directly associated with a particular small wireless facility, including coaxial and fiber-optic cable, conduit, and ground-mounted equipment, shall remain in the utility corridor except as needed to reach a City or utility pole in the right-of-way but outside the utility corridor in which the small wireless facility is co-located.

G. Rates And Fees.[37]

1. This Subsection governs the rates and fees to co-locate small wireless facilities on City poles and the rates and fees for the placement of utility poles, but does not limit the City's ability to recover specific removal costs from the attaching wireless provider for abandoned structures. The rates to co-locate on City poles shall be non-discriminatory regardless of the services provided by the collocating applicant.

2. The City shall not require a wireless provider to pay any rates, fees, or compensation to the authority or other person other than what is expressly authorized by Sections 67.5110 to 67.5121, RSMo. (while in effect), for the use and occupancy of a right-of-way, for co-location of small wireless facilities on utility poles in the right-of-way, or for the installation, maintenance, modification, operation, and replacement of utility poles in the right-of-way.

3. Application fees shall be as follows:

   a. The total fee for any application under Subsection (D)(3) for co-location of small wireless facilities on existing City poles shall be one hundred dollars ($100.00) per small wireless facility. An applicant filing a consolidated application under Subsection (D)(2)(k) shall pay one hundred dollars ($100.00) per small wireless facility included in the consolidated application; and

   b. The total application fees for the installation, modification, or replacement of a pole and the co-location of an associated small wireless facility shall be five hundred dollars ($500.00) per pole.

4. Co-Location Fees.

   a. The rate for co-location of a small wireless facility to a City pole shall be one hundred fifty dollars ($150.00) per pole per year.

   b. The City shall not charge a wireless provider any fee, tax other than a tax authorized by Subsection (G)(4)(c) below, or other charge, or require any other form of payment or compensation, to locate a wireless facility or wireless support structure on

37. Editor's Note: See Section 67.5116, RSMo.

privately owned property, or on a wireless support structure not owned by the City.

c. The City shall not demand any fees, rentals, licenses, charges, payments, or assessments from any applicant or wireless provider for, or in any way relating to or arising from, the construction, deployment, installation, mounting, modification, operation, use, replacement, maintenance, or repair of small wireless facilities or utility poles, if not allowed by Section 67.5116 RSMo. (while in effect).

H. Authority Preserved.[38] Subject to the provisions of Sections 67.5110 to 67.5121, RSMo. (while in effect), and applicable Federal law, the City shall continue to exercise zoning, land use, planning, and permitting authority within its territorial boundaries, including with respect to wireless support structures and utility poles, except that the City shall not have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any campus, stadium, or athletic facility not owned or controlled by the City, other than to comply with applicable codes.

I. Prior Agreements.[39] This Section shall not nullify, modify, amend, or prohibit a mutual agreement between the City and a wireless provider made prior to August 28, 2019, but an agreement that does not fully comply with Sections 67.5110 to 67.5121, RSMo. (while in effect) shall apply only to small wireless facilities and utility poles that were installed or approved for installation before August 28, 2019, subject to any termination provisions in the agreement. Such an agreement shall not be renewed, extended, or made to apply to any small wireless facility or utility pole installed or approved for installation after August 28, 2019, unless it is modified to fully comply with Sections 67.5110 to 67.5121, RSMo. (while in effect) In the absence of an agreement, and until such a compliant agreement or ordinance is entered or adopted, small wireless facilities and utility poles that became operational or were constructed before August 28, 2019, may remain installed and be operated under the requirements of Sections 67.5110 to 67.5121, RSMo. (while in effect).

J. Indemnification, Insurance, and Bonding Requirements.[40]

1. A wireless provider shall indemnify and hold the City and its elected and appointed officers and employees harmless against any damage or personal injury caused by the negligence of the wireless provider or its employees, agents, or contractors, including but not limited to reasonable attorneys' fees incurred by the City.

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38. Editor's Note: See Section 67.5118, RSMo.

39. Editor's Note: See Section 67.5119, RSMo.

40. Editor's Note: See Section 67.5121, RSMo.

2. A wireless provider shall have in effect insurance coverage consistent with this Subsection, or demonstrate a comparable self-insurance program. A self-insured wireless provider does not need to name the City or its officers and employees as additional insured. A wireless provider shall furnish proof of insurance, if applicable, prior to the effective date of any permit issued for a small wireless facility.

3. The bonding requirements shall apply to small wireless facilities. The purpose of such bonds shall be to:

   a. Provide for the removal of abandoned or improperly maintained small wireless facilities, including those that an authority determines need to be removed to protect public health, safety, or welfare;

   b. Restore the right-of-way in connection with removals under Section 67.5113, RSMo.;

   c. Recoup rates or fees that have not been paid by a wireless provider in over twelve (12) months, so long as the wireless provider has received reasonable notice from the City of any non-compliance listed above and been given an opportunity to cure;

   d. Bonding requirements shall not exceed one thousand five hundred dollars ($1,500.00) per small wireless facility. For wireless providers with multiple small wireless facilities within the City, the total bond amount across all facilities shall not exceed seventy-five thousand dollars ($75,000.00), which amount may be combined into one bond instrument.

4. Applicants that have at least twenty-five million dollars ($25,000,000.00) in assets in the State and do not have a history of permitting non-compliance within the City shall, under section 67.1830, RSMo., be exempt from the insurance and bonding requirements otherwise authorized by this Section.

5. Any contractor, subcontractor, or wireless infrastructure provider shall be under contract with a wireless services provider to perform work in the right-of-way related to small wireless facilities or utility poles, and such entities shall be properly licensed under the laws of the State and all applicable City ordinances. Each contracted entity shall have the same obligations with respect to his or her work as a wireless services provider would have under this Section, under Sections 67.5110 to 67.5121, RSMo., and other applicable laws if the work were performed by a wireless services provider. The wireless services provider shall be responsible for ensuring that the work of such contracted entities is performed consistently with the wireless services provider's permits and applicable laws relating to the deployment of small wireless facilities and utility

poles, and responsible for promptly correcting acts or omissions by such contracted entity.

K. Expiration.[41] This Section shall expire at such time that Sections 67.5110 to 67.5122, RSMo., expire, except that for small wireless facilities already permitted or co-located on City poles prior to such date, the rate set forth in Subsection (G) for co-location of small wireless facilities on City poles shall remain effective for the duration of the permit authorizing the co-location.

Cross Reference

Chapter CR

CROSS REFERENCE

Section CR.010. Cross Reference Table.

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
101	Repealed/121		
102	Repealed/121		
104	Repealed/121 (no copy of 104)		
105	Repealed/121		
108	Repealed/182		
109	Repealed/121 (no copy of 109)		
113	Repealed/121 (no copy of 113)		
114	Superseded/388		
116	Repealed/121 (no copy of 116)		
118	Repealed/201		
121	N.G.A./Repealer		
124	Superseded		
129	Repealed/201 (no copy of 201)		
132	Repealed/230 (no copy of 132)		

41. Editor's Note: See Section 67.5122, RSMo.

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
148	Repealed/231 (no copy of 148)		
153	Repealed/220		
161	Repealed/168 (no copy of 161)		
164	6-26-1950	1 — 3	405.020 — 405.040
		3	405.060
		4	405.070
		5	405.140
		6	405.110
		7 — 9	405.150 — 405.170
		10	405.050
		11	405.010
		13	405.200
		14	405.220
168	Superseded		
175	Superseded		
176	Superseded/226 (no copy of 176)		
178	Superseded		
180	Superseded/406		
181	Superseded		
182	Superseded		
183	11-21-1951	1	405.040
		2 — 4	405.080 — 405.100
193	5-15-1952	Art. 1 § 11-1	300.010
		Art. 1 § 11-18	340.280
		Art. 1 § 11-23	340.220
		Art. 1 § 11-24	340.230
		Art. 1 § 11-31(C)	355.010
		Art. 1 § 11-32	355.110
		Art. 1 § 11-47	340.240

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
		Art. 1 § 11-49	385.110
		Art. 1 § 11-52(b)	320.030
		Art. 1 § 11-72	355.180
		Art. 1 § 11-73(a)	370.005
		Art. 3 § 11-79	335.015
		Art. 3 § 11-80 — 11-82	Sch. IV
		Art. 4 §§ 11-84 — 11-86	Sch. III
		Art. 6 § 11-93	Sch. II
195	5-15-1952	4	210.229
		5	210.690
		10	210.355
		12	210.517
		29 — 30	210.305 — 210.307
196	Superseded		
197	6-19-1952	29	210.427
		14 — 15	210.700 — 210.710
		18 — 19	210.720 — 210.730
		Art. 4 §§ 30 — 37	500.080 — 500.150
198	6-19-1952	22 — 23, 25, 27, 29	215.010
		31	215.015
		34	215.019
		44 — 56	240.010 — 240.130
201	Fireworks regulations — held from repeal		
203	Repealed/278		
204	Superseded		

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
205	Superseded		
206	Fireworks regulations — held from repeal		
209	Superseded/241		
213	10-7-1953	1 — 2	405.090
214	N.G.A.		
218	N.G.A.		
220	Superseded		
226	Repealed/264 (no copy of 226)		
228	7-6-1955	1 — 13	605.010 — 605.130
229	Superseded/228		
230	N.G.A.		
231	N.G.A.		
235	Superseded		
237	Superseded/487		
238	Repealed/246 (no copy of 238)		
241	Superseded/332		
242	Superseded		
243	7-17-1957	1	405.070
245	11-6-1957	1 — 3	405.060 — 405.080
		4	405.040
246	12-4-1957	2	Sch. IV
		3 — 7	Sch. II
247	1-8-1958	1	405.070
248	Superseded		
249	6-4-1958	1 — 3	405.070 — 405.090
253	1-60	1	Sch. III
258	Repealed/264 (no copy of 258)		
259	Missing		

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
263	Repealed/640 (no copy of Ord. 263)		
264	Superseded/297		
265	Superseded		
268	N.G.A.		
269	11-6-1961	1, 3 — 4	Sch. V
		4	Sch. VI
272	N.G.A.		
272A	Superseded/228		
273	Repealed/455		
278	Repealer		
279	Superseded		
285	7-7-1965	1 — 3	Sch. II
287	Repealed/465 (no copy of 287)		
288	8-4-1965	1 — 2	405.080 — 405.090
289	11-3-1965	2 — 5	355.160
292	Superseded		
293	Superseded		
296	Superseded		
297	Superseded/314		
309	12-1-1971	1	130.120
313	Election Ord.		
314	4-28-1972	1	110.170
315	Superseded		
318	Superseded/228		
319	Superseded/510		
321	Superseded/422 (no copy of 321)		
322	Superseded/452		
324	1-24-1973	1 — 2	105.070
325	4-11-1973	1	Sch. III
329	Superseded		
330	Repealed/455		

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
331	Superseded		
332	City vehicle tax license — held from repeal		
334	6-19-1974	1	Sch. III
336	Superseded		
337	Superseded/228		
338	Superseded		
339	Superseded		
340	Superseded		
342	12-11-1974	1	405.160
344	Superseded/640		
354	Superseded		
356	Superseded/228		
357	9-17-1975	1	405.080
		2	405.040
358	Superseded		
360	1-14-1976	1 — 3	340.250
361	Superseded		
364	6-9-1976	1	Sch. III
368	7-14-1976	1 — 2	210.309
374	11-10-1976	1	210.305
381	7-13-1977	1	Sch. III
382	Repealed/590		
384	9-14-1977	1 — 8	620.010 — 620.080
386	11-2-1977	100 — 300	510.010 — 510.040
		200	510.050
		220 — 320	510.060 — 510.160
		400 — 470	510.170 — 510.240
		500	510.250
		600	510.260
388	12-14-1977	1 — 2	500.060

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
391	Superseded/427 (no copy of 391)		
393	4-12-1978	1	Sch. III
394	4-12-1978	1	355.170
396	Superseded		
397	6-14-1978	1	130.140
401	8-9-1978	1	405.090
405	11-8-1978	1 — 4	205.090
406	12-13-1978	1	125.010
		3	125.030
		6	125.060
		24	125.340
408	1-10-1979	1 — 5	500.050
410	2-14-1979	1 — 16	610.010 — 610.170
415	Superseded		
422	Superseded		
424	Repealed/574		
426	3-12-1980	1	355.130
427	Superseded		
428	5-14-1980	1 — 2	340.260
430	Superseded		
431	5-14-1980	1 — 2	500.040
437	Superseded		
438	11-12-1980	1	210.239
443	Superseded/616		
445	8-12-1981	1	620.030
452	4-14-1982	1(3)	200.005
453	Election Ord. — held from repeal		
454	4-14-1982	1	620.020
455	5-12-1982	1	605.050
457	Superseded		
459	Superseded		
460	Superseded		

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
461	Superseded		
465	Superseded		
466	Superseded		
469	5-11-1983	1	Sch. II
473	Superseded		
476	6-13-1984	7	600.075
477	Superseded/228		
478	8-8-1984	1	210.680
479	Superseded		
483	Superseded		
487	2-13-1985	1 — 6	117.010 — 117.060
489	Superseded		
490	8-14-1985	1 — 2	235.010 — 235.020
496	4-16-1986	1	230.010
		2(2.5 — 2.6)	230.020
		3(3.3)	230.030
499	N.G.A.		
502	2-11-1987	1	205.090
504	Superseded		
510	11-18-1987	1	405.120
511	2-10-1988	1 — 8	500.070
512	Superseded		
513	2-10-1988	1 — 3	210.135
520	3-13-1996	1	Sch. II
526	City vehicle tax license — held from repeal		
538	Repealed/643 (no copy of Ord. 538)		
539	Repealed/643 (no copy of Ord. 539)		
541	Superseded		Note @ 500.030

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
543	Repealed/643 (no copy of Ord. 543)		
546	Superseded		
551	9-11-1991	1	355.120
560	Superseded		
566	2-9-1994	1 — 2	355.110
567	Superseded		
571	7-13-1994	1 — 3	405.130
573	7-13-1994	1 — 2	405.130
574	City vehicle tax license — held from repeal		
575	No Date	1	405.120
576	9-14-1994	1 — 4	355.140
577	11-9-1994	1 — 2	210.165
578	1-11-1995	1 — 2	210.515
585	11-8-1995	1	355.150
586	12-13-1995	1 — 3	130.130
587	12-13-1995	1	Sch. III
590	3-13-1996	1	Sch. II
590A	4-16-1996	1	355.160
592A	N.G.A.		
593A	5-8-1996	1	210.580
		2 — 5	210.605
597	Superseded		
598	1-8-1997	1 — 2	210.165
600	N.G.A.		
605	12-10-1997	1 — 5	115.160 — 115.200
		7 — 9	115.210 — 115.230
607	Repealed/643 (no copy of Ord. 607)		
609	Repealed/643 (no copy of Ord. 609)		
611	Superseded		

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612	N.G.A.		
616	Superseded/627		
620	4-14-1998	1	375.050
621	Superseded		
625	Repealed/629 (no copy of Ord. 625)		
627	5-18-2001	1-2	500.010
629	N.G.A.		
630	Superseded		
631	N.G.A.		
632	N.G.A.		
634	2-13-2002	1	500.010
635	Superseded		
629(Bill #640)	9-11-2002	1	510.170(D)
639	9-11-2002	1	510.180(C)
640	9-11-2002	1 — 4	500.030
641	9-11-2002	1 — 2	605.050
643	N.G.A.		
644	N.G.A.		
645	Superseded		
646	2-12-2003	1 — 2	375.040
652	1-28-2004	1	500.010
654	N.G.A.		
655	N.G.A.		
656	Superseded		
657	Superseded		
658	11-10-2004	1 — 11	505.010 — 505.110
661	11-10-2004	1	600.030(E)
665	7-13-2005	1	500.010
670	10-12-2005	1 — 4	230.025
672	3-8-2006	1 — 3	135.010 — 135.030
673	3-8-2006	1 — 4	135.040 — 135.070

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675	3-8-2006	1	500.010
Supp. #1, 6/ 08			
680	1-10-2007	1	130.150
681	3-22-2007	1 — 9	Adopt. Ord.
682	3-22-2007	1	520.010
683	2-8-2007	1 — 6	315.065
684	N.G.A.		
685	N.G.A.		
686	N.G.A.		
687	N.G.A.		
688	N.G.A.		
689	N.G.A.		
690	6-13-2007	1	Sch. II
691	N.G.A.		
692	N.G.A.		
693	N.G.A.		
694	N.G.A.		
695	N.G.A.		
696	N.G.A.		
697	N.G.A.		
698	N.G.A.		
699	N.G.A.		
700	N.G.A.		
701	N.G.A.		
702	N.G.A.		
703	N.G.A.		
704	N.G.A.		
705	N.G.A.		
Supp. #2, 7/ 11			
706	N.G.A.		
707	N.G.A.		
708	N.G.A.		
709	N.G.A.		

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710	N.G.A.		
711	N.G.A.		
712	N.G.A.		
713	N.G.A.		
714	N.G.A.		
715	N.G.A.		
716	N.G.A.		
717	N.G.A.		
718	N.G.A.		
719	N.G.A.		
720	N.G.A.		
721	5-13-2009	1 — 2	110.165
722	5-13-2009	1 — 2	205.155
723	5-13-2009	1	Sch. II
724	9-9-2009	1	115.260
725	8-12-2009	1	230.025
726	9-9-2009	1	116.010 — 116.030
727	N.G.A.		
728	N.G.A.		
729	N.G.A.		
730	11-11-2009	1	210.170
731	11-11-2009	1	355.130
732	Superseded/735		
733	N.G.A.		
734	4-14-2010	1	320.060
735	4-14-2010	1	600.030(E)(1)
736	5-20-2010	1	125.305
737	5-20-2010	1	130.160
738	6-22-2010	1	210.740
739	N.G.A.		
740	N.G.A.		
741	8-11-2010	4	115.010
		5	105.020
747 (Supp#5)	11-10-2010	1	210.750

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751	N.G.A.		
752	2-9-2011	1	355.010(A)(2)
754	2-9-2011	1	210.309
755	3-9-2011	1	210.309
756	5-11-2010	1	320.060
757	N.G.A.		
758	6-22-2011	1	130.010
759	5-22-2011	1	110.170
760 (Supp#5)	6-22-2011	1	210.760
Supp. #3, 10/12			
762	8-10-2011	1	510.180(E)
763	8-22-2011	1	500.010(B)
764	N.G.A.		
765	N.G.A.		
766	9-14-2011	1	620.025
769	1-11-2012	1	500.010(B)(7 — 8)
770	N.G.A.		
771	1-11-2012	1	650.010 — 650.020
773	N.G.A.		
774	6-13-2012	1	605.035
775	N.G.A.		
776	N.G.A.		
777	N.G.A.		
779	N.G.A.		
780	10-10-2012	1	Sch. II
Supp. #4, 3/14			
781	4-10-2013	1	230.020(C)
		2	230.020(G)
		3	230.020(H)
		4	230.020(I)
782	4-10-2013	1	320.060

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance		Section of This Code
783	N.G.A.			
784	N.G.A.			
785	8-14-2013	1		116.010 — 116.030
786	N.G.A.			
787	2-12-2014	1		315.075
		2		315.065
788	2-14-2014	1		320.060
789	N.G.A.			
Supp. #5, 2/ 17				
794	9-10-2014	1		215.013, 505.120
796	10-8-2014	1		600.030
802	6-10-2015	1		130.170
803 (Supp 6)	6-10-2015	1		405.160
804	Not Adopted			
809	3-9-2016	1		605.037
811	3-9-2016	1		355.160
812	3-9-2016	1		210.740
813	4-13-2016	1		235.010
814	4-13-2016	1		210.590
816	6-8-2016	1 — 2		620.055
817	6-8-2016	1 — 3		130.180
819	7-13-2016	1		230.025
820	7-13-2016	1		615.040
821	N.G.A.			
823	11-9-2016	1		210.010 — 210.720
			Rpld	210.010 — 210.740
824	11-9-2016	1		600.010 — 600.060, 600.105
825	11-9-2016	1		342.010 — 342.060

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826	N.G.A.		
827	2-8-2017	1	605.150
828	N.G.A.		
829	2-8-2017	1	125.330
Supp 6, Jan 2020			
830	6-2-2017	1	605.025
831	3-28-2017	1	355.110
832	9-28-2017		NGA
833	9-20-2017		NGA
834	9-20-2017	1	Ch. 410
835	9-13-2017	1	215.011
836	10-11-2017	1	600.030
18-837	1-10-2018	1	210.309
18-838	2-14-2018	1	605.025
18-839	2-14-2018	1 — 21	Ch. 525
18-840	2-14-2018		NGA
18-841			Not Adopted
18-842	6-25-2018		NGA
18-843	9-12-2018	1	315.072
18-844	9-12-2018		NGA
19-845	1-9-2019	1	215.011
19-846	3-13-2019		NGA
19-847	5-8-2019		NGA
19-848	6-12-2019		NGA
19-849	7-10-2019	1	510.270
18-850			Not Adopted
19-851	7-10-2019	1	510.280
19-852	9-25-2019		NGA
19-853	9-25-2019	1	215.013
19-854			Not Adopted
19-855	9-25-2019		NGA
19-856	11-13-2019	1	210.530 — 210.533
		2	342.020

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
19-857	11-13-2019		NGA
19-858	12-4-2019	1	215.040
19-859	12-4-2019	1	Ch. 606
19-860	12-4-2019	1	Ch. 651
19-861	1-8-2020		NGA

N.G.A. — Not generally applicable.

Superseded — Superseded means rendered obsolete by a later ordinance without being specifically repealed; if there is no ordinance number noted after the word superseded, the ordinance was rendered obsolete by provisions agreed upon at the editorial conference and implemented by the adopting ordinance of this Code.

Repealed — Specifically repealed by a later ordinance.

na — Not applicable.