



DATE: February 25, 2020
TO: Jeannette Kelly, Finance Director
FROM: Vickie McGownd, City Clerk *vjm*
SUBJECT: Codification Update

As approved and provided in the 2017 budget, the City of Chesterfield entered into agreement with General Code on August 25, 2017 for codification services.

The codification process should occur on a routine and regular basis, and is simply a compilation of thousands of individual ordinances into a single document that provides transparency and ease of use. When compiling and consolidating multiple ordinances (some which amend, append, repeal, and/or replace prior ordinances), it is necessary to organize by subject matter. The compiled City Code reflects the current text of the City's ordinances and becomes the official resource reference for legal purposes.

General Code currently administers, maintains, and publishes the City's Code of Ordinances. There have been statutory changes in the criminal code that need to be reflected in our municipal code and a thorough review is necessary and warranted, since our Code has not been comprehensively codified and reviewed.

Since August 2017, the City Attorney and Staff have met with General Code and worked extensively to complete the first step in the codification review process. **No substantive changes are being recommended at this time; the purpose of this review is simply to "clean up" the Code and bring it in line with state statutes.** I have attached the Report of Codification Changes prepared by General Code and a proposed ordinance necessary to adopt and enact the new Code.

Action Recommended

This proposed ordinance should be presented to the Finance and Administration Committee for consideration. Should F&A concur, it should vote to authorize Staff to submit the proposed ordinance to City Council for approval.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF CHESTERFIELD, MISSOURI; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Approval, Adoption and Enactment of Code.

Pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VI, each inclusive, of the “Code of Ordinances of the City of Chesterfield,” is hereby adopted and enacted; and shall supersede all other general and permanent ordinances of the City passed on or before January 6, 2020, to the extent provided in Section 3 hereof.

Section 2. When Code Provisions Effective.

All provisions of such Code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.

Section 3. Repeal of Legislation Not Contained in Code; Legislation Saved From Repeal; Matters Not Affected By Repeal.

A. All ordinances of a general and permanent nature of the City adopted on final passage on or before January 6, 2020, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:

1. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City’s indebtedness, or authorizing any contract or obligation assumed by the City.
2. Ordinances levying taxes or making special assessments.

3. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses.
4. Ordinances granting franchises or rights to any person, firm or corporation.
5. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places.
6. Ordinances authorizing or relating to particular public improvements.
7. Ordinances respecting the conveyances or acceptance of real property or easements in real property.
8. Ordinances dedicating, accepting or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same.
9. Ordinances annexing property to the City.
10. All zoning and subdivision ordinances not specifically repealed and not included herein.
11. Ordinances establishing special taxing districts, including, but not limited to Tax Increment Financing Areas, Transportation Development Districts, Community Improvement Districts, Neighborhood Improvement Districts or redevelopment districts.
12. Ordinances relating to traffic schedules (e.g., stop signs, parking limits, etc.).
13. All ordinances relating to personnel regulations (e.g., pensions, retirement, job descriptions and insurance, etc.).
14. Ordinances authorizing the establishment of industrial development corporations.
15. Ordinances establishing tax rates for the City.

16. Ordinances relating to the City's personnel policy.

17. Ordinances establishing City sales taxes.

- B. The repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.
- C. The repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to such date.

Section 4. Amendments To Code.

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

Section 5. Violations and Penalties.

- A. Except as hereinafter provided, whenever in any rule, regulation or order promulgated pursuant to such ordinances of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such City ordinance, rule, regulation or order doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such ordinance of the City, or of any rule, regulation or order promulgated pursuant to such City ordinance, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed three (3) months, or by both such fine and imprisonment.
- B. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of these ordinances or rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these ordinances or rules, regulations or orders shall be punished by the imposition of not more

than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.

- C. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State establishes a penalty differing from that provided by this Section for an offense similar to any offense established by these ordinances, rules, regulations or other orders of the City, the violation of such City law, ordinance, rule, regulation or order shall be punished by the fine or imprisonment established for such similar offense by such State law.
- D. Each day any violation of these ordinances, rules, regulations or orders promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.
- E. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

Section 6. Applicability of General Penalty.

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

Section 7. Filing of Copy of Code; Codes To Be Kept Up-To-Date.

A copy of such Code shall be kept on file in the office of the City Clerk, preserved in loose-leaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the City Council to make the same part of such Code when the same have been printed or reprinted in page form and to extract from such Code all provisions which from time to time may be repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. Altering or Tampering With Code; Violations and Penalties.

It shall be unlawful for any person to change or alter by additions or deletions any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Chesterfield to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 5 of this ordinance.

Section 9. Severability.

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

Section 10. Effective Date.

This ordinance and the Code adopted hereby shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2020.

PRESIDING OFFICER

Bob Nation, MAYOR

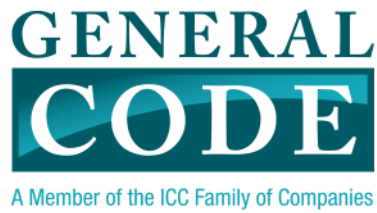
CITY CLERK CODIFICATION CERTIFICATION

I, Vickie McGownd, City Clerk of the City of Chesterfield, Missouri, hereby certify that the attached documents are true and correct copies of the municipal code of the City of Chesterfield and are published in book form.

ATTEST:

Vickie McGownd, CITY CLERK

FIRST READING HELD: _____



Report of Final Codification Changes

PREPARED FOR:

City of Chesterfield, Missouri

PROJECT EDITOR:

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INTRODUCTION

Report

This report is based on the Editorial and Code Analysis completed by City Officials and returned to General Code in December 2018, as well as the City’s responses to the Final Draft questions returned in January 2020. It has been updated with decisions by the City Officials, which are indicated with *italics* after **Decision** throughout this document.

Statutory Updates

The Model Code provisions of the City’s Code have been updated through the 2019 Statutory Updates as indicated throughout this Report.

Legal Advice

Please note that it is not the intent of General Code to give legal advice or opinions by way of the Editorial and Code Analysis, but rather to provide as much information as possible to enable City Officials to make necessary decisions. Any questions as to validity or legal sufficiency of legislation, or as to interpretation of cases and statutes, will properly remain the responsibility of your Municipal Attorney.

We have reviewed the City’s provisions taking into account the provisions of Section 71.010, RSMo., which states: “Any municipal corporation in this State, whether under general or special charter, and having authority to pass ordinances regulating subjects, matters and things upon which there is a general law of the state, unless otherwise prescribed or authorized by some special provision of its charter, **shall confine and restrict its jurisdiction and the passage of its ordinances to and in conformity with the state law upon the same subject.**”

Last Legislation in Code

The last legislation received for the Final Publication of the Code was Ord. No. 3080.

Process/Next Steps

Deliverables under the terms of the contract are fifteen (15) Code volumes with an Index and Title tabs.

This Report of Final Codification Changes and the 2012 Draft Review should be kept with the Code Adoption Ordinance supplied by General Code.

After adoption, the Code will be put on the web in eCode360[®] format.

GENERAL DECISIONS

Nomenclature Changes

- A. The City should review the first page of the 2012 Draft Review for the listing of the names of various officials, departments and directors that the City changed during the 2012 recodification project. A copy of the 2012 Draft Review is included following the “Other” tab of the Codification Portfolio. Due to the numerous changes to the names/titles of officials, departments and directors made in the 2012 recodification project by the City, we believe a **separate** review of these items is necessary. Since this is outside the scope of this recodification agreement and will involve added research and time it will incur additional cost.
- For example, when reviewing this Manuscript, we noted the change of the “Department of Public Works” as well as other official names to “Department of Planning, Public Works and Parks.” We do not see that the City has chosen to change this by ordinance in the current Code. In fact “public works and planning” appears to now be separated from the parks department. This is one example of the type of issue we would need to address in the new Code that could not have been foreseen in the recodification agreement.
 - Additionally, the City appears to be in the process of reviewing its boards and committees as stated in recent Ord. No. 2985 which repealed the “Public Works Board of Variance.” A Code review approach could possibly assist in this process. We do note that the “Public Works Board of Variance” still occurs in the Code and may need to be addressed as a new issue not related to the 2012 recodification project. See also our questions under Chapter 12, Article I, and Chapter 405, Article I, below.

If the City agrees with our evaluation, we would suggest a meeting when the City receives this Editorial and Code Analysis to discuss how to go forward regarding the officials, directors and departments. Then an estimate could be determined as to the additional cost to the City.

Decision With Final Draft:

<i>Term</i>	<i>Change To</i>
<i>Finance Department Department of Finance and Administration</i>	<i>Department of Finance</i>
<i>Director of Finance and Administration Finance Director</i>	<i>Director of Finance</i>
<i>Public Works Department</i>	<i>Department of Public Works</i>
<i>Public Works Director (except as otherwise noted in this Report) Director of Planning, Public Works and Parks Director of Public Services (except as otherwise noted in this Report)</i>	<i>Director of Public Works</i>
<i>Public Works Department employee Streets and Engineering Department employee</i>	<i>Public Works employee</i>
<i>Planning Department</i>	<i>Department of Planning</i>

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<i>Division of Planning and Development Services Department of Planning, Public Works and Parks (except as otherwise noted in this Report) Department of Public Services (except as otherwise noted in this Report) PDS Division Planning and Development Services Division Department of Planning and Development</i>	
<i>Planning Director Planning and Development Services Director (except as otherwise noted in this Report) Director of Planning and Development Services</i>	<i>Director of Planning</i>
<i>Community Development Department employee</i>	<i>Planning Department employee</i>
<i>Parks, Recreation and Arts Department Parks Division</i>	<i>Department of Parks</i>
<i>Director of Parks, Recreation and Arts</i>	<i>Director of Parks</i>

B. The term “Councilmember” and “Council member” are both used in the Code. The City should determine which term should be used to be consistent throughout the Code. Note that “Councilmember” is the term used much more frequently throughout the Code.

Decision With Final Draft:

Use only “Council Member” and carry through this style when the Code is updated in the future.

Previous Code Elements To Be Excluded

The new Code will exclude the following parts of the 1990 City Code:

- The Resolution Disposition Table will no longer be maintained as part of the Code as a cost-saving measure for the City. Resolutions are not codified and the City’s Resolutions are readily available as digital images on the City’s website at <https://www.chesterfield.mo.us/resolutions.html>. That page states: “Resolutions are not part of our codified law, but rather formal statements of a decision or opinion of the Council.”
 - Additionally, we would note that the City can create a “Public Documents” tab of eCode360® (<https://www.ecode360.com/CH3266>) and place these there, which would make them searchable on the eCode360 platform alongside the Code material, rather than in a different area of the City’s website.
- The Checklist of Up-To-Date Pages will also be excluded from the new Code as a cost-saving measure. The use of print copies of the Code is now minimized due to eCode360, and the pagination tied to chapter numbering in the print Code will help keep it accurate as it is updated in the future.

Decision:

These exclusions are acceptable to the City.

TITLE I, GOVERNMENT CODE

Chapter 100, General Provisions

- A. See Section 100.020. Note that the similar statutory provisions of Section 1.020(1), RSMo., contain an additional definition of “Certified Mail or Certified Mail with Return Receipt Requested” which is not included herein. The City may want to include this definition as set out below.

“CERTIFIED MAIL or CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED — Includes certified mail carried by the United States Postal Service or any parcel or letter carried by an overnight, express or ground delivery service that allows a sender or recipient to electronically track its location and provides a record of the signature of the recipient.”

Decision:

Add this definition to Section 100.020.

- B. Since the term “Delegation of Authority” defined in Section 100.020 seems to be a procedure as opposed to a definition, possibly this term and its description should be included as Subsection (C) of this Section 100.020. Review and advise if this is acceptable.

Decision:

No revision desired.

- C. Section 100.080 contains general penalty provisions which derive from Sections 77.590 and 546.902, RSMo. Note that Senate Bills 5 and 572 adopted in 2015 and 2016 have set out different penalties in certain circumstances, which the City may want to review. Since communities appear to be incorporating these provisions differently, the City’s Attorney should assist the City in making a decision regarding these provisions and how to include them in the Code.

479.350. DEFINITIONS.

For purposes of sections 479.350 to 479.372, the following terms mean:

- (1) "Annual general operating revenue," revenue that can be used to pay any bill or obligation of a county, city, town, or village, including general sales tax; general use tax; general property tax; fees from licenses and permits; unrestricted user fees; fines, court costs, bond forfeitures, and penalties. Annual general operating revenue does not include designated sales or use taxes; restricted user fees; grant funds; funds expended by a political subdivision for technological assistance in collecting, storing, and disseminating criminal history record information and facilitating criminal identification activities for the purpose of sharing criminal justice-related information among political subdivisions; or other revenue designated for a specific purpose;*
- (2) "Court costs," costs, fees, or surcharges which are retained by a county, city, town, or village upon a finding of guilty or plea of guilty, and shall exclude any costs, fees, or surcharges disbursed to the state or other entities by a county, city, town, or village and any certified costs, not including fines added to the annual real estate tax bill or a special tax bill under section 67.398, 67.402, or 67.451;*
- (3) "Minor traffic violation," a municipal or county traffic ordinance violation prosecuted that does not involve an accident or injury, that does not involve the operation of a commercial motor vehicle,*

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and for which no points are assessed by the department of revenue or the department of revenue is authorized to assess one to four points to a person's driving record upon conviction. Minor traffic violation shall include amended charges for any minor traffic violation. Minor traffic violation shall exclude a violation for exceeding the speed limit by more than nineteen miles per hour or a violation occurring within a construction zone or school zone;

(4) "Municipal ordinance violation," a municipal or county ordinance violation prosecuted for which penalties are authorized by statute under sections 64.160, 64.200, 64.295, 64.487, 64.690, 64.895, 67.398, 71.285, 89.120, and 89.490. Municipal ordinance violation shall include amended charges for municipal ordinance violations.

479.353. CONDITIONS. — Notwithstanding any provisions to the contrary, the following conditions shall apply to minor traffic violations and municipal ordinance violations:

(1) The court shall not assess a fine, if combined with the amount of court costs, totaling in excess of:

(a) Two hundred twenty-five dollars for minor traffic violations; and

(b) For municipal ordinance violations committed within a twelve month period beginning with the first violation: two hundred dollars for the first municipal ordinance violation, two hundred seventy-five dollars for the second municipal ordinance violation, three hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars for the fourth and any subsequent municipal ordinance violations;

(2) The court shall not sentence a person to confinement, except the court may sentence a person to confinement for any violation involving alcohol or controlled substances, violations endangering the health or welfare of others, or eluding or giving false information to a law enforcement officer;

(3) A person shall not be placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation or unless the due process procedures mandated by Missouri Supreme Court Rule 37.65 or its successor rule are strictly followed by the court;

(4) Court costs that apply shall be assessed against the defendant unless the court finds that the defendant is indigent based on standards set forth in determining such by the presiding judge of the circuit. Such standards shall reflect model rules and requirements to be developed by the supreme court; and

(5) No court costs shall be assessed if the defendant is found to be indigent under subdivision (4) of this section or if the case is dismissed.

Decision:

Add new Subsections (E), Minor Traffic Violations, and (F), Municipal Ordinance Violations, to Section 100.080. Add new definitions of MINOR TRAFFIC VIOLATION and MUNICIPAL ORDINANCE VIOLATION to Section 100.020 (per Attorney Chris Graville's recommendation).

Chapter 105, Elections

See Section 105.010. Note that the City may want to include the "ward descriptions" or a map thereof under the "Public Documents" tab that the City can create in eCode360® (<https://www.ecode360.com/CH3266>). Then this will be available and searchable while searching within the Code.

NO DECISION REQUIRED

Chapter 110, Administration

Article I, In General

Section 2-2 of the 1990 City Code was removed in the 2012 recodification project due to the fact that it does not agree with the provisions of Chapter 610, RSMo. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Article I, Mayor and City Council

Division 2, Mayor

Section 2-30 of the 1990 City Code was removed in the 2012 recodification project at the request of the City. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio.

Decision:

Reinsert this Section.

Division 3, City Council

- A. See Section 110.350. Note that this Section was revised to comply with the statutory provisions of Section 77.070, RSMo. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

- B. Section 2-49 of the 1990 City Code was removed in the 2012 recodification project at the request of the City. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio.

Decision:

Reinsert this Section.

- C. Section 110.400 refers to “a misdemeanor.” We believe that reference to “an ordinance violation” would more appropriately describe this offense. If the City agrees with our assessment, we will change the term “a misdemeanor” to “an ordinance violation” throughout the Code, where appropriate.

Decision:

Make the above-noted change here and throughout the Code.

- D. Section 2-53 of the 1990 City Code was replaced with the statutory provisions of Section 77.450, RSMo., now contained in this Section 110.410. Please confirm this revision. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio.

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Decision:

Retain as shown in the Manuscript.

- E. Section 2-55 of the 1990 City Code was replaced with a portion of the statutory provisions of Section 77.090, RSMo., now contained in this Section 110.430. Please confirm this revision. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Article V, City Officials

- A. See Section 110.860. Section 2-106 of the 1990 City Code was revised in the 2012 recodification project at the request of the City. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

- B. Section 2-107 of the 1990 City Code was removed in the 2012 recodification project at the request of the City. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Chapter 115, Officers and Employees

Article I, Generally

- A. Note that Sections 2-341 to 2-345 and 2-347 to 2-353 were deleted in the 2012 recodification at the City’s request. These Sections deal with the Personnel Policy, which the City determined should be held on file in the City offices. Section 2-346 regarding Personnel Director was placed in Section 120.040(J) as part of the Director of Finance and Administration’s duties. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Additionally note that the City can place these under the “Public Documents” tab that the City can create in eCode360 (<https://www.ecode360.com/CH3266>). Then they would be searchable on the eCode360 platform alongside the Code material. The City could add an Article in this Chapter simply stating that the Personnel Policy is on file in the City offices.

Decision:

Create Article III, Personnel Policy, setting out one section referring to the Personnel Policy which is on file in the City offices; save them from repeal in the Code Adoption Ordinance.

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- B. See Section 115.020. Portions of this Section were revised in the 2012 recodification at the City's request. This Section derives from Section 2-302 of the 1990 City Code. Revisions were made in Subsections (A)(2), (C), (I) and (J). See the 2012 Draft Review following the "Other" tab of the Codification Portfolio.

Decision:

Reinsert Section 2-302 as it appears in the 1990 Code.

Article II, Conflicts Of Interest**Division 1, Generally**

See Section 115.090. This Section was revised in the 2012 recodification by the revision and inclusion of definitions from Section 105.450, RSMo. This Section derives from Section 2-322 of the 1990 City Code. See the 2012 Draft Review following the "Other" tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Chapter 120, City Departments

Article I, Department Of Finance And Administration

- A. See Subsection 120.040. As stated above in the first note to Chapter 115, Section 2-346 of the 1990 City Code was moved to Subsection (J) of this Section. This Section derives from Section 2-124 of the 1990 City Code, and Subsection (E) was deleted in the 2012 recodification. See the 2012 Draft Review following the "Other" tab of the Codification Portfolio.

Decision:

Reinsert Subsection (E) as it appears in the 1990 Code.

- B. See Section 120.050. This Section derives from Section 2-125 of the 1990 City Code, however in the 2012 recodification the City removed paragraphs 2 and 3 of this Section. See the 2012 Draft Review following the "Other" tab of the Codification Portfolio.

Decision:

Reinsert these two paragraphs.

Article III, Department Of Planning, Public Works And Parks

This entire Article derives from a combination of Article VI, Divisions 5 and 6, of the 1990 City Code. In the 2012 recodification the City provided a strikeout version of this Article, renaming the departments and changing much of this Article. The City should review this carefully since almost none of the material in Sections 2-166 through 2-181 or 2-191 through 2-195 reads as it originally existed. See the 2012 Draft Review following the "Other" tab of the Codification Portfolio.

Decision:

Replace this Article with 1990 Code Chapter 2, Article VI, Divisions 5 and 6.

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Decision With Final Draft:

Delete Section 120.410.

Chapter 123, Purchasing Regulations

- A. Section 2-136 of the 1990 City Code was removed in the 2012 recodification project at the request of the City. The remaining Sections in Article VI, Division III, of Chapter 2 of the 1990 City Code were moved to this Chapter. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Reinsert this Section.

- B. See Subsection 123.050(D)(2)(e)(2)(b). The City may want to consider adding the words “equal to or” before the words “less than five thousand dollars” as they appear in the second line of this Section in order to avoid any potential misinterpretation.

Decision:

Make the change noted above.

Chapter 125, Boards, Commissions, Committees, Etc.

Article I, Generally

- A. See Section 125.020. Note that in the recodification of 2012 the “Public Works Board of Variance” and the “Finance and Administration Citizens Advisory Committee” were both removed from the listing herein. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio. Note that this Board and Committee were recently repealed by Ord. Nos. 2985 and 2994, respectively.

NO DECISION REQUIRED

- B. Note that this entire Article should be reviewed for accuracy as we received a strikeout version of this material for the 2012 recodification. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Article II, Board Of Adjustment

- A. See Section 125.060. This Section which derives from Section 2-211 of the 1990 City Code was revised to comply with the statutory provisions of Section 89.080, RSMo. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

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Decision:

Retain as shown in the Manuscript.

- B. See Sections 125.170 and 125.180. Are the fees set out in these Sections still current? They do not appear to have been amended since 1990.

Decision:

Remove the fees in these Sections.

Chapter 130, Municipal Court

- A. See Section 130.010. Note that the term “Court Clerk” was changed to “Court Administrator” in the 2012 recodification at the request of the City. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

- B. See Section 130.050. Note that this Section derives from Section 19-5 of the 1990 City Code and was revised to delete subsections (e) and (f) in the 2012 recodification at the request of the City. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Delete the first sentence of Section 130.050(B)(3).

- C. See Section 130.060. Note that this Section derives from Section 19-5 of the 1990 City Code and was revised to change “Traffic Violations Bureau” to simply read “Violations Bureau” as it is stated in Supreme Court Rule 37.49. This revision was made throughout the Code. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

- D. The City should review the Court costs set out in Sections 130.070, 130.075, 130.080 and 130.100 and confirm these are all the costs being charged in the City’s Municipal Court. We recommend that you review the notes below before making any decisions regarding the costs.

Decision:

Retain as shown in the Manuscript, except as noted below.

- E. See Subsection 130.070(~~D~~)(E). Note that the provisions of Section 488.607, RSMo., appear to allow “up to \$4.00” for this court cost. Also, note that the reference to 479.261 is not correct, this should read 488.607.

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488.607. *Additional surcharges authorized for municipal and associate circuit courts for cities and towns having shelters for victims of domestic violence, amount, exceptions.--*

The governing body of any county or any city having a shelter for victims of domestic violence established pursuant to sections 455.200 to 455.230, or any municipality within a county which has such shelter, or any county or municipality whose residents are victims of domestic violence and are admitted to such shelters in another county, may, by order or ordinance provide for an additional surcharge in an amount of up to four dollars per case for each criminal case, including violations of any county or municipal ordinance. No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharges collected by municipal clerks in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, shall be disbursed to the city at least monthly, and such surcharges collected by circuit court clerks shall be collected and disbursed as provided by sections 488.010 to 488.020. Such fees shall be payable to the city or county wherein such fees originated. The county or city shall use such moneys only for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200 to 455.230.

*(L. 1991 H.B. 566, A.L. 1992 H.B. 1471 merged with S.B. 457, A.L. 1996 S.B. 869, A.L. 1999 S.B. 1, et al., A.L. 2000 S.B. 1002 Revision § 479.261 subsec. 1, A.L. 2001 S.B. 267, A.L. 2005 S.B. 420 & 344, A.L. 2014 H.B. 1238) *Transferred 2000; formerly 479.261 subsec. 1*

Decision:

Change this to read “up to \$4.00” and change the statutory reference from 479.261 to 488.607.

- F. Note that Section 130.085 may need to be adjusted based on SB 5 requirements which are set out in Section 479.360, RSMo. Review said requirements below with the City’s Attorney and advise how or if this should be revised.

479.360. Certification of substantial compliance, filed with state auditor--procedures adopted and certified.

1. Every county, city, town, and village shall file with the state auditor, together with its report due under section 105.145, its certification of its substantial compliance signed by its municipal judge with the municipal court procedures set forth in this subsection during the preceding fiscal year. The procedures to be adopted and certified include the following:

(1) Defendants in custody pursuant to an initial arrest warrant issued by a municipal court have an opportunity to be heard by a judge in person, by telephone, or video conferencing as soon as practicable and not later than forty-eight hours on minor traffic violations and not later than seventy-two hours on other violations and, if not given that opportunity, are released;

(2) Defendants in municipal custody shall not be held more than twenty-four hours without a warrant after arrest;

(3) Defendants are not detained in order to coerce payment of fines and costs unless found to be in contempt after strict compliance by the court with the due process procedures mandated by Missouri Supreme Court Rule 37.65 or its successor Rule;

(4) The municipal court has established procedures to allow indigent defendants to present evidence of their financial condition and takes such evidence into account if determining fines and costs and establishing related payment requirements;

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- (5) *The municipal court only assesses fines and costs as authorized by law;*
 - (6) *No additional charge shall be issued for the failure to appear for a minor traffic violation;*
 - (7) *The municipal court conducts proceedings in a courtroom that is open to the public and large enough to reasonably accommodate the public, parties, and attorneys;*
 - (8) *The municipal court makes use of alternative payment plan;*
 - (9) *The municipal court makes use of community service alternatives for which no associated costs are charged to the defendant; and*
 - (10) *The municipal court has adopted an electronic payment system or payment by mail for the payment of minor traffic violations.*
2. *On or before December 31, 2015, the state auditor shall set forth by rule a procedure for including the addendum information required by this section. The rule shall also allow reasonable opportunity for demonstration of compliance. (L. 2015 S.B. 5; A.L. 2016 S.B. 572)*

Decision:

Insert a new Subsection (B) which reads: “No additional charge shall be issued for the failure to appear for a minor traffic violation.”

Chapter 135, Fiscal Year and Budget Procedures

The City’s Code does not include currently include sales taxes. If the City wants these included, please provide the taxes and their enacting ordinances and we will add them as an Article in this Chapter. If the City does not want them included we will save them from repeal in the Adopting Ordinance.

Decision:

Do not place sales taxes in the Code, and save them from repeal in the Adopting Ordinance.

Chapter 140, Disposal Of Unclaimed Property And Evidence

See Section 140.080. Note that this Section derives from Section 2-368 of the 1990 City Code and was revised to delete the words of the second sentence therein. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

TITLE II, PUBLIC HEALTH, SAFETY AND WELFARE

Chapter 200, Police

Article I, In General

- A. Are the Police Department fees set out in Section 200.010 still current?

Decision:

No revision desired.

- B. If the Policy Manual described in Section 200.020 has not been reviewed or updated since 1988, the City may want to review the same even though it is not included in the Code.

NO DECISION REQUIRED

- C. Is there a newer ordinance in which the City has contracted with the County? If so, provide the number and we will insert it herein.

Decision:

Remove the ordinance reference from Section 200.030.

Article II, Police Personnel Board

- A. See Section 200.130. In the 2012 recodification we replaced this Section with a combination of Sections 24-19, 24-65 and 24-76 of the 1990 City Code as provided by the City. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

- B. There were minor changes made by the City within this Article/Chapter; see Sections 200.210, 200.230(A)(6), 200.250(D)(1), 200.270, 200.320, 200.340, 200.350, 200.360, 200.580 and 200.710 (these exist in Articles III, IV and V). See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Article III, Merit System

Sections 24-71 and 24-72 of the 1990 City Code were deleted by the City in the 2012 recodification. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Chapter 203, Fire Prevention And Protection

Article I, Fireworks

See the definitions of CONSUMER FIREWORKS and DISPLAY FIREWORKS in Section 203.010. Note that these definitions were inserted to replace COMMON FIREWORKS and SPECIAL FIREWORKS in the 1990 City Code Section 13-21. Also note that the City deleted the definition of FIREWORKS SEASON. These definitions have been further revised in the statutes to read as follows:

320.106. Definitions.

As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

(1) *"American Pyrotechnics Association (APA), Standard 87-1," or subsequent standard which may amend or supersede this standard for manufacturers, importers and distributors of fireworks;*

(2) *"Chemical composition," all pyrotechnic and explosive composition contained in fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;*

(3) *"Consumer fireworks," explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UN0336, within 49 CFR Part 172;*

(4) *"Discharge site," the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;*

(5) *"Dispenser," a device designed for the measurement and delivery of liquids as fuel;*

(6) *"Display fireworks," explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UN0333 or UN0334 or UN0335, within 49 CFR Part 172;*

(7) *"Display site," the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;*

(8) *"Distributor," any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in sections 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner into the state of Missouri;*

(9) *"Fireworks," any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations;*

(10) *"Fireworks season," the period beginning on the twentieth day of June and continuing through the tenth day of July of the same year and the period beginning on the twentieth day of December and continuing through the second day of January of the next year, which shall be the only periods of time that seasonal retailers may be permitted to sell consumer fireworks;*

(11) *"Jobber," any person engaged in the business of making sales of consumer fireworks at wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution outside the state of Missouri during a calendar year from the first day of January through the thirty-first day of December;*

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(12) *"Licensed operator," any person who supervises, manages, or directs the discharge of outdoor display fireworks, either by manual or electrical means; who has met additional requirements established by promulgated rule and has successfully completed a display fireworks training course recognized and approved by the state fire marshal;*

(13) *"Manufacturer," any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state of Missouri;*

(14) *"NFPA," National Fire Protection Association, an international codes and standards organization;*

(15) *"Permanent structure," buildings and structures with permanent foundations other than tents, mobile homes, and trailers;*

(16) *"Permit," the written authority of the state fire marshal issued pursuant to sections 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;*

(17) *"Person," any corporation, association, partnership or individual or group thereof;*

(18) *"Proximate fireworks," a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation, as classified within 49 CFR Part 172 as UN0431 or UN0432;*

(19) *"Pyrotechnic operator" or "special effects operator," an individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects for proximate fireworks and who has met additional requirements established by promulgated rules and has successfully completed a proximate fireworks training course recognized and approved by the state fire marshal;*

(20) *"Sale," an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;*

(21) *"Seasonal retailer," any person within the state of Missouri engaged in the business of making sales of consumer fireworks in Missouri only during a fireworks season as defined by subdivision (10) of this section;*

(22) *"Wholesaler," any person engaged in the business of making sales of consumer fireworks to any other person engaged in the business of making sales of consumer fireworks at retail within the state of Missouri. (L. 1985 S.B. 76 § 1, A.L. 1987 H.B. 416, A.L. 1999 H.B. 343, A.L. 2004 S.B. 1196, A.L. 2007 S.B. 22, A.L. 2012 H.B. 1647 merged with S.B. 835) Effective 6-11-12 (S.B. 835) 7-10-12 (H.B. 1647)*

Decision:

Insert the newest definitions underlined above, except for FIREWORKS SEASON.

Chapter 205, Animals And Fowl**Article I, In General**

Section 205.030(D) sets out a penalty differing from the General Penalty set out in Section 100.080. Would the City prefer we refer to Section 100.080?

Decision:

Delete Subsection (D) in Sections 205.030 and 205.060.

Article II, Animals At Large

- A. Section 5-19 of the 1990 City Code was not retained in the 2012 recodification. It is a penalty Section and should not be necessary, since the General Penalty applies to the entire Code. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

- B. See Section 205.140. As to the definition of FARM ANIMAL, note that Section 578.005, RSMo., contains a slightly different definition which the City may want to review for possible inclusion herein.

578.005. Definitions.

As used in sections 578.005 to 578.023, the following terms shall mean:

(1) "Adequate care," normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;

(2) "Adequate control," to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property;

(3) "Animal," every living vertebrate except a human being;

(4) "Animal shelter," a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of animals;

(5) "Farm animal," an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber;

(6) "Farm animal professional," any individual employed at a location where farm animals are harbored;

(7) "Harbor," to feed or shelter an animal at the same location for three or more consecutive days;

(8) "Humane killing," the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed;

(9) "Owner," in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal;

(10) "Person," any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

(11) "Pests," birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri. (L. 1983 S.B. 211 § 1, A.L. 2012 S.B. 631)

Decision:

Insert the above underlined definition to replace the current definition.

Article III, Abuse And Neglect Of Animals

See Sections 205.230 and 205.240. These Sections were replaced by the current statutory provisions in place at the time of the 2012 recodification. These Sections were again revised and a new Section added in the statutes as well. The City may want to review the similar statutory provisions of Sections 578.009, 578.110 and 578.012, RSMo., and determine if any revisions are necessary.

Section 578.009. Animal Neglect.

A. A person commits the offense of animal neglect if he or she:

1. Has custody or ownership of an animal and fails to provide adequate care; or
2. Knowingly abandons an animal in any place without making provisions for its adequate care.

B. All fines and penalties for a first finding of guilt under this Section may be waived by the court if the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived. This Section shall not apply to the provisions of Section 578.007, RSMo., or Chapter 272, RSMo.

C. In addition to any other penalty imposed by this Section 578.009, RSMo., the court may order a person found guilty of animal neglect to pay all reasonable costs and expenses necessary for:

1. The care and maintenance of neglected 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; and
4. The avoidance or minimization of any public health risks created by the neglect of the animals.

(RSMo. §578.009, 2013, 2014 effective 1-1-2017)

Section 578.011. Animal Trespass.

A. A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve (12) hours.

B. For a first conviction of animal trespass, each offense shall be punishable by a fine not to exceed two hundred dollars (\$200.00). The second and all subsequent convictions shall be punishable by imprisonment or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment. All fines for a first conviction of animal trespass may be waived by the court provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This Section shall not apply to the provisions of Section 578.007 or Sections 272.010 to 272.370, RSMo. (RSMo. §578.011, 2013)

Section 578.012. Animal Abuse.

A. A person commits the offense of animal abuse if he or she:

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 which results in substantial harm to the animal. (RSMo. §578.012, 2013, 2014 effective 1-1-2017)

Decision:

Delete Sections 205.230 and 205.240 and replace with all three of the above statutory Sections.

Article IV, Dangerous Animals

Additional Decision:

Revise Section 205.350 as follows: delete Subsection (A)(11)(b), in Subsection (A)(11)(c) [now (A)(11)(b)], change “provided above” to “set in this Code.”

Article V, Deer Control Policy And Hunting Regulations

Are the four attachments at the end of this Chapter/Article needed in the Code or would these be better placed, and footnoted as, on file in the Clerk’s office?

Decision:

Remove the attachments from the Code and include a footnote that they are on file in the City Clerk’s office.

Additional Decision:

Revise Section 205.460 as follows: delete Subsection (B), remove Subsection designations, change “a misdemeanor” to read “an ordinance violation punishable as set out in Section 100.080.”

Chapter 210, Offenses

General Notes

We have included the version of the Offenses Chapter approved by the City in the 2012 recodification project, with amendments, as this Chapter 210.

For comparison purposes, we have also included our **current** Model Offenses Code as Sample Chapter 210A of the Manuscript. It was updated in 2017 and accounts for the sweeping revisions to the State Crimes Code pursuant to SB 491 of 2014 that were effective as of January 1, 2017.

- The City may want to review our Offenses Chapter 210A and use it as a base for a new Offenses Chapter. Then the City could simply put any additional Code Sections desired for retention into this newest Statutory Chapter.
- Our questions below pertain mainly to the non-statutory wording included in this Chapter and any Sections retained from the 1990 City Code.
- Also note that the City should review [Chapter 21, Offenses and Miscellaneous Provisions of the 1990 City Code](#), to confirm that we have included any currently applicable offenses. The Derivation Table at the end of the Manuscript, and a “CC 1900 § ___” history at a Section, will indicate where the City’s prior material has been retained.

NO DECISION REQUIRED

Article I, In General

Additional Decision:

Include Section 210.010 (CC 1990 § 21-1) in Chapter 210A, Article XV.

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- A. Section 210.020 should be compared to the newest version of this statutory material (RSMo. §575.080) contained in Section 210A.380 of this Manuscript.

Decision:

City will use Chapter 210A.

- B. Section 210.030 should be compared to the newest version of this statutory material (RSMo. §575.150) contained in Section 210A.390 of this Manuscript.

Decision:

City will use Chapter 210A.

- C. Section 210.040 should be compared to the newest version of this statutory material (RSMo. §575.120) contained in Section 210A.370 of this Manuscript.

Decision:

City will use Chapter 210A.

- D. Section 210.050 may be adequately addressed by Section 210.040 which contains language on fleeing an officer in Subsections 210.030(A)(1) and (C). It should be compared to the newest version of this statutory material (RSMo. §575.120) contained in Section 210A.370 of this Manuscript.

Decision:

Include Section 210.050 (CC 1990 § 21-5) in Chapter 210A, Article III.

- E. Compare Section 210.060 to Section 210A.020 which is stated slightly different. If the City is using Chapter 210A, this Section 210.060 would not be necessary.

Decision:

City will use Chapter 210A; exclude Section 210.060.

- F. Note that Section 21-8 of the 1990 City Code was deleted in the 2012 recodification project and is now addressed in Article IX “Offenses Concerning Tobacco.” The newest version of this Article is set out in Chapter 210A, Article XIII, substantially amended in 2014. Confirm the exclusion of this Section.

Decision:

City will use Chapter 210A; exclude CC 1990 Section 21-8.

- G. Section 210.070 should be compared to the newest version of this statutory material (RSMo. §570.120) contained in Section 210A.1190 of this Manuscript.

Decision:

City will use Chapter 210A.

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Article II, Minors

Division 1, Generally

Note that Section 21-29 of the 1990 City Code was deleted in the 2012 recodification project and is now addressed in Article IX “Offenses Concerning Tobacco.” The newest version of this Article is set out in Chapter 210A, Article XIII, amended in 2014. Confirm the exclusion of this Section.

Decision:

Exclude this Division; City will use Chapter 210A; exclude CC 1990 Section 21-29.

Division 2, Endangering The Welfare Of A Child

- A. Section 210.260 should be compared to the newest version of this statutory material (RSMo. §568.050) contained in Section 210A.180 of this Manuscript.

Decision:

City will use Chapter 210A.

- B. Note that Section 21-31 of the 1990 City Code was deleted in the 2012 recodification project and is not included in the Manuscript. Confirm the exclusion of this Section.

Decision:

Okay to exclude this Section as shown in Manuscript.

Additional Decision:

Include Section 210.270 (CC 1990 § 21-32) in Chapter 210A, Article II. Change “this Division” to “Section 210.180.”

Article III, Offenses Against Morals

- A. Section 210.350 should be compared to the newest version of this statutory material (RSMo. §566.093) contained in Section 210A.1510 of this Manuscript.

Decision:

City will use Chapter 210A.

- B. Section 210.360 is covered in more than one statutory provision. Below we have set out the provisions of Sections 573.010 and 573.060, RSMo., all of which have been amended recently, effective 2017. The City should review this Section against Section 210.360 and determine if any changes should be made.

573.010. Beginning January 1, 2017--Definitions.

As used in this chapter the following terms shall mean:

- (1) "Adult cabaret," a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;
- (2) "Characterized by," describing the essential character or dominant theme of an item;
- (3) "Child," any person under the age of fourteen;

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(4) "Child pornography":

(a) Any obscene material or performance depicting sexual conduct, sexual contact as defined in section 566.010, or a sexual performance and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor; or

(b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:

a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct; or

c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct. "Identifiable minor" means a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The term "identifiable minor" shall not be construed to require proof of the actual identity of the identifiable minor;

(5) "Employ," "employee," or "employment," any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises;

(6) "Explicit sexual material," any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

(7) "Furnish," to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;

(8) "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;

(9) "Minor," any person less than eighteen years of age;

(10) "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 covering of any part of the nipple or areola;

(11) "Obscene," any material or performance if, taken as a whole:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

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(b) *The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and*

(c) *A reasonable person would find the material lacks serious literary, artistic, political or scientific value;*

(12) *"Operator," any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business;*

(13) *"Performance," any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;*

(14) *"Pornographic for minors," any material or performance if the following apply:*

(a) *The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and*

(b) *The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal, 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*

(c) *The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;*

(15) *"Premises," the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both;*

(16) *"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;*

(17) *"Regularly," the consistent and repeated doing of the act so described;*

(18) *"Sadomasochistic abuse," flagellation or torture by or upon a person as an act of sexual stimulation or gratification;*

(19) *"Semi-nude" or "state of semi-nudity," the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;*

(20) *"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;*

(21) *"Sexually explicit conduct," actual or simulated:*

(a) *Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;*

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- (b) Bestiality;
- (c) Masturbation;
- (d) Sadistic or masochistic abuse; or
- (e) Lascivious exhibition of the genitals or pubic area of any person;
- (22) "Sexually oriented business" includes:

(a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A principal business activity exists where the commercial establishment:

- a. Has a substantial portion of its displayed merchandise which consists of such items; or
- b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or
- c. Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or
- d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or
- e. Maintains a substantial section of its interior business space for the sale or rental of such items; or
- f. Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(b) An adult cabaret;

(c) An adult motion picture theater. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(d) A semi-nude model studio. "Semi-nude model studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

- a. By a college, junior college, or university supported entirely or partly by taxation;
- b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- c. In a structure:

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(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

(ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

(e) A sexual encounter center. "Sexual encounter center" means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude;

(23) "Sexual performance," any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(24) "Specified anatomical areas" include:

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(25) "Specified sexual activity," includes any of the following:

(a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision;

(26) "Substantial," at least thirty percent of the item or items so modified;

(27) "Visual depiction," includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image.(L. 1977 S.B. 60, A.L. 1985 H.B. 366, et al., A.L. 1987 H.B. 113, et al., A.L. 1989 H.B. 225, A.L. 2000 S.B. 757 & 602, A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491) Effective 1-01-17

573.060. Beginning January 1, 2017--Public display of explicit sexual material--penalties.

1. A person commits the offense of public display of explicit sexual material if he or 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 material 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 or her possession after learning of its existence.

2. The offense of public display of explicit sexual material is a class A misdemeanor unless the person has been found guilty of an offense under this section committed at a different time, in which case it is a class E felony.

3. For purposes of this section, each day there is a violation of this section shall constitute a separate offense. (L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al., A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

Decision:

Include Section 210.360 (CC 1990 § 17-170) in Chapter 210A, Article X.

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Article IV, Offenses Against Persons

- A. Section 210.410 should be compared to the newest version of this statutory material (RSMo. §565.056) contained in Section 210A.120 of this Manuscript.

Decision:

City will use Chapter 210A.

- B. Section 210.420 should be compared to the newest version of this statutory material (RSMo. §565.091) contained in Section 210A.150 of this Manuscript.

Decision:

City will use Chapter 210A.

- C. Section 210.430 should be compared to the newest version of this statutory material (RSMo. §455.085) set out below.

455.085. Beginning January 1, 2017--Arrest for violation of order--penalties--good faith immunity for law enforcement officials.

1. *When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.*

2. *When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.*

3. *When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:*

- (1) The intent of the law to protect victims from continuing domestic violence;*
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;*
- (3) The history of domestic violence between the persons involved.*

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No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of domestic violence, stalking, sexual assault, or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

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10. *Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein. (L. 1980 S.B. 524 § 16, A.L. 1986 S.B. 450, A.L. 1989 S.B. 420, A.L. 1993 H.B. 476 & 194, A.L. 2000 H.B. 1677, et al., A.L. 2011 S.B. 320, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491, A.L. 2015 S.B. 321 merged with S.B. 341) Effective 1-01-17*

Decision:

City will use Chapter 210A. Include this Section in Chapter 210A, Article II, but use the newest version of this statutory material to replace this Section.

- D. Section 210.440 should be compared to the newest version of this statutory material (the misdemeanor offense was transferred to RSMo. §565.227) contained in Section 210A.160 of this Manuscript.

Decision:

City will use Chapter 210A.

Article V, Offenses Against Property

- A. Section 210.500 should be compared to the newest version of this statutory material (RSMo. §570.030) contained in Section 210A.1110 of this Manuscript. Section 210.500 contains only the misdemeanor offenses from the statutes.

Decision:

City will use Chapter 210A.

- B. Section 210.510 should be compared to the newest version of this statutory materials contained herein. These provisions are now contained in more than one Section. See the definitions of “inhabitable structure” and “of another” in Section 210A.010 (RSMo. §565.061) of this Manuscript; and the remainder of this Section contained in Sections 210A.1060 and 210A.1070 which derive from RSMo. §§565.140 and 565.150.

Decision:

City will use Chapter 210A.

- C. Section 210.520 should be compared to the newest version of this statutory material (RSMo. §569.120) contained in Section 210A.1040 of this Manuscript.

Decision:

City will use Chapter 210A.

- D. Sections 210.530 and 210.540 may be adequately addressed by Sections 210.520(A)(1) and/or 210.620. Please review and determine if these Sections are needed.

Decision:

Include Sections 210.530 (CC 1990 § 21-59) and 210.540 (CC 1990 § 21-60) in Chapter 210A, Article VII.

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- E. Section 210.550 should be compared to the newest version of this statutory material (RSMo. §570.057) contained in Section 210A.1180 of this Manuscript.

Decision:

City will use Chapter 210A.

- F. Section 210.560 should be compared to the newest version of this statutory material (RSMo. §569.065) contained in Section 210A.1100 of this Manuscript.

Decision:

City will use Chapter 210A.

- G. Section 210.570 “receiving stolen property” which derived from Section 570.080, RSMo., was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017. Please advise if this should be retained.

Decision:

Delete this Section.

Additional Decision:

Use Chapter 210A in lieu of Section 210.580.

- H. The City may wish to review the provisions of Section 210.590(B) against the provisions of Section 214.131, RSMo., which provides that *"every person who shall knowingly destroy, mutilate, disfigure, deface, injure or remove any tomb, monument or gravestone, or other structure placed in any abandoned family cemetery or private burying ground, or any fence, railing, or other work for the protection or ornamentation of any such cemetery or place of burial of any human being, or tomb, monument or gravestone, memento, or memorial, or other structure aforesaid, or of any lot within such cemetery is guilty of a class A misdemeanor. For the purposes of this section and subsection 1 of section 214.132, an "abandoned family cemetery" or "private burying ground" shall include those cemeteries or burying grounds which have not been deeded to the public as provided in chapter 214, and in which no body has been interred for at least twenty-five years."* Advise if any changes are needed.

Decision:

Include Sections 210.590 (CC 1990 § 21-65), 210.600 (CC 1990 § 21-66), and 210.610 (CC 1990 § 21-67) in Chapter 210A, Article VII.

- I. Section 210.620 should be compared to the newest version of this statutory material (RSMo. §569.090) contained in Section 210A.1030 of this Manuscript.

Decision:

City will use Chapter 210A.

- J. Section 210.630 should be compared to the newest version of this statutory material (RSMo. §570.130) contained in Section 210A.1150 of this Manuscript.

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Decision:

City will use Chapter 210A. Add the definition of CARDHOLDER from Section 210.630 and the definitions of CREDIT DEVICE and DEBIT DEVICE from Section 570.010, RSMo., to Section 210A.1150.

Article VI, Offenses Against Public Peace

- A. Section 210.690 should be compared to the newest version of this statutory material (RSMo. §§574.005 to 574.020) contained in Sections 210A.660 to 210A.680 of this Manuscript.

Decision:

Replace Sections 210A.660 through 210A.680 with Section 210.690 (CC 1990 § 21-71).

- B. Section 210.700 should be compared to the newest version of this statutory material (RSMo. §§574.040 to 574.060) contained in Sections 210A.690 to 210A.710 of this Manuscript.

Decision:

City will use Chapter 210A.

Additional Decision:

Include Sections 210.710 (CC 1990 § 21-73) and 210.720 (CC 1990 § 21-74) in Chapter 210A, Article V.

Article VII, Offenses Concerning Drugs

This Article was taken from statutory material in the 2012 recodification and should be compared to the newer material contained in Article XI of Chapter 210A, §§210A.1800 to 210A.1860. The City should advise of any changes needed.

Decision:

City will use Chapter 210A.

Article VIII, Offenses Concerning Weapons and Firearms

Sections 210.930 through 210.1005 of this Article were taken from our 2012 Model Code and statutory provisions and should be compared to the newest version of this statutory material contained in Sections 210A.830 through 210A.930 of Chapter 210A of this Manuscript. The City's Attorney should review this as well along with the note contained herein below regarding the authority of the City to regulate weapons and firearms. Note that Section 210.1010 and 210.1020 derive from the City's Sections 21-103 and 21-104 of the 1990 Code.

When reviewing this against Chapter 210A, Article VI, note that Section 210A.840 derives from Section 571.030, RSMo., as updated in 2016 and which is authorized and affected by Section 21.750, RSMo. We have set out Section 21.750, RSMo., below, as the City may want to revise Model Section 210A.840 based on some of the authority allowed therein. We have underlined the additional authorities for any political subdivisions in this State, which appear to include regulations concerning open carrying of firearms readily capable of lethal use or discharge of firearms within a jurisdiction. If this Section is

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retained, the City should review all of this information with its Attorney and determine if any additional revisions are desired to Section 210.840.

21.750. Firearms legislation preemption by general assembly, exceptions--limitation on civil recovery against firearms or ammunitions manufacturers, when, exception.

1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this Section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this Section.

3. (1) Except as provided in subdivision (2) of this subsection, nothing contained in this Section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction, provided such ordinance complies with the provisions of section 252.243. No ordinance shall be construed to preclude the use of a firearm in the defense of person or property, subject to the provisions of chapter 563.

(2) In any jurisdiction in which the open carrying of firearms is prohibited by ordinance, the open carrying of firearms shall not be prohibited in accordance with the following:

(a) Any person with a valid concealed carry endorsement or permit who is open carrying a firearm shall be required to have a valid concealed carry endorsement or permit from this state, or a permit from another state that is recognized by this state, in his or her possession at all times;

(b) Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer;

(c) In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained by a law enforcement officer unless under arrest; and

(d) Any person who violates this subdivision shall be subject to the penalty provided in section 571.121.

4. The lawful design, marketing, manufacture, distribution, or sale of firearms or ammunition to the public is not an abnormally dangerous activity and does not constitute a public or private nuisance.

5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any suit which may be brought in the future. Provided, however, that nothing in this Section shall restrict the rights of individual citizens to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition.

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6. *Nothing in this Section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision.*

*(L. 1984 H.B. 928 § 1, A.L. 2003 S.B. 13, A.L. 2007 S.B. 225, A.L. 2014 S.B. 656)*Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.*

Decision:

City will use Chapter 210A with the following revisions:

- *Replace Section 210A.840(A)(3) with Section 210.940(A)(3), regarding discharge of a firearm within City limits.*
- *Add Section 210.980 to Chapter 210A, Article VI.*
- *Add “Except as allowed in Chapter 205, Article V” to the beginning of Section 210A.920.*
- *Include Sections 210.1010 (CC 1990 § 21-103) and 210.1020 (CC 1990 § 21-104) in Chapter 210A, Article VI.*

Article IX, Concerning Tobacco

This Article was taken in part from statutory material in the 2012 recodification and should be compared to the newer material contained in Article XI of Chapter 210A, §§210A.2100 to 210A.2160. This revised Article in Chapter 210A now contains “Vapor Products” and “Alternative Nicotine Products” and revised regulations regarding those topics. In this Manuscript Chapter 210, sections 210.1120 and 210.1170 were not previously addressed in the statutory provisions; however these do appear to be addressed in the newest Article XIII of Chapter 210A. These Sections may no longer be needed if the newest provisions of Chapter 210A are retained.

Decision:

City will use Chapter 210A. Include Sections 210.1120 (CC 1990 §§ 21-34 — 21-35) and 210.1170 (CC 1990 § 21-7) in Chapter 210A, Article XIII.

Article X, Clean Air Code

This Article superseded and replaced Sections 21-106 through 21-110 of the 1990 Code at the City’s direction. Please confirm this revision.

Decision:

Include in Chapter 210A as Article XIV.

Additional Decision:

Include Article X, Miscellaneous Offense, in Chapter 210A as Article XV.

Article XII, Offenses Concerning Prostitution

This Article should be compared to Article VIII of Chapter 210A, §§210A.1350 to 210A.1390, which contains the newest statutory material on this subject. The City should advise of any changes needed.

Decision:

City will use Chapter 210A.

Chapter 210A, Offenses (UPDATED MODEL) (now Chapter 210)

General Notes

For comparison purposes, we have included this current Model Chapter on Offenses which is for the most part derived from statutory provisions that have been updated through the 2017 Legislative Session.

- Please be advised that we have added an informational footnote to those Model provisions which can also be felony crimes under State law, under certain circumstances.
- Each Section the derives from State law is referenced at the end of the Section with the authorizing Section of the Statute.
- The notes above to Chapter 210 use this Chapter for comparison purposes if a similar statutory provision exists and is contained in this Chapter.
- If this Chapter is used as the base for the Offenses Chapter, then the notes below may need to be reviewed. For the most part we are simply stating which provisions are not statutory.

Statutory Updates

The following revisions from the 2018 Statutory Updates have been included in this Chapter:

Section/Subsection of the Code	Description of the Revision Based on State Law Change	Pursuant to RSMo. Section
210.1210	Throughout this Section, “metal” and “scrap metal” have been amended to read “material” where referring generally to items regulated by this Section. In addition, “motor vehicle, heavy equipment, or tractor battery” has been added to the list of items covered under this Section.	407.300
210.1360	A new paragraph has been added to this Section, which reads as follows: <i>“In addition to the affirmative defense provided in Subsection 2 of Section 566.223, RSMo., it shall be an affirmative defense to prosecution pursuant to this Section that the defendant was under the age of eighteen (18) and was acting under the coercion, as defined in Section 566.200, RSMo., of an agent at the time of the offense charged.”</i>	567.020

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The following revisions from the 2019 Statutory Updates have been included in this Chapter:

Section/Subsection of the Code	Description of the Revision Based on State Law Change	Pursuant to RSMo. Section
210.1360	The following sentence has been added to Subsection (B) of this Section: <i>“In such cases where the defendant was under the age of eighteen (18), the defendant shall be classified as a victim of abuse, as defined under Section 210.110, RSMo., and such abuse shall be reported, as required under Section 210.115, RSMo.”</i>	567.020
Chapter 210, Article XI	A footnote has been added to this Article as follows: "Editor's Note: Article XIV, Medical Marijuana, of the Missouri Constitution may provide exceptions to some of the provisions in this Article."	Missouri Constitution Article XIV

Article V, Offenses Concerning Public Peace

Section 210A.720 is not a statutory Section. The City should review and determine if this Section is to be retained.

Decision:

Retain this Section without revision.

Article VI, Offenses Concerning Weapons and Firearms

A. Section 210A.840 derives from Section 571.030, RSMo., as updated in 2014 and 2016 and which is authorized and affected by Section 21.750, RSMo. We have set out Section 21.750, RSMo., below, as the City may want to revise Section 210A.840 of the Code based on some of the authority allowed therein. We have underlined the additional authorities for any political subdivisions in this State, which appear to include regulations concerning open carrying of firearms readily capable of lethal use or discharge of firearms within a jurisdiction. The City should review all of this information with its Attorney and determine if any additional revisions are desired to Section 210A.840.

21.750. Firearms legislation preemption by general assembly, exceptions--limitation on civil recovery against firearms or ammunitions manufacturers, when, exception.

1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this Section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration,

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taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this Section.

3. (1) Except as provided in subdivision (2) of this subsection, nothing contained in this Section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction, provided such ordinance complies with the provisions of section 252.243. No ordinance shall be construed to preclude the use of a firearm in the defense of person or property, subject to the provisions of chapter 563.

(2) In any jurisdiction in which the open carrying of firearms is prohibited by ordinance, the open carrying of firearms shall not be prohibited in accordance with the following:

(a) Any person with a valid concealed carry endorsement or permit who is open carrying a firearm shall be required to have a valid concealed carry endorsement or permit from this state, or a permit from another state that is recognized by this state, in his or her possession at all times;

(b) Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer;

(c) In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained by a law enforcement officer unless under arrest; and

(d) Any person who violates this subdivision shall be subject to the penalty provided in section 571.121.

4. The lawful design, marketing, manufacture, distribution, or sale of firearms or ammunition to the public is not an abnormally dangerous activity and does not constitute a public or private nuisance.

5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any suit which may be brought in the future. Provided, however, that nothing in this Section shall restrict the rights of individual citizens to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition.

6. Nothing in this Section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision.

(L. 1984 H.B. 928 § 1, A.L. 2003 S.B. 13, A.L. 2007 S.B. 225, A.L. 2014 S.B. 656)

*Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.

Decision:

See revisions noted in the comments to Ch. 200.

B. Section 210A.920 is not a statutory provision. The City should review this Section and determine if it should be retained.

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Decision:

See revisions noted in the comments to Ch. 200.

- C. Section 210A.930 is not a statutory provision. The City should review this Section and determine if it should be retained.

Decision:

Retain this Section without revision.

Article IX, Sexual Offenses

Section 210A.1560 is not a statutory provision. The City should review this Section and determine if it should be retained.

Decision:

Retain this Section without revision.

Article XII, Offenses Concerning Minors

The City should review this Article (Sections 210A.1970 through 210A.1990) in its entirety, since it is non-statutory and pertains to Curfew, to determine if it is necessary. If it is retained, do the timing and regulations meet the City's needs?

Decision:

No revision desired.

Chapter 215, Nuisances

Article I, Vegetation

- A. Is Subsection 215.020(B) still necessary?

Decision:

No revision desired.

- B. See Section 215.030(A)(2)(d). The City may wish to note the similar statutory provision of Section 269.020.1, RSMo., provides that "every person owning or caring for any animal that has died from any cause shall dispose of the animal carcass within twenty-four hours after knowledge of such death," which differs from the "twelve (12) hours" referenced herein.

Decision:

Change 12 hours to 24 hours.

- C. We inserted the Appendix A to Ch. 20 of the 1990 City Code as Section 215.070 since it is only relevant to this Article.

Decision:

Okay as edited.

- D. Section 20-22 of the 1990 Code was included in this Article by the City in the 2012 recodification project. Please confirm this placement.

Decision:

No revision desired.

Article II, Miscellaneous

- A. In the 2012 recodification project Section 215.100 was moved to this Article from Chapter 18 of the 1990 City Code. Please confirm this placement.

Decision:

No revision desired.

- B. In the 2012 recodification project Section 215.110 was moved to this Article from the Zoning Regulations. We note that with the 2014 adoption of the Unified Development Code, this now also exists in Chapter 405, Section 405.04.140(A)(14). We typically recommend that provisions are not duplicated in the Code. Is still needed in this Chapter?

Decision:

No revision desired.

Chapter 217A, Abandoned Property (UPDATED MODEL) (now Chapter 217)

This Sample Chapter is being included for comparison purposes only. See the notes to Chapter 385 below.

NO DECISION REQUIRED HERE

Chapter 220, Parks And Recreation

Article I, In General

Is the “Director of Parks, Recreation and Arts” the same as the “Parks and Recreation Director” as used a few other places in the Code? Should these all read “Director of Parks, Recreation and Arts”?

Decision:

Change all instances to read “Director of Parks, Recreation and Arts.”

Chapter 225, Emergency Management

In the 2012 recodification project, the City indicated that current Chapter 8 “Civil Defense” adopted in 1990 was obsolete and superseded by current Ch. 11 “Emergency Management” which is included in this Chapter 225 along with revisions directed by the City during the 2012 recodification project. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Chapter 230, Human Rights

This Chapter was replaced in the 2012 recodification project with statutory provisions from Chapter 213, RSMo. However, note that we have included a sample of the updated model provisions as Chapter 230A of the Manuscript. It was revised to reflect changes from the 2017 Legislative Session, and the City should review Chapter 230A for possible replacement of this Chapter.

Decision:

Replace Chapter 230 with the updated statutory wording from Chapter 230A.

Decision With Final Draft:

Delete Articles II and IV of this Chapter.

Chapter 230A, Human Rights (UPDATED MODEL) (now Chapter 210)

This Sample Chapter is being included for comparison purposes only. See the notes to Chapter 230 above.

NO DECISION REQUIRED HERE

Chapter 235, Solid Waste

Article I, In General

Changes were made to the definitions in Section 235.010 in the 2012 recodification project to bring them up to date statutorily. Additionally the City requested certain changes within the text of this Chapter as well. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Chapter 240, Health And Sanitation

Article I, Health Department Services

Is the contract referenced in Section 240.010 still current?

Decision:

No revision desired.

Article II, Mosquito Control

Is the contract referenced in Section 240.070 still current?

Decision:

No revision desired.

Chapter 245, Aircraft And Aviation

Article I, Helicopters And Heliports

This Article was reviewed and revised in the 2012 recodification project. Minor changes were made by the City. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Article II, Drones (Unmanned Aircraft Systems)

This Article was adopted just last year.

Decision:

No revision desired.

TITLE III, TRAFFIC CODE

General Notes

This entire Title III was amended in the 2012 recodification project to bring it up to date as of 2012. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Also note that this is a combination of current Code Chapter 18 and Appendix C (which contains the 1988 Model Traffic Code from Chapter 300, RSMo., as revised in the 2012 recodification project).

NO DECISION REQUIRED

Chapter 300, General Provisions

Statutory Updates

The following revisions from the 2018 Statutory Updates have been included in this Chapter:

Section/Subsection of the Code	Description of the Revision Based on State Law Change	Pursuant to RSMo. Section
300.010	The definitions of “AUTOCYCLE” and “MOTORTRICYCLE” have been added to this Section.	301.010

Article I, In General

See Section 300.010 “Definitions,” note that the definition of EMERGENCY VEHICLE from Section 304.022.4, RSMo., has been amended to read as follows:

EMERGENCY VEHICLE — A vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, Traffic Officer or Coroner or by a privately owned emergency vehicle company;
2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;
3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.070 of this Title;
4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;
6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;

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7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;
8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.
9. Any vehicle owned by the State Highways and Transportation Commission and operated by an authorized employee of the Department of Transportation that is marked as a Department of Transportation emergency response or motorist assistance vehicle.
10. Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials, or in support of official requests from the State of Missouri involving unknown substances or hazardous materials, or as may be requested by the appropriate State agency acting on behalf of the Governor.

Decision:

Replace the definition of EMERGENCY VEHICLE with the updated material above.

Chapter 305, Traffic Administration

Some Sections were deleted from this Chapter in the 2012 recodification as follows: Current Code App. C §§300.025, 300.030, 300.035, 300.045, 300.050, 300.055 and 300.070. See the [2012 Draft Review](#) following the "Other" tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

Chapter 310, Enforcement And Obedience To Traffic Regulations

- A. Section 310.025 may be adequately addressed by Section 310.010(C) and 310.020. Review and advise if this Section is necessary.

Decision:

Delete this Section.

- B. Sections 310.060 and 310.070 derive from statutory provisions (Sections 304.022 and 307.175, RSMo.) which have been updated since the 2012 recodification. See the newly enacted provisions below.

Section 310.060. Emergency Vehicles — Use Of Lights And Sirens — Right-Of-Way — Stationary Vehicles, Procedure — Penalty.

A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.070 of this Chapter, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a

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position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a Police or Traffic Officer.

B. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C. Responsibilities Of Driver Of Emergency Vehicle.

1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

2. The driver of an emergency vehicle may:

a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;

b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;

d. Disregard regulations governing direction of movement or turning in specified directions.

3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes. (RSMo. §304.022, 2012, 2016, 2017)

Section 310.070. Sirens And Flashing Lights Emergency Use — Persons Authorized — Violation — Penalty.

A. Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, which are operated by any member of an organized Fire Department, ambulance association or rescue squad, whether paid or volunteer, may be operated on streets and highways in this City as an emergency vehicle under the provisions of Section 310.060 of this Chapter, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

B. Use Of Other Authorized Lights.

1. Notwithstanding Subsection (A) of this Section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:

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- a. *Emergency vehicles, as defined in Section 304.022, RSMo., when responding to an emergency.*
 - b. *Vehicles operated as described in Subsection (A) of this Section.*
 - c. *Vehicles owned by a contractor or subcontractor performing work for the Department of Transportation, except that the red or red and blue lights shall be displayed on vehicles described in this Subsection only between dusk and dawn, when such vehicles are stationary, such vehicles are located in a work zone as defined in Section 304.580, RSMo., highway workers, as defined in Section 304.580, RSMo., are present, and such work zone is designated by a sign or signs.*
2. *The following vehicles may use or display fixed, flashing, or rotating amber or amber and white lights:*
- a. *Vehicles owned or leased by the State Highways and Transportation Commission and operated by an authorized employee of the Department of Transportation.*
 - b. *Vehicles owned by a contractor or subcontractor performing work for the Department of Transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this Subsection only when such vehicles are stationary.*
 - c. *Vehicles operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this Subsection only when such vehicles are stationary. As used in this Subsection, the term "utility worker" means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.*
- C. *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, Rescue Squad, or the State Highways and Transportation Commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A 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. (RSMo. §307.175, 2004, 2016, 2017)*

Decision:

Replace Section 310.060 and 310.070 with the updated statutory provisions.

Chapter 320, Speed Regulations

Confirm the speed limit in Section 320.030 is still current.

Decision:

No revision desired.

Chapter 325, Turning Movements

Section 325.010 was updated with newest statutes in 2012 recodification project. See the [2012 Draft Review](#) following the "Other" tab of the Codification Portfolio.

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Decision:

Retain as shown in the Manuscript.

Chapter 340, Miscellaneous Driving Rules

Many of the Sections in App. C Art. IX were already revised in the 2012 recodification project. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio. We will only comment on those Sections which need review due to statutory changes in the last five years.

NO DECISION REQUIRED

- A. Is Section 340.040 still necessary in light of the newer statutory provisions included in Section 340.030 deriving from Sections 194.500 to 194.512, RSMo?

Decision:

Delete this Section; renumber subsequent Sections.

- B. See Section 340.180. This Section was replaced with the statutory provisions of Section 577.060. The City may want to include the newly revised “Leaving the Scene of an Accident” which derives from Section 577.060, RSMo., as set out below. Additionally, this may be better placed in Chapter 310 of this Manuscript at the end of that Chapter.

Section 577.060. Leaving The Scene Of An Accident.

A. 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 or damage to property of another person; and

2. Having knowledge of such accident he or she leaves the place of the injury, damage or accident without stopping and giving the following information to the other party or to a Law Enforcement Officer, or if no Law Enforcement Officer is in the vicinity, then to the nearest law enforcement agency:

a. His or her name;

b. His or her residence, including City and street number;

c. The registration or license number for his or her vehicle or vessel; and

d. His or her operator's license number, if any.

B. For the purposes of this Section, all Law Enforcement Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned property for the purpose of investigating an accident and performing all necessary duties regarding such accident.

C. A Law Enforcement Officer who investigates or receives information of an accident involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall make a written report of the investigation or information received and such additional facts relating to the accident as may come to his or her knowledge, mail the information to the Department of Public Safety, and keep a record thereof in his or her office.

D. The provisions of this Section shall not apply to the operation of all-terrain vehicles when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies. (RSMo. §577.060, 2014 effective 1-1-2017, 2017)

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Decision:

Include the above Section at the end of Ch. 310 and delete the current Section 340.180; renumber subsequent Sections.

- C. See Section ~~340.235~~ 340.220. The statutes in Section 304.820, RSMo., below, appear to preempt this material. Review and advise if any changes should be made herein. We note that many communities do choose to include similar language regardless of the statutory requirements. However, we note that the state wording applies only to persons 21 and younger while Section 340.235 appears to apply to everyone.

304.820. Text messaging and using a hand-held mobile device while operating a motor vehicle prohibited, when--exceptions--definitions--violation, penalty.

- 1. Except as otherwise provided in this section, no person twenty-one years of age or younger operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.*
- 2. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.*
- 3. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless communications device to send, read, or write a text message or electronic message.*
- 4. The provisions of subsection 1 through subsection 3 of this section shall not apply to a person operating:*
 - (1) An authorized emergency vehicle; or*
 - (2) A moving motor vehicle while using a hand-held electronic wireless communications device to:*
 - (a) Report illegal activity;*
 - (b) Summon medical or other emergency help;*
 - (c) Prevent injury to a person or property; or*
 - (d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.*
- 5. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a noncommercial motor vehicle upon the highways of this state.*
- 6. As used in this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.*
- 7. As used in this section, "hand-held electronic wireless communications device" includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.*

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8. *As used in this section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.*
9. *As used in this section, "send, read, or write a text message or electronic message" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.*
10. *A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under section 302.302.*
11. *The state preempts the field of regulating the use of hand-held electronic wireless communications devices in motor vehicles, and the provisions of this section shall supersede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by the operator of a motor vehicle.*
12. *The provisions of this section shall not apply to:*
 - (1) *The operator of a vehicle that is lawfully parked or stopped;*
 - (2) *Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;*
 - (3) *The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;*
 - (4) *The use of voice-operated technology;*
 - (5) *The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service. (L. 2009 H.B. 62, A.L. 2013 H.B. 103)*

Decision:

No revision desired.

Chapter 342, Alcohol-Related Traffic Offenses

The City should review the revised provisions, based on Sections 577.00, 577.010, 577.012, 577.017 and 577.020, RSMo., which we have included as a sample Chapter 342A of the Manuscript. The City may want to include this revised sample Chapter in the new Code, or combine it with the current Chapter 342. Note that the Sections in the sample Chapter have been revised as recently as 2014, effective 2017.

Decision:

Use the updated statutory wording of Sections 342A.010 through 342A.040 in the new Code and retain only Section 342.030 from the current Manuscript as the last Section therein.

Chapter 342A, Alcohol-Related Traffic Offenses (UPDATED MODEL) (now Chapter 342)

This Sample Chapter is being included for comparison purposes only. See the notes to Chapter 342 above.

NO DECISION REQUIRED HERE

Chapter 345, Pedestrians Rights And Duties

There is a newer statutory provision now contained in this portion of the Model Traffic Code, pursuant to Section 300.411, RSMo., which the City may want to include herein. The new Model Section reads as follows:

Section 345.100. 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. (RSMo. §300.411, 2005)

Decision:

Add the above statutory Section to this Chapter.

Chapter 355, Stopping, Standing Or Parking Prohibited In Specified Places

Article II, Stopping, Standing And Parking

The photos in Section 355.140 reflect those in the 1990 City Code, but we note that they are blurry. If the City has original files of these photos or clearer image files that you can provide, we can replace them in this Chapter.

Decision:

The City provided the original files of the photos in Figures 1 through 12.

Chapter 370, Vehicle Equipment

Statutory Updates

The following revisions from the 2018 Statutory Updates have been included in this Chapter:

Section/Subsection of the Code	Description of the Revision Based on State Law Change	Pursuant to RSMo. Section
370.270	A new Subsection has been added to this Section regarding the use of protective headgear while operating or riding in an autocycle.	304.005.2

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Article I, Light Regulations

Portions of this Article were revised by inclusion of new statutory provisions in the 2012 recodification project. We are only noting amendments to those Sections which have statutorily been updated since 2012. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio.

NO DECISION REQUIRED

- A. Section 370.070 was revised with the statutory provisions of Section 307.075, RSMo., which were revised in 2013 to read as set out below. The City may want to include the newest statutory provisions.

Section 370.050. Taillamps — Reflectors.

A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. A motorcycle may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five (5) seconds upon application of the vehicle's brakes.

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 ordinance violation. (RSMo. §307.075, 2013)

Decision:

Replace this Section with the newest provisions set out above.

- B. There is a new provision which has been added to the Statutes in the 2017 Legislative Session. See Section 207.005, RSMo., set out below.

Section 370.015. Light-Emitting Diodes Deemed Operating Properly, When.

For purposes of this Article, a lamp, light, or other piece of lighting equipment consisting of multiple light-emitting diodes shall be deemed to be operating properly so long as not less than seventy-five percent (75%) of the light-emitting diodes are operating properly. (RSMo. §307.005, 2017)

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Decision:

Insert the above provisions in this Article as an additional Section.

Article II, Vehicle Equipment

- A. See Section 370.200. Note that this Section does not agree with the statutory provisions of Section 307.170.4, RSMo., as set out below. The City may want to revise this Section.

Section 307.140.4 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.

Decision:

Include the statutory provisions set out above to replace Section 370.200.

- B. See Section 370.210. Note that this Section does not agree with the statutory provisions of Section 307.170.5, RSMo., as set out below. The City may want to revise this Section.

Section 307.140.5 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.

Decision:

Include the statutory provisions set out above to replace Section 370.210.

- C. See Section 370.270. Note that the similar statutory provisions of Section 302.020, RSMo., now appear to include “motortricycles” as well as motorcycles. Review and advise if any revisions should be made.

302.020. Beginning January 1, 2017--Operation of motor vehicle without proper license prohibited, penalty--motorcycles--special license--protective headgear, failure to wear, fine, amount--no points to be assessed.

1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state 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. The director 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, 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;

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(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state 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.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class D misdemeanor. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class E felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable as a class D misdemeanor, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars 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 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

(RSMo 1939 § 8444, A.L. 1951 p. 678, A.L. 1967 p. 409, A.L. 1984 H.B. 1045, A.L. 1988 H.B. 990, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1995 H.B. 717, A.L. 1996 H.B. 1047, A.L. 1999 S.B. 19, A.L. 2011 H.B. 111, A.L. 2014 S.B. 491)Effective 1-01-17

Decision:

Add “motortricycles” to this Section.

Chapter 375, Parades

The City may want to review this Chapter to confirm it is still currently applicable.

Decision:

No revision desired.

Chapter 380, Licensing

Much of this Chapter was revised by inclusion of new statutory provisions in the 2012 recodification project. We are only noting amendments to those Sections which have statutorily been updated since 2012. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

NO DECISION REQUIRED

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Statutory Updates

The following revisions from the 2018 Statutory Updates have been included in this Chapter:

Section/Subsection of the Code	Description of the Revision Based on State Law Change	Pursuant to RSMo. Section
380.010	A new Subsection has been added to this Section regarding licensing requirements for autocycle operators.	304.005.3

Article III, Financial Responsibility

See Section 380.100. Note that the statutory provisions set out herein have been amended since the 2012 publication. The newly revised Section is set out as follows:

Section 380.140. Financial Responsibility Required.

A. No owner of a motor vehicle registered in this State, or required to be registered in this State, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this State. No non-resident shall operate or permit another person to operate in this City a motor vehicle registered to such non-resident unless the non-resident maintains the financial responsibility which conforms to the requirements of the laws of the non-resident's state of residence. 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 or non-resident 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; or*
- 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.; or*
- 4. A photocopy or an image displayed on a mobile electronic device as authorized by and subject to the restrictions of Section 303.024, RSMo.*

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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. (RSMo. §§303.025, 2011, 303.160, 303.190, 303.024, 2013, 2014 effective 1-1-2017)

Decision:

Include the statutory provisions set out above to replace Section 380.100.

Chapter 385, Abandoned, Wrecked Or Inoperable Vehicles

Due to the age of the enabling ordinances herein the City may want to review this Chapter for current applicability. Note that we have included **two** statutorily based Chapters related to this subject in the Manuscript. See Sample Chapter 217A and Sample Chapter 385A.

Decision:

Move Section 385.020 (CC 1990 § 18-146) to Chapter 215, Art. I, as Section 215.030(A)(2)(n). Delete Sections 385.030 through 385.050 (CC 1990 §§ 18-147 — 18-149).

Decision With Final Draft:

Delete Section 385.010, and this Chapter.

~~Chapter 385A, Abandoned Vehicles (UPDATED MODEL) (see now Chapter 217)~~

This Sample Chapter is being included for comparison purposes only. See Sample Chapter 217A and the notes to Chapter 385 above.

Decision:

Combine Chapters 217A and 385A into one Chapter 217, Abandoned Property, as follows:

- *Include Sections 385A.020, 385A.030, 385A.050, and 385A.060.*
- *Include all of Chapter 217A, except replace Section 217A.050(B) with Section 385A.040(B).*
- *In Section 217.035(A)(3), change the reference to Section 385.010 to Section 217.020.*

Chapter 390, Sale Of Motor Vehicles On Private Or Commercial Parking Lots

Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

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Decision:

No revision desired.

Traffic Schedules

The City should review its lists of specific traffic regulations set forth in the following schedules and note any required revisions.

- Schedule I, Electric Traffic Control Signals
- Schedule II, Speed Limits On State Highways
- Schedule III, (RESERVED)
- Schedule IV, Turning And Directional Movement Restrictions
- Schedule V, Through Highways, Roads Or Streets
- Schedule VI, Intersection Stops
- Schedule VII, Yield Intersections
- Schedule VIII, (RESERVED)
- Schedule IX, Parking Restrictions
- Schedule X, Taxicab Stands
- Schedule XI, One-Way Roads, Streets And Alleys
- Schedule XII, Regulation Of The Kinds And Classes Of Traffic On Certain Roads
- Schedule XIII, Parking Restrictions On Certain Parking Lots
- Schedule XIV, (RESERVED)
- Schedule XV, (RESERVED)
- Schedule XVI, Emergency Snow Routes
- Schedule XVII, (RESERVED)

Decision:

Delete RESERVED Schedules III, VIII, XIV, XV and XVII, as well as Schedule X (which has no entries), and renumber the remaining schedules.

TITLE IV, LAND USE

Chapter 400, Planning

Article I, In General

The City may want to review the fees in Section 400.030 to make certain they are still current. Some of the language in Section 400.030 was changed by the City in 2012 (see the 2012 Draft Review following the “Other” tab of the Codification Portfolio); please review and confirm its accuracy. Note that possibly these fees are superseded by the fees set out in the 2014 Unified Development Code; see Sections 405.09.020 and 405.09.030 of this Manuscript.

Decision:

Delete this Section, it is superseded as noted above.

Article II, Planning And Zoning Commission

Some of this Article was revised by the City in the 2012 recodification project. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio. Please confirm that these revisions are desired.

Decision:

Revise as follows:

- *In Section 400.120(B), delete “if the Mayor chooses to be a member” and “if the Council chooses to have a member serve on the Commission,” which were added during the 2012 recodification.*
- *In Section 400.140, insert CC 1990 § 23-30(a) as Subsection (A) (this was deleted during the 2012 recodification) and reletter the subsequent Subsections.*

Chapter 405, Unified Development Code

Note Re: Numbering

We have adjusted the recently adopted UDC so its numbering conforms to the rest of the new Code. We have retained the Article number and Section number, simply changing the Chapter number in the 1990 City Code to 405 and replacing the dashes with decimal points. So CC 1990 § 31-01-01 now reads Section 405.01.010. Note that the prior Code section is found in the history note following the Section heading. Please confirm this change.

Decision:

Okay as edited.

Article 01, General Provisions

The “Public Works Board of Variance” has been repealed by Ord. No. 2985. Note that reference to this Board still occurs in the UDC five times (but nowhere else in the Manuscript due to a removal from Section 125.020 of the Manuscript due to a revision indicated with the 2012 recodification project). Should these references be

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changed to reflect another Board? We note that Section 2 of Ord. No. 2985 states: “The City of Chesterfield shall refer matters which may have previously been considered by the Public Works Board of Variance to the Board of Adjustment or the St. Louis County Building Commission, as appropriate.”

**As Lisa Perry Eisenhauer noted in her April 20, 2018, e-mail to the City Clerk regarding a supplement to the 1990 City Code: “While incorporating Ord. No. 2985, which repealed the Public Works Board of Variance, we also searched the Code for references elsewhere to this Board and removed those from the Code. References were found in the following Sections: ~~2-202~~, 31-01-11(A), 31-02-12(D)(8), 31-02-18(D), 31-04-02(O)(2), and 31-09-02(A)(2). In this last Section we removed the entire Subsection and left it reserved. It previously read: The application fee for a variance to the Public Works Board of Variance shall be fifty dollars (\$50.00).”

Note that these revisions are NOT reflected in the Manuscript; they await the City’s input below.**

Decision:

Change the references to the repealed Board in the following sections as indicated:

1. *Section 405.01.110(A): delete the reference to Public Works Board of Variance.*
2. *Section 405.02.120(D)(8): change the reference to “Board of Adjustment.”*
3. *Section 405.02.180(D): delete the reference to Public Works Board of Variance.*
4. *Section 405.04.020(O)(2): change the reference to “Board of Adjustment.”*
5. *Section 405.09.020(A)(2): delete this Subsection; renumber subsequent Subsections.*

Decisions With Final Draft:

In Section 405.02.110(M)(2), revise the reference to Section 405.08.050 to read “Section 405.08.040.”

In Section 405.02.120(B)(3), change “Director of Public Services” to “Director of Planning.”

In the notice wording in Section 405.02.120(H)(1), change “Director of Public Services” to “Director of Planning.”

In Section 405.03.020(A), revise the reference to Section 405.03.020(E) to read “Section 405.03.020(D).”

In Section 405.03.050(A)(6), revise the reference to “Chapter 14, Flood Damage Prevention, of the City Code” to read “Article 05, Flood Damage Prevention, of this Chapter.”

In the first sentence of Section 405.04.070(B)(2)(f)(1), change “Department of Public Services” to “City of Chesterfield” in two locations.

In Section 405.04.070(B)(2)(f)(2), change “Department of Public Services” to “City of Chesterfield.”

In Section 405.04.080(J)(1), change “Department of Public Services” to “City of Chesterfield.”

In Section 405.04.110(D), change “Planning and Development Services Director” to “Director of Public Works.”

In Section 405.04.110(E)(1)(f)(2), change “Public Works Director” to “Director of Planning.”

In Section 405.09.030(A)(1), change “Director of Public Services” to “Director of Planning’s.”

In Section 405.10.020 in the definition of “director,” change “Director of Public Services” to “Director of Planning.”

Article 08, Enforcement And Penalties

See Section 405.08.040(A), (C)(3), (D) and (E)(2), as well as Section 405.08.050. Note that Section 89.120, RSMo., should be reviewed against this Section. This statutory provision appears to set out different penalties for offenses regarding regulations adopted under the authority of Sections 89.010 to 89.140, RSMo. Review the statutory Section set out below and determine if any revisions are desired. Also note that SB 572 from the

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2016 Legislative Session may affect application of these penalties in some instances. See the note above to Section 100.080 in Chapter 100, where the Statutory Sections possibly affecting this penalty are set out. See the definition of MUNICIPAL ORDINANCE VIOLATION set out therein.

89.120. Violations--penalties.

1. 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 to 89.140 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 to 89.140.

2. 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 as follows:

(1) In any city with more than three hundred thousand inhabitants, by a fine of not less than ten dollars and not more than five hundred dollars for each and every day that such violation continues, or by imprisonment for ten 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, however, for the second 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 and fifty dollars or more than one thousand dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court;

(2) In all other municipalities, by a fine of not less than ten dollars and not more than two hundred fifty dollars for each and every day that such violation continues, or by imprisonment for ten 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, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars or more than five hundred dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

3. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations made under authority of sections 89.010 to 89.140 in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty dollars.(RSMo 1939 § 7419, A.L. 1989 H.B. 498, A.L. 1998 H.B. 977 & 1608 and H.B. 1352, A.L. 2008 H.B. 1849 merged with S.B. 1002)Prior revision: 1929 § 7266

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Decision:

Per Attorney Chris Graville's recommendation:

- *Replace Section 405.08.040 with provisions that comply with the above statutory language and SB572 from the 2016 Legislative Session.*
- *Retain Subsection (E)(1) and (2), regarding floodplains.*
- *Subsections (B), Removal Or Replacement Of Public Hearing Signs, and (C), Removal Of Trees, are covered by Sections 405.02.020(A)(5), 405.04.020(E)(2) and (I)(2).*
- *Delete Section 405.08.050 (CC 1990 § 31-08-05).*

Article 09, Fees

See the question above regarding whether the fees set out in Section 400.030 are superseded by this Article.

Additional Decision:

Delete Section 405.09.020(A)(5).

Delete Section 405.09.030(D); reletter subsequent Subsections.

TITLE V, BUILDING AND CONSTRUCTION

Chapter 500, Buildings And Building Regulations

Article I, Code Adoptions And County Enforcement Services

- A. We deleted the authority and contract language currently in Sections 2-261 and 2-262 of the 1990 City Code and placed a note herein regarding copies retained on file at the City offices. This was approved in the 2012 recodification project. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

- B. Much of this Chapter was revised by the City and rearranged to keep all the provisions relating to Building and Construction in close proximity to one another. These derive from Chapters 2 and 7 of the 1990 City Code. With the agreement of the City they were rearranged in this manner and the City made changes herein. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio. Review this entire Chapter to confirm it still meets with the City’s approval.

Decision:

Revise this Chapter as noted below.

Article II, Minimum Standards Of Maintenance

- A. This entire Article should be reviewed for current applicability as regards the procedures herein.

Decision:

No revision desired.

- B. See Section 500.160(D). The City may wish to review the provisions of Section 500.200 as referenced herein which appears to set forth the summons and abatement procedures rather than specific penalties for violations of this Chapter.

Decision:

Revise to read: “Any person who interferes with an officer or agent of the City pursuant to this Article shall be ~~punished as provided in~~ subject to the enforcement proceedings of Section 500.200 of this Article.”

- C. As regards Section 500.170, the City may wish to review the provisions of this Section against the provisions of Section 1.190, RSMo., which provides that “*whenever any of the statutes of this state require or imply that a notice shall be given to any person concerning or affecting any right, property, claim, duty, matter or thing of any character or nature, unless the statutes expressly direct a different method of service, the delivery of a true copy of the notice to the person intended to be notified, or the leaving of a copy at his usual place of abode with some member of his family over the age of fifteen years, constitutes a valid and sufficient service of the notice.*”

Decision:

No revision desired.

Additional Decision:

In Section 500.200(A), undo the changes made during the 2012 recodification (use the original wording from the intro paragraph in CC 1990 § 7-16).

Article III, Commercial And Private Construction

Additional Decision:

In Section 500.300(B), undo the changes made during the 2012 recodification [use the original wording from CC 1990 § 7-1(b)].

Decision With Final Draft:

In Section 500.300(B), change “Director of Public Works” to “Director of Planning.”

As regards Section 500.300(E), note that the General Penalty in Section 100.080 allows for a \$1,000.00 fine. The City may want to delete this and simply rely on the General Penalty herein or reference Section 100.080 herein.

Decision:

Replace this penalty with a reference to the General Penalty Section 100.080.

Additional Decision:

Include CC 1990 § 7-2 as Section 500.310.

Article IV, Numbering Of Buildings

Due to the age of the enabling ordinances herein, the City may want to review this Section and confirm it is still the current policy.

Decision:

No revision desired.

Article V, Unfit Buildings

Due to the age of the enabling ordinances herein, the City may want to review this Article and confirm it is still the current policy. There were a number of changes made herein in the 2012 recodification project. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio.

Decision:

Retain as shown in the Manuscript.

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Additional Decision:

In Section 500.640, delete “for less.”

Replace the last sentence in Section 500.660 with the following: “Any person removing any notice provided for in this Article shall be guilty of an offense. Any person violating this Section shall be subject to a penalty as set out in Section 100.080 of this Code.”

Decision With Final Draft:

In Section 500.670, change “Department of Planning, Public Works and Parks” to “City of Chesterfield.”

Article VI, Renewable Energy Systems On Residential Properties

Note that Section 500.770 references the prior Zoning Code penalty Section. The City may want to consider simply referencing the General Penalty in Section 100.080 or deleting this Section since the General Penalty does apply to the entire Code.

Decision:

Delete this Section.

Chapter 505, Streets And Sidewalks

- A. Some changes were made by the City in this Chapter during the 2012 recodification project. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio.

Decision:

Revise as follows:

- *Delete Section 505.160 (CC 1990 § 26-13).*
- *Delete Article II (it was repealed by Ord. No. 2801).*

- B. Due to the age of the enabling ordinances herein, the City may want to review this entire Chapter and confirm it is still the current policy.

Decision:

No revision desired.

Division 2, Opening And Excavation Of Public Streets

As regards Section 505.130, the City may wish to review the provisions of this Section against the provisions of Section 71.365, RSMo., which provides that “*the governing body of each municipality in this state may provide for and regulate crosswalks, curbs and gutters. However, after September 28, 1975, all new curbs which are constructed in any municipality, and all existing curbs which are a part of any reconstruction, shall comply with this section. In order to enable persons using wheelchairs to travel freely and without assistance, at each crosswalk a ramp shall be built into the curb so that the sidewalk and street blend to a common level. Such ramp shall be not less than thirty-six inches wide and shall not have a slope greater than one inch rise per twelve*

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inches length (eight and three-tenths percent). Where because of surrounding buildings or other restrictions it is impossible to conform the slope with this requirement, the ramp shall contain a slope with as shallow a rise as possible under the circumstances not to exceed ten percent. In all ramps there shall be a gradual rounding at the bottom of the slope.” The City may wish to consider whether any additions or deletions may be necessary herein.

Decision:

No revision desired.

TITLE VI, BUSINESS AND OCCUPATION

Chapter 600, Alcoholic Beverages

General Notes

Much of this Chapter was revised by the City and rearranged to combine the City’s provisions with newer statutory provisions. The City’s provisions derive from Chapter 4 of the 1990 City Code and changes decided upon by the City in the 2012 recodification project (see the 2012 Draft Review following the “Other” tab of the Codification Portfolio). We have incorporated the amendments from Ord. No. 2763 adopted in 2013 in those Sections that were retained from the City’s Code.

We are including a revised Chapter 600 which has been updated through 2017. For purposes of this Analysis it is numbered 600A in the Manuscript. Many of the statutory provisions which were included in the 2012 recodification project have been revised and we will refer to that document for updated Sections rather than setting out all the statutory material herein.

NO DECISION REQUIRED HERE

Statutory Updates

The following revisions from the 2019 Statutory Updates have been included in this Chapter:

Section/Subsection of the Code	Description of the Revision Based on State Law Change	Pursuant to RSMo. Section
600.190	<p>Subsection (A)(3) has been divided into Subsections (A)(3) and (4), and the following wording has been added as a new Subsection (A)(4)(b):</p> <p><i>“Unload delivery vehicles and transfer intoxicating liquor into retail licensed premises if such persons are supervised by a delivery vehicle driver who is twenty-one (21) years of age or older.”</i></p> <p>Subsection (A)(4) has been renumbered as Subsection (A)(5).</p>	311.300

Article I, Generally

See Section 600.010, definition of MALT LIQUOR. Due to the amendment of Section 311.490, RSMo., regarding the ingredients used therein, possibly this definition should be changed as well. We have changed our sample definition of “Malt Liquor” to read as follows:

MALT LIQUOR — An intoxicating liquor containing alcohol not in excess of five percent (5%) and using the ingredients set out in Section 311.490, RSMo.

Review the above note with the City’s Attorney and the statutory provisions below and advise if any changes should be made.

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311.490. Ingredients of beer--intoxicating malt liquor.

No person, partnership or corporation engaged in the brewing, manufacture or sale of beer as defined, in this chapter, or other intoxicating malt liquor, shall use in the manufacture or brewing thereof, or shall sell any such beer or other intoxicating malt liquor which contains ingredients not in compliance with the following standards:

(1) 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;

(2) Flavor and other nonbeverage ingredients containing alcohol may be used in producing beer, but may contribute to no more than forty-nine percent of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than six percent by volume, no more than one and one-half percent of the volume of the beer may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol; and

(3) Beer, intoxicating malt liquor, and malt beverages, as defined in this section, shall not be subject to the requirements of subsection 1 of section 311.332 and sections 311.335 and 311.338. (RSMo 1939 § 4921, A.L. 2006 S.B. 725, A.L. 2009 H.B. 132)

Decision:

Insert the suggested definition set out above.

Article II, License Provisions**Division 1, License Regulations And Fees**

- A. Section 600.020 should be reviewed against Section 600A.020 which was revised shortly after the printing of the 2012 recodification.

Decision:

Include the newest Section 600A.020 to replace Section 600.020; delete references to Resort Licenses.

- B. Section 600.030 should be reviewed against Section 600A.030 which was revised shortly after the printing of the 2012 recodification and in 2016 as well.

Decision:

Include the newest Section 600A.030 to replace Section 600.030.

Decision With Final Draft:

Delete Section 600.030(D) and renumber the subsequent Subsection.

- C. Section 600.050 should be reviewed against Section 600A.040 which was revised in 2016. Also note that Ord. No. 2763 amended Section 4-45 of the 1990 City Code, which does not agree with Section 600A.040. These statutorily based Sections contain the maximum license fees allowed under State law.

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Decision:

Include the newest Section 600A.040(A) to replace Section 600.050; delete references to Resort Licenses.

- D. Section 600.060 should be reviewed against Section 600A.045 which was revised shortly after the printing of the 2012 recodification.

Decision:

Include the newest Section 600A.045 to replace Section 600.060.

Division 3, License Suspension/Revocation – Procedures

Sections 600.140 and 600.150 are not statutorily based and should be reviewed in conjunction with the provisions of Section 600.130 to determine if all of these provisions are needed.

Decision:

No revision desired.

Article III, Additional Regulations

- A. Section 600.190 should be reviewed against Section 600A.060 which has been revised.

Decision:

Include the newest Section 600A.060 to replace Section 600.190.

- B. Section 600.210 should be reviewed against Section 600A.070. The Manuscript Section 600.210 contains mostly sample provisions and City Code provisions as requested by the City in the 2012 recodification project.

Decision:

Include the newest Section 600A.070 to replace Section 600.210 entirely.

- C. Model Chapter 600A has some additional Sections which the City may or may not want to include in the new Code. Review Sections 600A.047, 600A.050, 600A.053, 600A.075 and 600A.085. If the City wants any of these provisions included please advise.

Decision:

Include all these Sections in the new Code.

Chapter 600A, Alcoholic Beverages (UPDATED MODEL)

This Sample Chapter is being included for comparison purposes only. See the notes to Chapter 600 above which point to some of the Sections in this Chapter.

NO DECISION REQUIRED HERE

Chapter 605, Licenses And Business Regulations

Article I, In General

- A. This entire Chapter was revised by the City in the 2012 recodification project. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio. We will only comment on statutory Sections that have been revised since 2012.

NO DECISION REQUIRED

- B. The City may wish to review Section 605.050 to make certain the fee schedule is still current.

Decision:

No revision desired.

- C. See Section 605.140. In the 2012 recodification project, the City was reviewing whether it wanted to charge more for a larger space if a business moves during the license year.

Decision:

Retain as shown in the Manuscript.

- D. In Section 605.220, as regards the penalty for late payment, the City may want to review Section 71.625, RSMo., which has recently set out new provisions for collection of delinquent license fees. The City should determine, with your Attorney’s assistance, how this should be handled.

71.625. License tax, payment, when deemed timely--municipal corporations, interest and penalties on delinquencies to apply.

1. *The timely payment of a license tax due to any municipal corporation in this state, or any county pursuant to section 66.300, which is delivered by United States mail to the municipality or county office designated by such municipality or county office to receive such payments, shall be deemed paid as of the postmark date stamped on the envelope or other cover in which such payment is mailed. In the event any payment of tax due is sent by registered or certified mail, the date of the registration or certification shall be deemed the postmark date. No additional tax, penalty or interest shall be imposed by any municipality or county on any taxpayer whose payment is delivered by United States mail, if the postmark date stamped on the envelope or other cover containing such payment falls within the prescribed period on or before the prescribed date, including any extension granted, for making the payment. When the last day for making any license tax payment, including extensions, falls on a Saturday, a Sunday, or a legal holiday in this state, the payment shall be considered timely if the payment is made on the next succeeding day which is not a Saturday, Sunday or legal holiday.*

2. *Except as otherwise provided by law, the interest provisions of section 144.170 and penalty provisions of section 144.250 relating to delinquent sales taxes shall apply to delinquent taxes due as a result of the imposition of a license tax by any municipal corporation. The limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.510. (L. 1998 H.B. 1301, A.L. 2012 H.B. 1504)*

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Decision:

No revision desired.

E. The City may wish to review Section 605.240 to make certain the fee is still current.

Decision:

No revision desired.

Article II, Solicitors

Due to the age of the enabling ordinances in this Article the City may want to review this Article for current applicability.

Decision:

No revision desired.

Article III, Vending Machines

Due to the age of the enabling ordinances in this Article the City may want to review this Article for current applicability.

Decision:

No revision desired.

Article IV, Tourist Camps

Due to the age of the enabling ordinances in this Article the City may want to review this Article for current applicability.

Decision:

No revision desired.

Decision With Final Draft:

In Section 605.610, change “Public Works Director” to “Director of Planning.”

Article V, Pawnbrokers

Revisions were made to this Article based on the 2012 recodification project. See the [2012 Draft Review](#) following the “Other” tab of the Codification Portfolio. If any additional changes are required please advise.

Decision:

Retain as shown in the Manuscript.

City of Chesterfield, Missouri

Article VI, Tobacco Products

- A. Revisions were made to this Article based on the 2012 recodification project. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio. If any additional changes are required please advise.

Decision:

Retain as shown in the Manuscript.

- B. Note that Section 605.1110 doesn’t agree with the General Penalty in Section 100.080 which has a maximum fine of \$1,000.00. The City may want to delete this Section and rely on the General Penalty or reference said General Penalty in this Section.

Decision:

Delete this Section.

Article VII, Adult Entertainment Businesses

- A. Revisions were made to this Article based on the 2012 recodification project. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio. If any additional changes are required please advise.

Decision:

Retain as shown in the Manuscript.

- B. Note that the words set out in Section 605.1210 do not match the words now contained in the more recently adopted UDC; see Section 405.10.100 of this Manuscript. Does the City want to change these?

Decision:

Simply reference Section 405.10.100; do not list specific words.

Chapter 610, Alarm Systems

Article I, In General

- A. Due to the age of the enabling ordinances herein, the City may want to review this Chapter in its entirety for current applicability.

Decision:

No revision desired.

- B. Review the fines in Section 610.080 and confirm they are still current.

Decision:

No revision desired.

Chapter 615, Public Utilities License Tax

- A. Revisions were made to this Chapter based on the 2012 recodification project. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio. If any additional changes are required please advise.

Decision:

Retain as shown in the Manuscript.

- B. See Section 620.100. Note that this Section appears to be at least in part be based on compliance with HB209 of the 2006 Missouri Legislative Session. Provisions contained in HB209 were subsequently deemed unconstitutional by the Missouri Supreme Court on August 8, 2006 in City of Springfield, Appellant V Sprint Spectrum, L.P., Respondent Case No. SC87238. Consequently, some of this language regarding the 2.4% tax could be possibly removed. The City’s Attorney may want to review this language and determine if any changes are desired.

Decision:

No revision desired.

Chapter 620, Cable Television

Articles I and II, Cable Television—Customer Service Rules and Rate Regulations

Comments were made to this Chapter based on the 2012 recodification project. See the 2012 Draft Review following the “Other” tab of the Codification Portfolio. If any additional changes are required please advise.

Decision:

Retain as shown in the Manuscript.

Article III, Video Services Providers

Was this Article intended to supersede Articles I and II of this Chapter?

Decision:

No revision desired.

CITY OF CHESTERFIELD **REPORT**

2012 DRAFT REVIEW

Generally

We have reviewed this Code draft taking into account the provisions of Section 71.010, RSMo., which state: "Any municipal corporation in this State, whether under general or special charter, and having authority to pass ordinances regulating subjects, matters and things upon which there is a general law of the state, unless otherwise prescribed or authorized by some special provision of its charter, shall confine and restrict its jurisdiction and the passage of its ordinances to and in conformity with the state law upon the same subject".

*

Throughout the Code we have made the following changes:

Alderman/Aldermen was changed to "Councilmember"

Board of Aldermen was changed to "City Council"

Councilman/Councilmen was changed to "Councilmember"

City Manager was changed to "City Administrator"

Fire Department was changed to "Fire District"

We deleted "or his/her designee"

Any specific dates following RSMo. references were deleted (i.e., Chapter 70, RSMo. 1986)

*

"Council member" is now one word "Councilmember"

At the final meeting with the City, we went over the Titles of the various Departments and Directors, searching through the entire text and changed these as directed by the City to the following:

Department of Planning, Public Works and Parks

Director of Planning, Public Works and Parks

Division of Planning and Development Services

Planning and Development Services Director

Division of Public Works

Public Works Director

Division of Parks and Recreation

Department of Finance and Administration

Director of Finance and Administrator

Police Department

Fire District

Department of Law

TITLE I. GOVERNMENT CODE

Generally We would suggest that the City remove references to certain years after the statute references in the text of a Section, so that the most current statute is the assumed reference. (e.g., Chapter 493, RSMo., 1978)

CH. 100 GENERAL PROVISIONS

100.020(A) As to the definition of JOINT AUTHORITY, the City may wish to note Section 1.050, RSMo., also provides an exception to this definition which states "unless otherwise declared in the law giving the authority".

* *We inserted RSMo. §1.050.*

As to the definition of MONTH, the City may wish to note the appropriate statutory reference should be "Section 1.020(11), RSMo.," rather than "Section 1.020(9), RSMo."

* *We inserted RSMo. §1.020(11) as the correct reference.*

As to the definition of NUMBER, the City may wish to note Section 1.030.2, RSMo., defines this term somewhat differently by stating "when any subject matter, party or person is described or referred to by words importing the singular number or the masculine gender, several matters and persons, and females as well as males, and bodies corporate as well as individuals, are included".

* *We inserted RSMo. §1.030.2.*

As to the definition of PERSON, the City may wish to note the similar statutory provision of Section 1.020(12), RSMo., defines this term as extending to and being applied to "bodies politic and corporate, and to partnerships and other unincorporated associations". This definition differs somewhat from the definition used herein. Also note the statutory reference is incorrect.

* *We inserted RSMo. §1.020(12).*

As to the definition of PRECEDING, FOLLOWING, the City may wish to note the similar statutory provision of Section 1.020(15), RSMo., defines this term as "when used by way of reference to any section of the statutes, 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". Also note the statutory reference is incorrect.

* *We inserted RSMo. §1.020(15).*

As to the definition of PROPERTY, the City may wish to note the similar statutory provision of Section 1.020(16), RSMo., defines this term as "real and personal property;" making no reference to "tangible and intangible" as stated

herein. Also note the statutory reference is incorrect.

* *We inserted RSMo. §1.020(16).*

As to the definition of SIDEWALK, the City may wish to note the statutory reference should be "Section 300.010(32), RSMo.," rather than "Section 300.010(31), RSMo.".

* *We deleted the definition of SIDEWALK.*

As to the definition of STREET OR HIGHWAY, the City may wish to note Section 300.010(36), RSMo., defines this term as "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". Additionally, the City may wish to note the statutory reference should be "Section 300.010(36), RSMo.," rather than "Section 300.010(35), RSMo.".

* *We inserted RSMo. §300.010(36).*

As to the definition of TANGIBLE PERSONAL PROPERTY, the City may wish to note Section 1.020(13), RSMo., simply defines "Personal property" as including "money, goods, chattels, things in action and evidences of debt;" making no reference to "tangible" as stated herein. Additionally, the City may wish to correct the statutory reference to read "Section 1.020(13), RSMo.".

* *We deleted this definition and inserted RSMo. §1.020(13) as the definition of PERSONAL PROPERTY.*

As to the definition of WRITING AND WRITTEN, the City may wish to note Section 1.020(22), RSMo., defines the related terms "Written" and "in writing" and "writing word for word" rather than simply "Writing and Written" as stated herein. Also note the statutory reference is incorrect.

* *We deleted this definition and inserted RSMo. §1.020(22) as the definition of WRITTEN, IN WRITING AND WRITING WORD FOR WORD.*

100.080 As to the penalty contained herein, we have added a reference to Section 546.902, RSMo.

* *In Subsection (A) we deleted "less than five dollars (\$5.00) and not".*

100.120 This will be covered slightly differently in the sample adopting ordinance we will provide. The City may want to review and determine if any changes are needed.

* *City to review against adopting language and determine if this Section is needed or should be changed to agree with the new proposed adopting ordinance.*

* *Items (1), (3), (7) and (14) were moved to the Adopting Ordinance, Section 3*

as items (p), (q), (r) and (s). The rest of this Section was deleted.

CH. 105

ELECTIONS

Generally

Due to the age of many of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

105.020

The City may wish to note the similar statutory provisions of Section 115.121.3, RSMo., provides that "the election day for the election of political subdivision and special district officers shall be the first Tuesday after the first Monday in April each year; and shall be known as the general municipal election day". This differs somewhat from the "first Tuesday in April of each year" as stated herein.

*

In Subsection (B) we put an asterisk after the word "ward"; we deleted "and designated as the following election districts"; in the Note we changed the word "districts" to "wards".*

105.020

After the word "Tuesday" we inserted "after the first (1st) Monday".

105.030(A)

The City may wish to review the provisions of this Section against the provisions of Section 115.127.5, RSMo., which provides that "if the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the election, except that for any home rule city with more than four hundred thousand inhabitants and located in more than one county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election".

*

We changed the "fifteenth (15th)" to the "sixteenth (16th)".

105.040

The City may wish to review this Section to make certain it is still current.

*

In Subsection (C) we deleted "pass through the front door" and inserted "arrive"; we deleted Subsection (D) and relettered the following Subsection.

105.060

The City may wish to review this Section to make certain it is still current.

*

We deleted this Section.

CH. 110

ADMINISTRATION

Generally

Due to the age of many of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

110.020

The City may wish to review the provisions of this Section against the provisions of Section 610.026, RSMo., which sets forth the fees for copying

public records as follows: "1. 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 per page for a paper copy not larger than nine by fourteen 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 by fourteen 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 costs of such programming. 2. Payment of such copying fees may be requested prior to the making of copies".

*

We deleted this Section and renumbered the subsequent Sections.

110.040(110.030)

We inserted Ord. No. 367 and Ord. Nos. 529, 1836 and 2225 in the history note of this Section.

*

No change except numbering.

110.170

There is an extensive editor's note after this Section, which we do not believe is still relative, please advise if this can be removed.

*

We deleted the editor's note.

110.210

The City may wish to review this Section to make certain the bond amount is still current.

*

We deleted this Section and renumbered the subsequent Sections.

110.220(110.210)

The City may wish to review the provisions of this Section against the provisions of Section 77.240, RSMo., which sets forth a somewhat different procedure in the event of a vacancy in the office of mayor as follows: "when any vacancy shall happen in the office of mayor, by death, resignation, removal from the city, removal from office, refusal to qualify or otherwise, nominations of a successor may be made by any member of the council and selected with the consent of a majority of the members of the council, except in counties of the first classification with a charter form of government which have a population of at least nine hundred thousand inhabitants. The council may adopt procedures to fill any such vacancy consistent with this Section. In the case of a temporary absence of the mayor or disability to perform the duties of his or her office, the president pro tem of the council shall perform the duties of mayor until the mayor shall return or such disability be removed; and during the time the president pro tem of the council shall act as mayor, the president pro tem shall receive the same compensation that the mayor would be entitled to. In counties of the first classification with a charter form of government and which do not contain a city with a population of at least four hundred thousand, in case of vacancy other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be held; provided, when a vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy".

*

We deleted this Section and inserted RSMo. §77.240.

110.300

Note that the word "pro-rate" should probably be pro rata.

*

We made the above change.

Additionally, there is an extensive editor's note after this Section, which we do not believe is still relative, please advise if this can be removed.

*

We deleted the editor's note.

110.350

The City may wish to note the similar statutory provision of Section 77.070, RSMo., provides that the first regular meeting of the city council after the election in each year "shall not be later than the fourth Tuesday in April" which differs from the reference herein to the "third (3rd) Tuesday in April".

*

In the second line we changed "third (3rd)" to "fourth (4th)" Tuesday.

110.360

The City may wish to review this Section to make certain it is still current.

*

In the first sentence we deleted "and no notice of such regular meetings shall be required provided that if such meeting date should fall on a legal holiday or if there is no quorum present, the meeting shall be held on the following day at 7:00 P.M." and inserted "unless otherwise determined by the City Council".

110.380—110.390 The City may wish to review these Sections to make certain they are still current.

* *We deleted Section 110.380 and renumbered the subsequent Sections; no change to Section 110.390 (now 110.380) except numbering.*

110.420(110.410) The City may wish to review the provisions of this Section against the provisions of Section 77.450, RSMo., which sets forth somewhat different procedures for filling vacancies as follows: "if a vacancy occurs in any elective office other than the office of mayor, 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 council. The council may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next available regular municipal April election. If a vacancy occurs in any office not elective, the mayor shall appoint a suitable person to discharge the duties of the same until the first regular meeting of the council thereafter, at which time the vacancy shall be permanently filled".

* *We deleted this Section and inserted a new Section "Vacancies—How Filled" which derived from RSMo. §77.450.*

110.430(110.420) The City may wish to review this Section to make certain the Standing Committees are still current.

* *Per the City's notes we changed "Planning Development" to "Planning and Public Works", and "Public Works and Parks" was changed to "Parks and Recreation". In Subsection (B) in the second line we deleted the word "as".*

110.440(110.430) The City may wish to review the provisions of this Section against the provisions of Section 77.090, RSMo., which provides that the votes "shall be entered on any question at the desire of any two members". This differs from the reference herein to the entering of votes "on any question where a roll call vote is taken".

* *We deleted this Section and inserted a new Section "Proceedings Of, How Kept" which derived from RSMo. §77.090.*

110.540 Note that the second to last sentence appears to be missing some wording.

* *In the fourth line we deleted "provided however" and started a new sentence with the word "In"; after the word "extent" we deleted the word "as".*

The City may wish to review this Section to make certain the bond amount is still sufficient.

* *No change.*

110.580.3a Are the "aldermanic committees" referenced herein the same as the "Standing Committees" established pursuant to Section 110.430? If yes, the City may

wish to consider using the same term herein in order to avoid any potential there may be for conflict. If they are different committees, the City may wish to consider defining the term "aldermanic committees" in order to avoid any potential there may be for conflict.

* *We changed the word "aldermanic" to "Council".*

110.670 The City may wish to review this Section to make certain it is still current.

* *No change.*

110.860(A) The City may wish to review the provisions of this Section against the provisions of Section 77.370, RSMo., which provides that "1. Except as hereinafter provided, the following officers shall be elected by the voters of the city: mayor, police judge, attorney, assessor, collector, treasurer and, except in cities which adopt the merit system police department, a marshal. 2. Notwithstanding the provisions of subsection 1 of this section, in cities which contract with another entity for police service, the city council may eliminate the office of marshal. 3. The attorney shall be a person licensed to practice law in Missouri, and the council, by ordinance, may provide for the appointment of an attorney, by the mayor with the approval of the council, in lieu of electing an attorney. If so appointed he shall serve at the pleasure of the mayor and council. 4. Whenever a city contracts for the assessment of property or the collection of taxes with either a public or private entity as authorized by section 70.220, RSMo., the city council may by ordinance provide that at the expiration of the term of the then city assessor or collector, as the case may be, the office is abolished and thereafter no election shall be had to fill the office; except that in the event the contract expires and, for any reason, is not renewed, the council may by ordinance provide for the election of such officer at the next and succeeding regular elections for municipal officers. 5. The term of office for each of the officers is two years except the office of mayor and the marshal which are four-year terms. All officers hold office until their successors are duly elected or appointed and qualified. 6. The council, by ordinance, may provide that any officer of the city except the mayor and the councilmen shall be appointed instead of elected. Such ordinance shall set the manner of appointment, in accordance with section 77.330, and the term of office for each appointive officer, which term shall not exceed four years". This language differs somewhat from the language used herein.

* *We made changes per the City's notes. Please confirm the officers retained here, as the strikeout copy did not contain Collector and Treasurer but they were not shown as struck out either.*

* *In the introductory language of Subsection (A) we changed the word "shall" to "may"; we deleted Subparagraphs (A)(2—4).*

110.870 *We deleted this Section.*

CH. 115

OFFICERS AND EMPLOYEES

Generally

Due to the age of many of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

*

City to review and provide a redline copy. The redline copy of Administrative material did not contain any changes to this Section. City should re-review the material in 115.020 particularly.

115.020(A)(2)

See above note; we deleted the second and third sentences.

115.020(C)

The City may wish to note "Appendix H" referenced herein was not attached and therefore not reviewed. The City may wish to review the Appendix to make certain it is still current.

*

See above note.

*

We deleted "(Appendix H)"; we changed "Finance Department" to "Director of Finance and Administration".

115.020(I)

The City may wish to review this Section to make certain the reimbursement amount for meals is still current.

*

See above note.

*

At the end of the first sentence we added "per Council policy"; we deleted the second sentence.

115.020(J)

We added the following introductory language: "All other expenses not listed herein shall be reimbursed per Council policy."; we deleted Subparagraphs (1)—(7).

115.020(J)4

The City may wish to review this Section to make certain the amount for telephone calls is still current.

*

See above note.

115.090

As to the definition of SUBSTANTIAL INTEREST, the City may wish to review the provisions of Section 105.450(10) RSMo., which defines this term as "ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars, or more, per year from any individual, partnership, organization, or association within any calendar year," which differs somewhat from the language used herein.

*

We inserted RSMo. §105.450(10).

Additionally, the City may wish to review the provisions of Section 105.450,

RSMo., which contains other definitions the City may wish to consider including herein.

* *We inserted the following definitions which derived from §105.450, RSMo.: ADVERSARY PROCEEDING; BUSINESS WITH WHICH A PERSON IS ASSOCIATED; COMMISSION; CONFIDENTIAL INFORMATION; DECISION-MAKING PUBLIC SERVANT; DEPENDENT CHILD OR DEPENDENT CHILD IN THE PERSON'S CUSTODY; POLITICAL SUBDIVISION; PUBLIC DOCUMENT; SUBSTANTIAL PERSONAL OR PRIVATE INTEREST IN ANY MEASURE, BILL, ORDER OR ORDINANCE.*

Art. II(Div. 2)

Disclosure Policy

Generally

The editor's note which is under this Division heading appears to simply list the history of each Section herein, it seems that just listing the ordinances in the history note of each Section would make more sense.

* *We deleted the editor's note.*

Note that the newly enacted Section 575.021, RSMo. sets out provisions concerning "Obstruction of an ethics investigation, defenses, penalty"; the City may want to review this statutory Section and advise if any changes are required herein.

* *City to advise.*

* *No change.*

115.240 The City may wish to consider referencing the current Code Section rather than "Ordinance No. 604" in order to be consistent throughout this compilation.

* *We deleted the reference to "Ordinance No. 605" and inserted "Article II, Division 1 hereof".*

115.260 As to the introductory language of this Section, note that Section 105.485.4(1), RSMo., additionally provides that the disclosure is to be in writing.

* *After the word "disclose" we inserted "in writing".*

115.260(3) As to the introductory language of this paragraph, note that the similar statutory provisions of Section 105.485.4(2), RSMo., also require that the disclosure be in writing.

* *After the word "disclose" we inserted "in writing".*

Art. III

Personnel Rules And Regulations

Generally

Due to the age of many of the enabling ordinances, the City may wish to review this Article in its entirety to make certain it is still current.

*

This Article consisting of Sections 115.340—115.510 was deleted except for Section 115.390 which was moved and renumbered as 120.040(J); City to check this deletion with the City Administrator.

*

Ok as is.



115.350

The City may wish to note the Personnel Rules and Regulations referenced herein as "Exhibit #1" was not attached and therefore not reviewed. The City may wish to review this Exhibit to make certain it is still current.

*

See above note.

115.460

The City may wish to note "Exhibit A" referenced herein was not attached and therefore not reviewed. The City may wish to review this Exhibit to make certain it is still current.

*

See above note.

CH. 120

CITY DEPARTMENTS

120.040

To what extent does the Director of Finance and Administration interact with the Treasurer as appointed pursuant to Section 110.860(A)?



*

We deleted Subsection (E) and relettered the following Subsections. We moved Section 115.390 herein as Subsection (J); we added the following sentence to the introductory language of this Subsection: "The Director of Finance shall act as the Personnel Director."

*

In the introductory language of Subsection (J) we inserted the following at the beginning of the first sentence "Unless a Personnel Director is appointed".

*

At the final meeting, the introductory paragraph was changed to read: "Personnel. The Director of Finance and Administration:"

120.050

We deleted Subsections (B) and (C).

Art. II

We deleted this Article and Section 120.140; Sections 120.150—120.220 were moved to a new Chapter 123 "Purchasing Regulations"; the subsequent Articles and Sections were renumbered.

120.190(D)2e(2)(b)
(123.050)

The City may wish to consider adding the words "equal to or" before the words "less than five thousand dollars" as they appear in the second line of this Section in order to avoid any potential there may be for conflict.

*

No change noted.

120.300(120.160)

The City may wish to review the provisions of this Section against the provisions of Section 77.340, RSMo., which provides that "the mayor may, with the consent of a majority of all the members elected to the council, remove from office any appointive officer of the city at will; and any such appointive officer may be so removed by a two-thirds vote of all the members elected to the council, independently of the mayor's approval or recommendation. The council may pass ordinances regulating the manner of impeachment and removals".

*

At the end of the last sentence we added the following: "or by a two-thirds (2/3) vote of all the members elected to the Council, independently of the Mayor's approval or recommendation".

Arts. IV—V

In Section 120.400 to the end of this Chapter we made changes per the City's strikeout copy. Please review and especially confirm the Department's name (see change made in 125.140 as well for possible conflicting changes) and advise if this is to be changed throughout the Code.

*

Changes made with the City.

120.420(120.280)

Is "Director of Planning, Public Works and Parks" correct?

120.320

At the final meeting we deleted "Planning and Public Works" prior to "Department employee's" in the 7th line.

120.340

At the final meeting we deleted this Section and combined all but the introductory paragraph in Section 120.320 for consistency.

120.350(120.340 A,3.a)

At the final meeting we deleted "streets and engineering" prior to "Department employee" in the 11th line.

120.630(A)

The City may wish to review the provisions of this Section against the provisions of Section 89.320, RSMo., which provides that "the planning commission of any municipality shall consist of not more than fifteen nor less than seven members, including: (1) The mayor, if the mayor chooses to be a member; (2) A member of the council selected by the council, if the council chooses to have a member serve on the commission; and (3) Not more than fifteen nor less than five citizens appointed by the mayor and approved by the council. All citizen members of the commission shall serve without compensation. The term of each of the citizen members shall be for four years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The council may remove any citizen member for cause stated in writing and after public hearing". This language differs from the language herein which provides for the appointment of the Director of Planning by the "City Administrator".

Additionally, the City may wish to note Section 89.330.1, RSMo., also provides that "the commission shall elect its chairman and secretary from among the citizen members. The term of chairman and secretary shall be for one year with eligibility for reelection". The City may wish to consider whether the "Office of Director of Planning" could be construed as the "chairman" of the commission for purposes of this statute which may create the

potential for conflict with the method of appointment referenced herein.

* *See above note.*

120.630(D) See Comment to Section 120.630(A).

* *See above note.*

120.640 Note that Section 405.1500(C) appears to address this subject as well. Review and advise if both Sections are needed.

* *See above note.*

120.650(A) The City may wish to review the provisions of this Section against the provisions of Section 89.440, RSMo., which provides that "no county recorder shall receive for filing or recording any subdivision plat required to be approved by a city council or municipal planning commission unless the plat has endorsed upon it the approval of the city council under the hand of the clerk and the seal of the city, or by the secretary of the planning commission". This may create the potential for conflict with the language herein which appears to authorize the Director of Planning to approve such plats.

* *See above note.*

CH. 123

PURCHASING REGULATIONS

* *We moved Sections 120.150—120.220 herein and renumbered as Sections 123.010—123.080.*

CH. 125

BOARDS, COMMISSIONS, COMMITTEES, ETC.

125.020 ***We made changes per City's strikeout version, deleting "Public Works Board of Variance" and "Finance and Administration Citizens Advisory Committee".***

125.100 The City may wish to note the similar statutory provision of Section 89.080, RSMo., includes the phrase "except as provided in Section 305.410, RSMo.," after the words "shall be residents of the City of Chesterfield" as those words appear in the second and third lines of this Section.

Section 89.080, RSMo., also provides that "three alternate members may be appointed to serve in the absence of or the disqualification of the regular members," which differs from the reference herein to "five" alternate members.

* *At the end of the second sentence we added "except as provided in Section 305.410, RSMo. In the fourth sentence we changed "Five (5)" to "Three (3)" alternate members". We deleted the fifth sentence.*

125.140 See Comment to Section 120.630(A).

* *We made changes per the City's redline copy, changing "Director of Planning and Director of Public Works" to now be "Planning and Development Services Director".*

125.200 The City may wish to review the provisions of this Section against the provisions of Section 89.080, which provides that "such local legislative body shall provide for the appointment of a board of adjustment".

* *No change.*

125.210 The City may wish to review this Section to make certain the fees are still current.

* *No change.*

125.220 The City may wish to review the provisions of this Section against the provisions of Section 610.026, RSMo., which provides that "1. 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 per page for a paper copy not larger than nine by fourteen 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 by fourteen 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 costs of such programming. 2. Payment of such copying fees may be requested prior to the

making of copies. 3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state. 4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for deposit to the governmental body's accounts. 5. The term "tax, license or fees" as used in section 22 of article X of the Constitution of the state of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980".

* *No change.*

Art. V ***We deleted this Article consisting of Sections 125.670—125.770.***

CH. 130 MUNICIPAL COURT

Generally Due to the age of many of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

We do have a Model Chapter on "Municipal Court" the City may wish to review.

Also note that a new Section 577.006, RSMo., was adopted by HB 1695 in 2010 and requires "adequate instruction on laws related to intoxication-related traffic offenses" as well as other filing requirements for the Municipal, these provisions may be considered administrative in nature, but we thought it important to note to the City. See comment at Chapter 342 of this review.

130.010 ***We changed "Court Clerk" to "Court Administrator".***

130.050 ***We deleted Subsections (E) and (F) and relettered the subsequent Subsections.***

130.060 Note that Supreme Court Rule 37.49 has been amended to simply read "Violations Bureau". If the City determines this should be changed, we will do a global search throughout the Code.

* *We deleted the word "Traffic" as it refers to "Violations Bureau".*

130.060(B) The reference to Supreme Court Rule 37.50 does not appear to be correct. Review and advise.

* *See above note; we changed "37.50" to "37".*

130.070 We think it would be more clear if all court costs were contained in one Section.

* *No change.*

130.070(B) *We replaced this language with model provisions regarding "police officer training fee".*

130.070(C) This statutory Section 479.261 doesn't exist any longer, the reference now would be Section 488.607, RSMo., and is now \$2.00. Also see note to 130.070(E), are these one and the same?

* *We deleted this Subsection and relettered the following.*

130.070(E)(D) Since the other court costs appear to be set by ordinance possibly this one should be as well.

* *We deleted this language and moved Section 130.130 herein.*

130.070(E) *We moved Section 130.140(C) herein as a new Subsection (E).*

130.075 *We moved Section 342.025 "Reimbursement Of Costs For Alcohol- And Drug-Related Traffic Offenses" herein and renumbered.*

130.080 *A new Section was added entitled "Additional costs—work zone" from ord. no. 2655, adopted 6-20-11.*

130.080(130.085) *No change except numbering.*

130.100 Is this Section still current?

* *We deleted this Section.*

130.110(A) It appears the fees set out herein are the same as the fees in 130.070(B). If this is the case, we could move Subsection (B) into the court cost Section 130.070 as well.

* *We deleted this entire Section.*

130.120 *We deleted this Section.*

130.130 See note to 130.070(C).

* *We moved this Section to 130.070 as Subsection (D).*

130.140 We do not think the Spinal Cord Injury Fund is charged in Municipal cases. Please review the language of Section 304.027.2, RSMo., which states the following: "In all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of this state, including an infraction,

there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by Sections 488.010 to 488.020. The surcharge collected pursuant to this Section shall be paid into the state treasury to the credit of the spinal cord injury fund created in this Section". Review and advise.

* *We deleted Subsections (A) and (B) and Subparagraph (C)(2); we moved Subsection (C)(1) to Section 130.070 as Subsection (E).*

CH. 135 FISCAL YEAR AND BUDGET PROCEDURES

Generally Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

* *No change.*

CH. 140 DISPOSAL OF UNCLAIMED PROPERTY AND EVIDENCE

Generally Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

140.080 Please review the 2nd sentence herein and determine if something is missing.

* *We deleted the second sentence.*

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CH. 200

POLICE

Generally

Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

200.010

The City may wish to review this list of department fees to make certain it is still current.

*

Kelly to review. Ok as is.

200.020

The City may wish to note the Rules and Regulations/Policy Manual for the Police Department was not attached and therefore not reviewed. The City may wish to review this Manual to make certain it is still current.

*

Kelly to review. Ok as is.

200.030

The City may wish to note the contract referenced herein was not attached and therefore not reviewed. Additionally, the City may wish to reference the current Code Section rather than "Ordinance No. 294" as referenced herein. See also the Editor's Note following Section 200.030 regarding the contract expiration date of June 1, 1989, to avoid any potential there may be for conflict.

*

No change.

200.130

In Subsection (A) in the first line we changed the word "grievances" to "appeals from disciplinary action". We moved Section 200.540 herein as Subsection (B) and relettered the following Subsections. We moved Section 200.650 herein as Subsection (E).

*

In Subsection (A) before the word "members" we inserted the word "sworn" at both occurrences. We changed the "Department of Police" to "Police Department" here and throughout the Code.

200.210

We deleted "through the City Personnel Department".

200.230

In Subparagraph (6) we changed the word "terminated" to "dismissed" and throughout this Chapter.

200.250(D)1

The City may wish to note there does not appear to be a "Section 66.250, RSMo.," as referenced herein.

*

The correct Section reference is "Chapter 590".

- 200.270 *In Subsection (B) we changed the word "officer" to "employee" and throughout this Chapter except when specifically referring to "Police Officer".*
- 200.320 Review the reference to Chapter 7 of the City Personnel Rules and Regulations and confirm its accuracy.
- * *We deleted the references to "Chapter 7".*
- 200.340 *"Officer" was changed to "employee" in three places.*
- 200.350 *"Officer" was changed to "employee" in three places.*
- 200.360(A) The City may wish to reference "officer" rather than "employee" as it appears in the first line of this Section in order to be consistent throughout this Chapter. Additionally, the City may wish to distinguish the "dismissal" referenced herein from the "termination" referenced in Section 200.270(B) to avoid any potential there may be for conflict.
- * *We changed the word "officer" to "employee" throughout this Section. The City should review this change in light of the fact that officer occurs throughout this Chapter, however a simple search and replace would change "police officer" to "police employee" and we did not believe this was the intent of the City. Also note in Section 200.130 reference is made to "members of the department of police" as being those who can bring appeals to the police personnel board. Perhaps all could be changed to "police personnel" or something similar to avoid conflict or confusion. Mike's copy will have all occurrences highlighted for review during final draft.*
- * Ok.
- 200.360(B) See Comment to Section 200.360(A). See also Section 200.270(B) which may adequately address this issue. Consider using the same term, either "dismissal" or "terminate", throughout this Chapter in order to avoid any potential there may be for conflict.
- * *We changed "terminate/termination" to read "dismissed/dissmissal".*
- 200.540(200.130(B)) The City may wish to review the provisions of this Section against the provisions of Section 200.130 and consider whether the two Sections may be combined for ease of reference or whether the issue is adequately addressed therein.
- * *We moved this Section to 200.130 as Subsection (B); the subsequent Sections herein were renumbered.*
- 200.590(200.580) The City may wish to review the provisions of this Section against the provisions of Section 200.580(B) which provides that "the Police Chief shall, pursuant to Section 77.042, RSMo., 1986, as amended, report to the City Administrator". The City may wish to consider whether this may create the

potential for conflict with the language herein which provides that "the Police Chief shall, in the discharge of his/her law enforcement duties, be subject to the orders of the Mayor only, pursuant to Section 85.561, RSMo.". The City may wish to note further that Section 85.561.2, RSMo., as referenced herein, does not use the phrase "law enforcement duties" but rather simply states "duties" by providing that "the chief of police shall, in the discharge of his duties, be subject to the orders of the mayor only".

With respect to the other members of the department, the statute provides that "the deputy chief of police and all other members of the police department shall be subject to the orders of their superiors in the police department and the mayor only". This language differs somewhat from the language used herein.

*

In the second line we deleted the word "only".

200.600—200.610

We deleted these Sections and renumbered the subsequent Sections.

200.620(200.590)

The City may wish to review the provisions of this Section against the provisions of Section 85.561.3, RSMo., which provides that "every member of the police department shall have power at all times to make or order an arrest with proper process for any offense against the laws of the city or the state, and to keep the offender in the city prison or other proper place to prevent his escape until a trial can be had before the proper officer, unless such offender shall give a good and sufficient bond for his appearance for trial, and shall also have power to make arrests without process in all cases in which any offense against the laws of the city or the state shall be committed in his presence". This language differs somewhat from the language used herein.

*

No change except numbering.

200.640(210.610)

The City may wish to review the provisions of this Section against the provisions of Section 85.561.3, RSMo., which also provides that "every member of the police department shall have the power to make or order an arrest in areas leased or owned by the municipality outside of the boundaries of such municipality".

*

No change except numbering.

200.650

This Section was moved Section 200.130 as Subsection (E).

200.710

We deleted "There is hereby established" and inserted "The Police may establish".

CH. 203

FIRE PREVENTION AND PROTECTION

Generally

Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

203.010

As to the definition of COMMON FIREWORKS, the City may wish to note the similar statutory provision of Section 320.106(3), RSMo., defines the related term "consumer fireworks" as "explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, 1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation".

*

We deleted this definition and inserted a definition of CONSUMER FIREWORKS which derived from RSMo. §320.106(3).

As to the definition of FIREWORKS SEASON, the City may wish to note the similar statutory provision of Section 320.106(10), RSMo., also provides that the dates referenced herein "shall be the only periods of time that seasonal retailers may be permitted to sell consumer fireworks".

*

We deleted this definition.

As to the definition of SPECIAL FIREWORKS, the City may wish to note the similar statutory provision of Section 320.106(6), RSMo., defines the related term "display fireworks" as "explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UNO335, 1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation".

*

We deleted this definition and inserted a definition of DISPLAY FIREWORKS from Section 320.106(6), RSMo.

203.020(A)

The City may wish to review the provisions of this Section against the provisions of Section 320.131.1, RSMo., which provides that "it is unlawful for any person to possess, sell or use within the state of Missouri, or ship into the State of Missouri, except as provided in Section 320.126, RSMo., any pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in subdivision (3) of Section 320.106, RSMo., other than items now or hereafter classified as fireworks UNO336, 1.4G by the United States Department of Transportation that comply with the construction, chemical composition, labeling and other regulations relative to consumer fireworks regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public pursuant to such commission's regulations".

*

No change.

203.040

We deleted this Section.

CH. 205

ANIMALS AND FOWL

Generally

The City may wish to note Senate Bill 795, 2010, enacted new Sections 578.600 to 578.624, RSMo., to be known as the "Large Carnivore Act" which the City may wish to review and consider including herein.

205.020

The City may wish to consider whether this Section may be more appropriately placed in the Nuisance Chapter for ease of reference and to avoid any potential there may be for conflict.

*

No change.

205.030(D)

We changed this to refer to the general penalty Section 100.080.

205.120

We changed this Section heading to "AT LARGE DEFINED".

205.140

We deleted this Section and renumbered the subsequent Sections.

205.150(205.140)

As to the definition of FARM ANIMAL, the City may wish to note the similar statutory provision of Section 578.005(5), RSMo., defines this term as "an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber".

*

No change, except numbering.

205.230

The City may wish to note the similar statutory provision of Section 578.009.1, RSMo., includes the phrase "which results in substantial harm to the animal" at the end of this Section which the City may wish to consider including herein.

*

We deleted this Section and inserted RSMo. §578.009 "Animal Neglect Or Abandonment".

205.240

We deleted the language of this Section and inserted RSMo. §578.012.

205.240.2

The City may wish to review the provisions of this Section against the provisions of Section 578.012.1(2), RSMo., which provides that it is also an element of abuse when a person "purposely or intentionally causes injury or suffering to an animal," which differs somewhat from the language used herein.

*

See above note.

205.240.3

The City may wish to review the provisions of this Section against the provisions of Section 578.009.2, RSMo., which provides that "a person is guilty of abandonment when he has knowingly abandoned an animal in any place without making provisions for its adequate care".

*

See above note.

205.240.4

This Section may be adequately addressed by Section 205.240.1.

*

See above note.

205.240.5 The City may wish to review the provisions of this Section against the provision of Section 578.012.1(3), RSMo., which provides that an element of animal abuse is when a person "having ownership or custody of an animal knowingly fails to provide adequate care or adequate control". This language differs somewhat from the language used herein.

* *See above note.*

205.320.1 Does the City intend to reference the "City Manager" herein? It appears this is a City Administrator form of government. See Section 110.010 of this draft.

* *We changed City "Manager" to "Administrator" throughout this Code.*

205.350 In the first line, the first phrase can probably be removed. There are a number of occurrences like this throughout the Code. We'd suggest they all be removed.

* *No change.*

205.420 *We added "Missouri" in front of "Department of Conservation" in line 2.*

205.460 *We deleted this Section.*

CH. 210 OFFENSES

Generally We have a Model Chapter on offenses which the City may want to review.

210.020 The City may wish to review the provisions of this Section against the provisions of Section 575.080, RSMo., which sets forth the elements of the offense of false reports as follows: "1. A person commits the crime of making a false report if he knowingly:(1) Gives false information to any person for the purpose of implicating another person in a crime; or (2) Makes a false report to a law enforcement officer that a crime 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. "

* *We deleted this Section and inserted a new Section "False Reports" which derived from RSMo. §575.080.*

210.030 The City may wish to review the provisions of this Section against the provisions of Section 575.150, RSMo., which sets forth the elements of the offense of resisting or interfering with arrest as follows: "1. A person commits the crime 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. 2. This section applies to: (1) Arrests, stops, or detentions, with or without warrants; (2) Arrests, stops, or detentions, for any crime, infraction, or ordinance violation; and (3) Arrests for warrants issued by a court or a probation and parole officer".

* *We deleted this Section and inserted a new Section "Resisting Or Interfering With Arrest, Detention Or Stop" which derived from RSMo. §575.150.*

210.040 *We deleted this Section and inserted a new Section "False Impersonation" which derived from RSMo. §575.120.*

210.040.2 The City may wish to note the similar statutory provision of Section 575.120.1(3), RSMo., sets forth an additional element of this offense which the City may wish to consider including here. It reads, "(3) upon being arrested, falsely represents himself or 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".

* *See above note.*

210.060 *In the Section heading we changed "A CRIME" to "AN OFFENSE" as the word crime does not appear in the language of this Section. Please review.*

* *Ok as is.*

210.070(C)(210.1160) The last three words of this Subsection seem awkward.

* *In the third line we changed the word "wrappers" to "papers"; we deleted the last three words "any cigarette papers" of this Section. We moved this Section to 210.1160.*

210.080(A)(210.1130) The City may wish to review the provisions of this Section against the provisions of Section 407.927(1), RSMo., which provides that the sign shall "contain in red lettering at least one-half inch high on a white background the following: "It is a violation of state law for cigarettes or other tobacco products to be sold or otherwise provided to any person under the age of eighteen or for such person to purchase, attempt to purchase or possess cigarettes or other tobacco products."

* *We deleted this Section and inserted a new Article containing Section 210.1130 "Required Sign Stating Violation Of State Law To Sell Tobacco To Minors*

Under Age Eighteen—Display Of Sign Required Where" which derived from RSMo. §407.927.

210.080(B)(210.1100) The City may wish to note the similar statutory provision of Section 407.931.1, RSMo., provides that "it shall be unlawful for any person to sell, provide or distribute tobacco products to persons under eighteen years of age".

* *We deleted this Section and inserted a new Article containing Section 210.1100 "Unlawful To Sell Or Distribute Tobacco Products to Minors—Vending Machine Requirements" which derived from RSMo. §407.931.*

210.090(A)(210.070) The City may wish to note the similar statutory provision of Section 570.120.1, RSMo., which sets forth the elements of this offense as when a person "(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 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".

* *We deleted this Section and inserted a new Section which derived from RSMo. §570.120(1—2). Review this change to be sure it is as City intended.*

* *Ok as is.*

210.090(C)(210.070) The City may wish to review the provisions of this Section against the provisions of Section 570.120.2, RSMo., which provides that "as used in subdivision (2) of subsection 1 of this Section, "actual notice in writing" means notice of the nonpayment 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".

* *See above note.*

210.090(E)(210.070) The City may wish to review the provisions of this Section against the provisions of Section 570.120.4, RSMo., which provides that "passing bad checks is a class A misdemeanor, unless: (1) The face amount of the check or sight order or the aggregated amounts is five hundred dollars or more; or (2) The issuer had no account with the drawee or if there was no such drawee at

the time the check or order was issued, in which cases passing bad checks is a class C felony".

*

See above note.

210.090(F)(210.070)

The City may wish to review the provisions of this Section against the provisions of Section 570.120 5, RSMo., which provides that "(1) In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action pursuant to the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, RSMo., the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that previously authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county. Notwithstanding any law to the contrary, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765, RSMo. All moneys collected pursuant to this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit of the Missouri office of prosecution services fund under the procedure established pursuant to subsection 2 of section 56.765, RSMo. (2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office. (3) This fund may be audited by the state auditor's office or the appropriate auditing agency. (4) If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year".

Additionally, the City may wish to note Section 570.120.6, RSMo., also provides that "notwithstanding any other provision of law to the contrary: (1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued; (2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face

amount of the check, a reasonable service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument".

* *See above note.*

210.100(A)(380.060) This Section may be better placed in Title III, possibly Ch. 380.

* ***We moved Subsection (A) to Chapter 380 as Section 380.060; we deleted Subsection (B).***

The City may wish to review the provisions of this Section against the provisions of Section 302.220, RSMo., which provides that "it shall be unlawful for any person to display or to permit to be displayed, or to have in his possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered; to lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof; to display or to represent as one's own any license not issued to the person so displaying the same, or 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; to 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, or knowingly to conceal a material fact, or otherwise commit a fraud in any such application; to authorize or consent to any motor vehicle owned by him or under his control to be driven by any person, when he 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; to 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, or whose license has been revoked, suspended, canceled or disqualified; or who fails to produce his or her license upon demand of any person or persons authorized to make such demand".

* *See above note.*

210.200 *We deleted this Section and inserted a new Article IX. "Offenses Concerning Tobacco" consisting of Sections 210.1090—210.1150.*

210.200(A) The City may wish to review the provisions of this Section against the provisions of Section 407.926, RSMo., which provides that "1. Any person or entity who sells tobacco products shall deny the sale of such tobacco products to any person who is less than eighteen years of age. 2. Any person or entity who sells or distributes tobacco products by mail or through the Internet in this state in violation of subsection 1 of this section shall be assessed a fine of two hundred * fifty dollars for the first violation and five hundred dollars for each subsequent violation".

* *See above note.*

210.200(F) The City may wish to review the provisions of this Section against the provisions of Sections 210.080(A) and 210.080(B) and Comments thereto and consider whether the issue is adequately addressed therein or whether the two Sections may be combined for ease of reference and to avoid any potential there may be for conflict.

* *See above note.*

210.200(G) The City may wish to review the provisions of this Section against the provisions of Section 407.931.2, RSMo., which provides that "by January 1, 2002, all vending machines that dispense tobacco products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen 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 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 5 of this section. A determination of noncompliance may be made by a local law enforcement agency or the division of liquor 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".

* *See above note.*

210.200(H) The City may wish to review the provisions of this Section against the provisions of Section 407.931.4, RSMo., which provides that "any person including, but not limited to, a sales clerk, owner or operator who violates subsection 1, 2 or 3 of this section or section 407.927 shall be penalized as follows: (1) For the first offense, twenty-five dollars; (2) For the second offense, one hundred dollars; (3) For a third and subsequent offense, two hundred fifty dollars".

Additionally, note Section 407.927.5, RSMo., further provides that "any owner of the establishment where tobacco products are available for sale who violates subsection 3 of this section, in addition to the penalties established in subsection 4 of this section, shall be penalized in the following manner: (1) For the first violation per location within two years, a reprimand shall be issued by the division of liquor control; (2) For the second violation per location within two years, the division of liquor control shall issue a citation prohibiting the outlet from selling tobacco products for a twenty-four-hour period; (3) For the third violation per location within two years, the division of liquor control shall issue a citation prohibiting the outlet from selling tobacco products for a forty-eight-hour period; (4) For the fourth and any subsequent violations per location

within two years, the division of liquor control shall issue a citation prohibiting the outlet from selling tobacco products for a five-day period".

*

See above note.

210.260

The City may wish to review the provisions of this Section against the provisions of Section 568.050, RSMo., which sets forth the elements of the offense of endangering the welfare of a child in the second degree as follows: "1. A person commits the crime of endangering the welfare of a child in the second degree if: (1) He or 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 years old; or (2) He or she knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or (3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years old, he or she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or (4) He or she knowingly encourages, aids or causes a child less than seventeen 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 or she operates a vehicle in violation of subdivision (2) or (3) of subsection 1 of section 565.024, RSMo., subdivision (4) of subsection 1 of section 565.060, RSMo., section 577.010, RSMo., or section 577.012, RSMo., while a child less than seventeen years old is present in the vehicle. 2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state. 3. Endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony".

*

We deleted this Section and inserted a new Section "Endangering The Welfare Of A Child" which derived from RSMo. §568.050.

210.270

See Comment to Section 210.260.

*

We deleted this Section and renumbered the subsequent Section.

210.290

See Comment to Section 210.260.

*

We deleted this Section.

210.350

The City may wish to review the provisions of this Section against the similar statutory provisions of Section 566.093.1(1), RSMo., which sets forth the

elements of the offense of sexual misconduct as when a person "exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm".

* *We deleted the word "knowingly" from the first sentence.*

210.360(A)

As to the definition of HARMFUL TO MINORS, the City may wish to review the provisions of Section 573.010(14), RSMo., which defines the related term "Pornographic for minors", as "any material or performance is pornographic for minors if the following apply: (a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and (b) 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 (c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors".

* *No change.*

As to the definition of MINOR, the City may wish to note Section 573.010(10), RSMo., defines this term as "any person under the age of eighteen".

* *We changed "seventeen (17)" to "eighteen (18)" in this definition and in Subsection (C)(2).*

As to the definition of NUDITY, the City may wish to note Section 573.010(11), RSMo., defines this term as "the showing of postpubertal human genitals or pubic area, with less than a fully opaque covering".

* *No change.*

As to the definition of OBSCENE, the City may wish to note Section 573.010(12), RSMo., defines this term as "any material or performance is obscene if, taken as a whole: (a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value".

* *No change.*

As to the definition of PERFORMANCE, the City may wish to note Section 573.010(13), RSMo., defines this term as "any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more".

* *No change.*

As to the definition of SEXUAL CONDUCT, the City may wish to note Section 573.010(17), RSMo., defines this term as "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".

*

No change.

210.360(B)

The City may wish to review the provisions of this Section against the provisions of Section 573.060, RSMo., which sets forth the elements of the offense of public display of explicit sexual material as follows: "1. A person commits the crime of public display of explicit sexual material if he knowingly or recklessly:(1) Displays publicly explicit sexual material; or(2) Fails to take prompt action to remove such a display from property in his possession after learning of its existence. 2. Public display of explicit sexual material is a class A misdemeanor unless the person has pleaded guilty to or has been found guilty of an offense under this section committed at a different time, in which case it is a class D felony. 3. For purposes of this section, each day there is a violation of this section shall constitute a separate offense".

*

No change.

210.360(C)

The City may wish to review the provisions of this Section against the provisions of Section 573.080, RSMo., which provides that "the general assembly by enacting this chapter intends to preempt any other regulation of the area covered by section 573.020, to promote statewide control of pornography, and to standardize laws that governmental subdivisions may adopt in other areas covered by this chapter. No governmental subdivision may enact or enforce a law that makes any conduct in the area covered by section 573.020 subject to a criminal or civil penalty of any kind. Cities and towns and counties of the first class may enact and enforce laws prohibiting and penalizing conduct subject to criminal or civil sanctions under other provisions of this chapter," to make certain the regulations herein fall within the meaning of the statutory preemption and standardization guidelines.

*

No change.

210.360(E)

We deleted this Subsection.

Art. IV

Offenses Against Persons

Generally

The City may wish to note Senate Bill 774, 2010, enacted a new Section 565.086, RSMo., which sets forth the elements of the offense of endangering a mental health employee, visitor or another offender, which the City may wish to review and consider including in this Article.

210.410

The City may wish to note the similar statutory provision of Section 565.070.1(6), RSMo., includes an additional element of the offense of assault which occurs when "the person knowingly causes physical contact with an incapacitated person, as defined in section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative". The City may wish to consider including this language herein.

*

We deleted this Section and inserted a new Section "Assault" which derived from RSMo. §565.070.

210.420

The City may wish to review the provisions of this Section against the similar statutory provisions of Section 565.090, RSMo., which sets forth the elements of the offense of harassment some differently as follows: "1. A person commits the crime of harassment if he or she: (1) Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person; or (2) When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm; or (3) Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication; or (4) Knowingly communicates with another person who is, or who purports to be, seventeen years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person; or (5) Knowingly makes repeated unwanted communication to another person; or (6) Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person. 2. Harassment is a class A misdemeanor unless: (1) Committed by a person twenty-one years of age or older against a person seventeen years of age or younger; or (2) The person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this subsection. In such cases, harassment shall be a class D felony. 3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law".

*

We deleted this Section and inserted a new Section "Harassment" which derived from RSMo. §565.090.

210.430

We deleted this entire Section and inserted a new Section "Arrest For Violation Of Order—Penalties—Good Faith Immunity For Law Enforcement Officials" which derived from RSMo. §455.085. Please review, does the City want all retained?

*

Ok as is.

210.430(A)

The City may wish to review the provisions of this Section against the provisions of Section 455.085.1-6, RSMo., which provides that "1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of non-arrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection. 2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection. 3. When an officer makes an arrest he is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party he believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor: (1) The intent of the law to protect victims of domestic violence from continuing abuse; (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury; (3) The history of domestic violence between the persons involved. No law enforcement officer investigating an incident of family violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he should seek a warrant for an arrest. 4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution. 5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and

custody was awarded. 6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody".

* *See above note.*

210.430(A)(B) We changed both of the references within these Subsections to read Sections 455.010 to 455.085, RSMo. In previous Code Section 21-48, this read Sections 455.01020455.085, RSMo., and Sections 455.0102—455.085, RSMo. Please review and advise if this is not correct.

* *See above note.*

210.430(C) The City may wish to review the provisions of this Section against the provisions of Section 455.085.7, RSMo., which provides that "a violation of the terms and conditions, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. 8. A violation of the terms and conditions, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection presented a copy of the order of protection to the respondent".

* *See above note.*

210.440

The City may wish to review the provisions of this Section against the provisions of Section 565.225.1-2, RSMo., which provides that "1. As used in this section, the following terms shall mean: (1) "Course of conduct", a pattern of conduct composed of two 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; (2) "Credible threat", a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in section 276.606, RSMo., kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in section 276.606, RSMo., kept at such person's residence or on such person's property; (3) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed. 2. A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person".

*

We deleted this Section and inserted a new Section "Stalking—Definitions" which derived from RSMo. §565.225.

210.520

The City may wish to review the provisions of this Section against the provisions of Section 569.120, RSMo., which defines this offense as "property damage in the second degree" which differs from the reference herein to the "third degree".

*

We deleted this Section and inserted a new Section which derived from RSMo. §569.120.

210.530

This Section may be adequately addressed by Section 210.520.1 and Section 210.620(C).

*

No change.

210.540

See Comment to Section 210.530.

*

No change.

210.550

We deleted this entire Section and inserted a new Section "Failure To Return Rented Personal Property—Enforcement Procedure—Penalty—Venue" which derived from RSMo. §578.150.

210.550(A)

The City may wish to review the provisions of this Section against the provisions of Section 578.150.1, RSMo., which sets forth the elements of this offense as follows: "1. A person commits the crime of failing to return leased or rented property if, with the intent to deprive the owner thereof, he purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another who conceals the property from the owner, or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the crime of failing to return leased or rented property. The provisions of this section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

*

See above note.

210.550(B)

The City may wish to review the provisions of this Section against the provisions of Section 578.150.2, RSMo., which provides that "it shall be prima facie evidence of the crime of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two 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 crime of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two 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 may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten-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 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".

*

See above note.

210.570 The City may wish to note Section 570.080.1, RSMo., includes the phrase "or believing that it has been stolen," at the end of this Section.

* *We deleted this Section and inserted a new Section which derived from RSMo. §570.080.*

210.590(B) The City may wish to review the provisions of this Section against the provisions of Section 214.131, RSMo., which provides that "every person who shall knowingly destroy, mutilate, disfigure, deface, injure or remove any tomb, monument or gravestone, or other structure placed in any abandoned family cemetery or private burying ground, or any fence, railing, or other work for the protection or ornamentation of any such cemetery or place of burial of any human being, or tomb, monument or gravestone, memento, or memorial, or other structure aforesaid, or of any lot within such cemetery is guilty of a class A misdemeanor. For the purposes of this section and subsection 1 of section 214.132, an "abandoned family cemetery" or "private burying ground" shall include those cemeteries or burying grounds which have not been deeded to the public as provided in chapter 214, and in which no body has been interred for at least twenty-five years".

* *We deleted Subsection (C).*

210.600 *We deleted Subsection (B).*

210.610 The City may wish to review the provisions of this Section against the provisions of Section 569.180.1, RSMo., which provides that "a person commits the crime of possession of burglar's tools if he possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, with a purpose to use or knowledge that some person has the purpose of using the same in making an unlawful forcible entry into a building or inhabitable structure or a room thereof".

* *No change.*

210.620 The City may wish to review the provisions of this Section against the provisions of Section 569.090, RSMo., which sets forth the elements of the offense of tampering somewhat differently as follows: "1. A person commits the crime of tampering in the second degree if he or she: (1) Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or (2) Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or (3) Tampers or makes connection with property of a utility; or (4) Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either: (a) To prevent the proper measuring of electric, gas, steam or water service; or (b) To permit the diversion of any electric, gas, steam or water service. 2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water

service, with one or more of the effects described in subdivision (4) of subsection 1, 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. 3. Tampering in the second degree is a class A misdemeanor unless: (1) Committed as a second or subsequent violation of subdivision (4) of subsection 1, in which case it is a class D felony; (2) The defendant has a prior conviction or has had a prior finding of guilt pursuant to paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo., section 570.080, RSMo., or subdivision (2) of subsection 1 of this section, in which case it is a class C felony".

* *We deleted this Section and inserted a new Section which derived from RSMo. §569.090.*

210.630(A) As to the definition of CREDIT CARD, the City may wish to note the similar statutory provision of Section 570.010(4), RSMo., defines the similar term "credit device" as a "writing, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer".

* *We deleted the definition of CREDIT CARD and inserted a definition of CREDIT DEVICE which derived from RSMo. §570.010(4).*

As to the definition of DEBIT CARD, the City may wish to note the similar statutory provision of Section 570.010(6), RSMo., defines the similar term "debit device" as "a card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients".

* *We deleted the definition of DEBIT CARD and inserted a definition of DEBIT DEVICE which derived from RSMo. §570.010(6).*

210.630(B) The City may wish to review the provisions of this Section against the provisions of Section 570.135, RSMo., which sets forth the elements of the offense of fraudulent procurement of a credit or debit card as follows: "1. No person shall knowingly make or cause to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit card or debit card. 2. No person shall willfully obtain personal identifying information of another person without the authorization of that person and use that information fraudulently to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the consent of that person. 3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty of a class A misdemeanor. 4. As used in this section, "personal identifying information" means the name, address, telephone number, driver's license number, Social Security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number or credit card number of a

person. 5. Notwithstanding subsections 1 to 4 of this section, no corporation, proprietorship, partnership, limited liability company, limited liability partnership or other business entity shall be liable under this section for accepting applications for credit cards or debit cards or for the credit cards or debit cards in any credit or debit transaction, absent clear and convincing evidence that such business entity conspired with or was a part of the fraudulent procuring of the issuance of a credit card or debit card".

* *No change.*

210.630(C) ***We deleted this Subsection.***

210.690(B) The City may wish to review the provisions of this Section against the provisions of Section 574.010, RSMo., which sets forth the elements of the offense of peace disturbance as follows: "1. A person commits the crime of peace disturbance if: (1) He unreasonably and knowingly disturbs or alarms another person or persons by: (a) Loud noise; or (b) Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or (c) Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or(d) Fighting; or (e) Creating a noxious and offensive odor; (2) He 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. 2. Peace disturbance is a class B misdemeanor upon the first conviction. Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one thousand dollars and no more than five thousand dollars".

* *No change.*

210.690(C) ***We deleted this Subsection.***

210.710 This Section may be adequately addressed by Section 210.690(B).1b(4) and Comment thereto.

* *No change.*

210.730(405.850) The City may wish to review this Section to make certain it is still current.

* ***We deleted Subsection (F) and moved this Section to 405.850; City Council to review and advise if this Section is to be retained.***

* *Ok as is.*

210.740(405.860)

The City may wish to review this Section to make certain it is still current.

*

We deleted Subsection (D): this Section was moved to Title IV as Section 405.860.

*

Ok as is.

Art. VII

We deleted this Article consisting of Sections 210.800—210.870 and inserted model provisions under "Offenses Concerning Drugs" Sections 210.800—210.860.

210.800

As to the definition of CONTROLLED SUBSTANCE, the City may wish to note the similar statutory provision of Section 195.010(5), RSMo., defines this term as "a drug, substance, or immediate precursor in Schedules I through V listed in sections 195.005 to 195.425," which differs somewhat from the way it is defined herein.

*

See above note.

As to the definition of DRUG PARAPHERNALIA, the City may wish to note the similar statutory provision of Section 195.010(17), RSMo., defines this term somewhat differently by providing that it includes "all equipment, products, substances and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425. It includes, but is not limited to: (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived; (b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances; (c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance; (d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances; (e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances; (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances; (g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana; (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances; (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or

imitation controlled substances; (j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances; (k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body; (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; b. Water pipes; c. Carburetion tubes and devices; d. Smoking and carburetion masks; e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; f. Miniature cocaine spoons and cocaine vials; g. Chamber pipes; h. Carburetor pipes; i. Electric pipes; j. Air-driven pipes; k. Chillums; l. Bongs; m. Ice pipes or chillers; (m) Substances used, intended for use, or designed for use in the manufacture of a controlled substance; In determining whether an object, product, substance or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following: (a) Statements by an owner or by anyone in control of the object concerning its use; (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance; (c) The proximity of the object, in time and space, to a direct violation of sections 195.005 to 195.425; (d) The proximity of the object to controlled substances or imitation controlled substances; (e) The existence of any residue of controlled substances or imitation controlled substances on the object; (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia; (g) Instructions, oral or written, provided with the object concerning its use; (h) Descriptive materials accompanying the object which explain or depict its use; (i) National or local advertising concerning its use; (j) The manner in which the object is displayed for sale; (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products; (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise; (m) The existence and scope of legitimate uses for the object in the community; (n) Expert testimony concerning its use; (o) The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material".

*

See above note.

210.800(D)

The City may wish to review the provisions of this Section against the similar statutory provisions of Section 195.233, RSMo., which sets forth the elements of the offense of unlawful use of drug paraphernalia as follows: "1. It is

unlawful for any person to use, or to possess with intent to use, drug paraphernalia 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 an imitation controlled substance in violation of sections 195.005 to 195.425. 2. A person who violates this section is guilty of a class A misdemeanor, unless the person uses, or possesses with intent to use, the paraphernalia in combination with each other to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues in which case the violation of this section is a class D felony".

* *See above note.*

210.860 The City may wish to review the provisions of this Section against the provisions of Section 210.800(B) and Comment thereto and consider whether the issue is adequately addressed therein or whether the two Sections may be combined for ease of reference and to avoid any potential there may be for conflict.

* *See above note.*

210.870 The City may wish to review the provisions of this Section against the provisions of Section 210.800(D) and consider whether the issue is adequately addressed therein or whether the two Sections may be combined for ease of reference or to avoid any potential there may be for conflict.

* *See above note.*

Art. VIII Offenses Concerning Weapons And Firearms

* *We deleted this Article except for Section 210.1010 "Specific Actions Prohibited". We inserted model provisions as Sections 210.930—210.1005. City Attorney to review. Sections 210.940 and 210.950 were updated with 2011 statutory amendments.*

* *Ok as is; Chief to poll Council on open carry.*

210.930(A) The City may wish to review the provisions of this Section against the provisions of Section 571.107.1, RSMo., which sets forth the requirements for carrying concealed weapons somewhat differently by stating that "a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state".

The City may wish to note Section 571.107.1, RSMo., sets forth additional locations where the carrying of concealed weapons is prohibited which the City

may wish to review and consider including herein.

*

See above note.

210.930(C)

The City may wish to note Section 571.107.1(15), RSMo., also provides that "any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one 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".

*

See above note.

210.930(G)

The City may wish to review the provisions of this Section against the provisions of Section 571.107.2, RSMo., which provides that "carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars 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 and his or her endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry endorsement revoked and such person shall not be eligible for a concealed carry endorsement for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, 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. The sheriff shall suspend or revoke the certificate of qualification for a concealed carry endorsement and the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302,

RSMo., which does not contain such endorsement. A concealed carry endorsement suspension pursuant to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's license. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing".

* *See above note.*

210.990(A) The City may wish to review the provisions of this Section against the provisions of Section 571.010(8), RSMo., which defines the term "firearm" as "any weapon that is designed or adapted to expel a projectile by the action of an explosive".

* *See above note.*

210.1010 *In Subsections (B) and (E) we moved the following language to Section 210.940 "Weapons—Carrying Concealed—Other Unlawful Use" at the end of Subparagraph (A)(3) before the asterisk: "except events under the authority and control of the Missouri Department of Conservation or in any platted subdivision of lots more than ten (10) acres located within the City limits or in an area located north of the Chesterfield Agricultural Levee north of Highway 40 and west of the Monarch Levee south of Highway 40 and only during the State designated deer hunting seasons". The remaining language of Subsection (B) was deleted; the remaining language of Subsection (E) was deleted. Subsections (C), (D) and (F) were deleted and the remaining Subsections were relettered. Attorney to review.*

* *Ok.*

210.1010(C) The City may wish to review the provisions of this Section against the provisions of Section 571.030.1(6), RSMo., which provides that it shall be unlawful if a person knowingly "discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building," which may create the potential for conflict with the language of "one hundred fifty (150) yards" referenced herein.

* *See above note.*

210.1010(D) The City may wish to review the provisions of this Section against the provisions of Section 571.030.1(7), RSMo., which provides that it shall be unlawful if a person knowingly "discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding."

* *See above note.*

210.1010(G)(B) At the end of the 4th line there appears to be duplicative wording, review and advise.

* *In the fourth and fifth lines we deleted the following language: "and unless the person in charge of such premises or property,".*

Art. IX Offenses Concerning Tobacco

* *We inserted a new Article consisting of Sections 210.1090—210.1150 which derived from model provisions. Sections 210.1160—210.1200 were designated as Reserved Sections for the City's future use. The subsequent Article and Sections were renumbered.*

210.1140 Does the City want to refer to the general penalty herein?

* *This Section was deleted.*

Art. XI Clean Air Code

210.1310—210.1400 We inserted a new Article "Clean Air Code" consisting of Sections 210.1310—210.1400 which derived from Ordinance No. 2642.

210.1370 *In the last line of this Section we deleted "issued by the Department Of Revenue pursuant to Section 605.076".*

Art. XII Miscellaneous Offenses

505.020(210.1460) We inserted a new Article and moved Section 505.020 "Regulation Of Portable Storage Unit" herein and renumbered.

CH. 215 NUISANCES

Generally These Article headings seemed unusual to us, in fact it seems that no Article separation is needed. Review and advise.

Art. I This Article heading was changed to "Vegetation".

215.010 *This Section was amended by ord. no. 2679.*

215.020(B) Is this Subsection still necessary?

* *We deleted this Subsection.*

215.030(A) *At the end of this Subsection we changed "Planning and Development Services Director" to "City".*

* *This Section was amended by ord. no. 2679.*

215.030(B)4 The City may wish to note the similar statutory provision of Section 269.020.1, RSMo., provides that "every person owning or caring for any animal that has died from any cause shall dispose of the animal carcass within twenty-four hours after knowledge of such death," which differs from the "twelve (12) hours" referenced herein.

* *No change.*

215.080—215.120 *We deleted these RESERVED Sections and renumbered the subsequent Section.*

Art. II *We have also deleted the Article II heading.*

215.130(215.080) Is this Section superseded by the material set out in Article I hereof or, if not, could they be combined in some way?

* *No change except numbering.*

Art. II *We have inserted a new Article II "Miscellaneous" and moved Section 355.130 "Parking Prohibited In Residential Front Yards" and renumbered as 215.140.*

215.150 *We moved the language of Section 405.830(O)(2) herein and renumbered. We have made no changes as yet. Please review as Subsection (C)(5) of Section 215.150 appears to conflict with Section 215.140. Also note that Section 210.580 appears to address the material in Subsection (B) of Section 215.150.*

* *No change per City at final meeting.*

CH. 220 PARKS AND RECREATION

* *We were directed to change the title of "Director of Parks and Recreation" to "Parks and Recreation Director". In addition references to "Parks and Recreation Department" or "department" were changed to "Parks and Recreation Division" or "division". We did not make these changes as yet since this note conflicted with similar changes made in other areas of the Code thus Lisa will be correcting all department references throughout the Code by bringing highlighted copy to final draft meetings and confirming all changes.*

* *Ok.*

220.140 This Section may be adequately addressed by Section 210.580.

* *No change.*

220.190 This Section may be adequately addressed by Section 210.520.

* *No change.*

220.200 The City may wish to consider adding this prohibition to Section 210.930(A) for ease of reference and to avoid any potential there may be for conflict.

* *No change.*

220.230 *In the Section heading we changed "SOLICITATIONS" TO "SOLICITATION".*

220.370 This Section may be adequately addressed by Section 203.030.

* *No change.*

CH. 225 CIVIL DEFENSE

Generally The City may wish to review the provisions of this Chapter against the provisions of Chapter 227, Emergency Management, and consider whether the two Chapters may be combined for ease of reference, or if one should be removed to avoid any potential there may be for conflict.

* ***We deleted this entire Chapter and renumbered the subsequent Chapter.***

225.010 The City may wish to review the provisions of this Section against the provisions of Section 44.080.1, RSMo., which provides that "each political subdivision of this state shall establish a local organization for disaster planning in accordance with the state emergency operations plan and program. The executive officer of the political subdivision shall appoint a coordinator who shall have direct responsibility for the organization, administration and operation of the local emergency management operations, subject to the direction and control of the executive officer or governing body". This differs somewhat from the reference herein to a "Director of Civil Defense".

The City may wish to note the statute further provides at Section 44.080.2, RSMo., that "2. In carrying out the provisions of this law, each political subdivision 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; and (2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation". This language differs somewhat from the language used herein.

* *See above note.*

225.020 The City may wish to review the provisions of this Section against the provisions of Section 44.090.1, RSMo., which provides that "the executive officer of any political subdivision or public safety agency may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the state for reciprocal emergency aid. Such arrangements

or agreements shall be consistent with the state disaster plan and program and the provisions of section 70.837, RSMo., and section 320.090, RSMo. In time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual-aid arrangements or agreements".

* *See above note.*

225.030 The City may wish to note review the provisions of Section 44.010(6), RSMo., which defines "emergency" as "any state of emergency declared by proclamation by the governor, or by resolution of the legislature pursuant to sections 44.010 to 44.130 upon the actual occurrence of a natural or man-made disaster of major proportions within this state when the safety and welfare of the inhabitants of this state are jeopardized".

* *See above note.*

225.040 The City may wish to review the provisions of this Section against the provisions of Section 44.023.4-5, RSMo., which provide that "architects and professional engineers, construction contractors, equipment dealers and other owners and operators of construction equipment and the companies with which they are employed, working under the emergency volunteer program, shall not be personally liable either jointly or separately for any act or acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence. 5. Any individuals, employers, partnerships, corporations or proprietorships, that are working under the emergency volunteer program providing demolition, cleanup, removal or other related services, shall not be liable for any acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence".

* *See above note.*

225.170 This Section may be adequately addressed by Section 225.010 and Comment thereto.

* *See above note.*

225.180 See Comment to Section 225.170.

* *See above note.*

225.200 The City may wish to review the provisions of this Section against the provisions of Section 44.115, RSMo., which provides that "No person shall be employed or associated in any capacity in any organization established under sections 44.010 to 44.130 who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is

appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows: "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the state of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such a time as I am a member of the (name of disaster or emergency organization), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence". The City will note the words of the statutory oath differ somewhat from the words used herein.

* *See above note.*

225.210 The City may wish to consider referencing the "Coordinator" as stated in the Comment to Section 225.010 in order to be consistent throughout this compilation. In addition, the City may wish to review this Section to make certain the divisions are still current.

* *See above note.*

225.220 See Comment to Section 225.210.

* *See above note.*

225.230 See Comment to Section 225.210.

* *See above note.*

225.490 See Comment to Section 225.010.

* *See above note.*

225.570 See Comment to Section 225.040.

* *See above note.*

CH. 227(225) EMERGENCY MANAGEMENT

Generally Due to the age of the enabling ordinances the City may wish to review this Chapter in its entirety to make certain it is still current.

Additionally, the City may wish to review the provisions of this Chapter against the provisions of Chapter 225, Civil Defense, and consider whether the two Chapters may be combined for ease of reference and to avoid any potential there may be for conflict.

227.010(225.010) The City may wish to note Section 44.010(4), RSMo., defines the related term "disasters", as those "disasters which may result from terrorism, including bioterrorism, or from fire, wind, flood, earthquake, or other natural or man-made causes".

* *In the second line after the word "explosion" we inserted "terrorism, including bioterrorism,".*

227.020(225.020) This Section may be adequately addressed by Sections 225.030 and 225.530.

* *No change except numbering.*

227.040(A)
(225.040(A)) See Comment to Section 225.010 and consider whether these two Sections may be combined for ease of reference and to avoid any potential there may be for conflict. Also, note the "Coordinator" is appointed by the "executive officer of the political subdivision" which differs from the reference herein to "appointment by the Public Works Department with the approval of the City Administrator".

* *No change except numbering.*

227.050(C)
(225.050(C)) The City may wish to review the provisions of this Section against the provisions of Section 44.080.1, RSMo., which provides that "the executive officer of the political subdivision shall appoint a coordinator who shall have direct responsibility for the organization, administration and operation of the local emergency management operations, subject to the direction and control of the executive officer or governing body". This language differs from the reference herein to the Coordinator being "subject to the direction and control of the City Administrator".

* *No change except numbering.*

227.050(F)
(225.050(F)) The City may wish to consider referencing the title of the law cited as "P.L. 85-606" in order to avoid any potential there may be for conflict. If this is a federal law the City may wish to review it to make certain it is still current.

* *We deleted "under P.L. 85.606".*

227.070(225.070) The City may wish to note pursuant to Section 44.080.2, RSMo., "each political subdivision 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; and (2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation". This differs somewhat from the reference herein to "the City Administrator and the Coordinator, in accordance with the Missouri Civil Defense Act, may" exercise the duties outlined herein.

* *No change except numbering.*

227.080(225.080) This Section may be adequately addressed by Section 225.200 and Comment thereto.

* *No change except numbering; Section 225.200 was deleted.*

227.100(225.100) The City may wish to review this Section to make certain it is still current.

* *We added a definition of BIOTERRORISM which derived from Section 44.010, RSMo.*

227.120(225.120) ***We deleted Subsection (C).***

CH. 230

DISCRIMINATION HUMAN RIGHTS

Generally The City should consider changing all references to the bases of discrimination so they reflect the statutory language of Chapter 213, RSMo., as set forth in the definition of "Discrimination" at Section 213.010(5), RSMo.

* ***We deleted this Chapter and inserted a model Chapter on Human Rights, in Sections 230.030 and 230.040 there are some blanks to filled in. Review this Chapter and confirm its inclusion. Especially review Article II, Sections 230.030 et seq., and advise if this Article represents the Commission properly.***

230.030 *We inserted "three (3)" members with "one (1)" for each term.*

230.040 As to the definition of AGE CLASSIFICATION, the City may wish to note the similar statutory provisions of Section 213.010(1), RSMo., defines the related term "age" as "an age of forty or more years but less than seventy years, except that it shall not be an unlawful employment practice for an employer to require the compulsory retirement of any person who has attained the age of sixty-five and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if such person is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan, or any combination of such plans, of the employer, which equals, in the aggregate, at least forty-four thousand dollars".

* *See above note.*

* *We inserted "two (2)" in the blank.*

As to the definition of DISCRIMINATION OR DISCRIMINATE, the City may wish to note Section 213.010(5), RSMo., defines the related term "Discrimination", as "any unfair treatment based on race, color, religion, national origin, ancestry, sex, age as it relates to employment, disability, or familial status as it relates to housing". The City should note the use of the term "disability" in place of "handicap", the lack of mention of the terms "religious affiliation" and "marital status," the reference to "age as it relates to employment" and the reference to "familial status as it relates to housing and consider changing all references throughout this Chapter to this list of prohibited bases of discrimination to reflect the current statutory language.

*

See above note.

As to the definition of DWELLING UNIT, the City may wish to note Section 213.010(6), RSMo., defines the related word "dwelling" as "any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof".

*

See above note.

As to the definition of PERSON, the City may wish to note Section 213.010(14), RSMo., defines this term as "one or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons".

*

See above note.

230.050(A)

The City may wish to review the provisions of this Section against the provisions of Section 213.040.1(1)-(2), RSMo., which makes it an unlawful housing practice "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".

*

See above note.

230.050(A)1

The City may wish to review the provisions of this Section against the provisions of Section 213.040.1(3), RSMo., which provides that it is an unlawful housing practice "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".

* *See above note.*

230.050(A)2 The City may wish to review the provisions of this Section against the similar statutory provisions of Section 213.045, RSMo., which provides that "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 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 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".

* *See above note.*

230.050(A)3 The City may wish to review the provisions of this Section against the provisions of Section 213.040.1(5), RSMo., which provides that it is an unlawful housing practice "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/"

* *See above note.*

230.050(A)5 The City may wish to review the provisions of this Section against the provisions of Section 214.040.1(4), RSMo., which makes it an unlawful housing practice "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".

* *See above note.*

230.060 See Comment to Section 230.050(A)2.

* *See above note.*

230.090 See reference to Ord. No. 131. We believe this ordinance, which was previously contained in §§9-16—9-25, was repealed by Ord. No. 863, see log of ordinances.

* *See above note.*

230.120 Note the penalty should probably refer to the general penalty of \$1,000.00.

* *See above note.*

CH. 235 SOLID WASTE

235.010 As to the definition of HAZARDOUS WASTE, the City may wish to note Section 260.360(11), RSMo., uses the words "or the environment" instead of "other living organisms" as those words appear in the fifth line of this Section. The last reference in this definition appears to be incorrect, review and advise.

* *We inserted RSMo. §260.360(11).*

As to the definition of INFECTIOUS WASTE, the City may wish to review the provisions of Section 260.360(14), RSMo., which defines this term as "waste in quantities and characteristics as determined by the department by rule and regulation, including the following wastes known or suspected to be infectious: isolation wastes, cultures and stocks of etiologic agents, contaminated blood and blood products, other contaminated surgical wastes, wastes from autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals and antineoplastic chemotherapeutic materials; provided, however, that infectious waste does not mean waste treated to department specifications".

* *We inserted RSMo. §260.360(14).*

As to the definition of PERSON, the City may wish to note Section 260.360(17), RSMo., which defines this term as "an individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity whatever which is recognized by law as the subject of rights and duties".

* *We inserted RSMo. §260.360(17).*

As to the definition of SOLID WASTE, the City may wish to review the provisions of Section 200.260(43), RSMo., which defines this term as "garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting".

* *We inserted RSMo. §260.200(43).*

As to the definition of WASTE, the City may wish to review the provisions of Section 200.260(22), RSMo., defines this term as "any material for which no use or sale is intended and which will be discarded or any material which has been or is being discarded. Waste shall also include certain residual materials,

to be specified by the rules and regulations, which may be sold for purposes of energy or materials reclamation, reuse or transformation into new products which are not wastes".

*
We inserted RSMo. §260.360(22).

As to the definition of YARD WASTE, the City may wish to note Section 260.200(53), RSMo., defines this term as "leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls".

*
We inserted RSMo. §260.200(53).

235.030 **In the first line we deleted "the City Engineer or".**

235.050 *We removed " or his/her designee" following City Engineer while completing a search to globally remove such language. However we thought the City should review the City Engineer as it occurred to us this might not have been intended. If a change is made here it will also need to be made in 235.360.*

*
Ok as is.

235.060 *In the last line of this Section see the reference to Section 235.090 which has been deleted. We have changed this to refer to the general penalty. Review and advise if any change is needed.*

*
Ok as is.

235.090 **We deleted this Section.**

235.330 The City may wish to review this Section to make certain the license fee is still current.

*
Kelly to review. Ok as is.

235.350 See reference to Section 25-50, this is a reserved Section in the previous Code.

*
City needs to advise.

*
We deleted this reference and inserted "St. Louis County Department of Health".

235.650 **We deleted Subsection (B) and relettered the following Subsection.**

Art. VII *City to review this Article consisting of Sections 235.800—235.950.*

*
Ok as is.

CH. 240

HEALTH AND SANITATION

240.010

The City may wish to note the contract referenced herein was not attached and therefore not reviewed. The City may wish to review said contract to make certain it is still current.

*

We retained the language of Subsection (B) only.

240.070

See Comment to Section 240.010.

*

City to review and advise.

*

Ok as is.

CH. 245

AVIATION

Generally

The City may wish to review this Chapter to make certain it is still current.

245.010(5)

In the introductory language we deleted "and the Department of Planning".

245.020(1)

This Subsection appears to be missing a word.

*

We deleted "representing to the City Clerk".

245.030

We deleted this Section.

TITLE III. TRAFFIC CODE

CH. 300

GENERAL PROVISIONS

300.005

Since the City apparently adopted the MTO in 1988, there are numerous changes to Statutes which have been made since then.

We have a comprehensive traffic code which the City may want to review.

*

We deleted this Section.

300.010

As to the definition of MOTOR VEHICLE, the City may wish to note the similar statutory provision of Section 300.010(15), RSMo., defines this term as including the phrase "and motorized bicycles," after the word "tractors" at the end of this Section.

*

At the end of this definition we added "and motorized bicycles".

As to the definition of VEHICLE, the City may wish to note the similar statutory provision of Section 300.010(41), RSMo., defines this term as "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".

*

We inserted RSMo. §300.010(41).

*

We also added a new definition of EMERGENCY VEHICLE which derives from Section 304.022, RSMo.

CH. 305

TRAFFIC ADMINISTRATION

305.020

Is there a Traffic Division in the City which carries out all the responsibilities set forth in this Chapter?

*

Yes.

305.030—305.050

We deleted these Sections and renumbered the subsequent Sections.

305.060(305.030)

In the second sentence we deleted "Accident reports or cards referring to them shall be filed" and added the remaining language of this sentence to the first sentence.

305.070—305.090

We deleted these Sections and renumbered the subsequent Sections.

305.120

We deleted this Section.

CH. 310

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

310.010(C)

The City may wish to review the provisions of this Section against the similar statutory provisions of Section 300.075, RSMo., which uses the word "incident" rather than "fire" as that word appears in the first line of this Section.

*

We made the above change.

310.020

The City may wish to review the provisions of this Section against the similar statutory provisions of Section 300.080, RSMo., which uses the word "knowingly" rather than "willfully" as that word appears in the first line of this Section.

*

We made the above change.

310.025

This Section may be adequately addressed by Sections 310.010(C) and 310.020.

*

We changed the word "willfully" to "knowingly".

310.060

We deleted this entire Section and inserted a new Section "Emergency Vehicles—Use Of Lights And Sirens—Right-Of-Way—Stationary Vehicles, Procedure—Penalty" which derived from RSMo. §304.022.

310.060(C)

The City may wish to review the provisions of this Section against the similar statutory provisions of Section 300.100.3, RSMo., which provides that "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 lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, RSMo.". This language differs somewhat from the language used herein.

The City may also wish to review Section 304.022, RSMo., for additional regulations.

*

See above note.

310.070

We deleted this entire Section and inserted a new Section "Sirens And Flashing Lights Emergency Use—Persons Authorized—Violation—Penalty" which derived from RSMo. §307.175.

310.070(A)2

The City may wish to review this Section to make certain it is still applicable to the City. Additionally, the similar statutory provision of Section 300.105, RSMo., does not reference streetcars.

*

See above note.

310.080 The City may wish to review the provisions of this Section against the similar statutory provisions of Section 300.110, RSMo., which provides that "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 or more to one person shall give, or cause to be given, notice of such accident to the police department as soon as reasonably possible".

* *We deleted this Section and inserted a new Section "Immediate Notice Of Accident Within City" which derived from RSMo. §300.110.*

310.110 The City may wish to note the similar statutory provision of Section 300.125, RSMo., was repealed by House Bill 1270 in 2002.

* *We deleted this Section.*

CH. 315 TRAFFIC CONTROL DEVICES

315.020 *In the first sentence we deleted "and specifications approved by the State Highway Commission" and inserted "for uniform traffic control devices in 23 Code of Federal Regulations".*

315.070 *We deleted this entire Section and inserted a new Section "Traffic Control Signal Legend—Right Turn On Red Light—When" which derived from RSMo. §300.155.*

315.070.3a The City may wish to note the similar statutory provision of Section 300.155(3)(a), RSMo., contains an exception at the end of this Section which states "except as provided in paragraph (b) of this subdivision," which the City may wish to review.

Additionally, the City may wish to note Section 300.155(3)(b), RSMo., contains an additional example which provides that "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".

* *See above note.*

315.080 The City may wish to note the similar statutory provision of Section 300.160, RSMo., includes the phrase "or appropriate symbols" after the words "Don't Walk" as they appear in the first line of this Section.

* *We deleted the language of this Section and inserted RSMo. §300.160.*

315.130—315.140 *We deleted these Sections and renumbered the subsequent Sections.*

315.150 *City Attorney to review and advise.*

* *This Section was deleted.*

CH. 320 SPEED REGULATIONS

320.010 *We deleted "but no City ordinance shall regulate the speed of vehicles upon controlled access highways of the State".*

320.030 Please review this Section to make certain it is still current.

* *No change.*

CH. 325 TURNING MOVEMENTS

325.010 *We deleted the language of this Section and inserted RSMo. §300.215.*

325.010.1 The City may wish to note the similar statutory provision of Section 300.215(1), RSMo., includes the following phrase after the word "roadway" as it appears in the second line of this Section: "except where multiple turn lanes have been established".

* *See above note.*

325.010.3 The City may wish to note the similar statutory provision of Section 300.215(3), RSMo., includes the following phrase after the word "entered" as it appears in the seventh line of this Section: "except where multiple turn lanes have been established".

Additionally, the City may wish to review the provisions of Section 300.215(4), RSMo., which contains other turning restrictions as follows: "(4) Designated two-way left turn lanes: Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices: (a) A left turn shall not be made from any other lane; (b) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a u-turn when otherwise permitted by law; (c) A vehicle shall not be driven in the lane for a distance more than five hundred feet".

* *See above note.*

325.060 *We inserted a new Section "U-Turn Movements At Electric Traffic Control Signals And Other Locations" which derived from Ordinance No. 2630.*

CH. 335 STOP AND YIELD INTERSECTIONS, RAILROAD CROSSINGS, ETC.

335.100 The City may wish to review the provisions of this Section to make certain it is still current.

* *No change.*

CH. 340 MISCELLANEOUS DRIVING RULES

340.010 The City may wish to review the provisions of this Section against the provisions of Section 300.300, RSMo., which provides that "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 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm".

* *We deleted this Section and inserted a new Section "Following Emergency Vehicle Prohibited" which derived from RSMo. §300.300.*

340.030—340.050 Note there is more current statutory material in Section 194.500, RSMo., et seq. which the City may want to include.

340.030 *We deleted this Section and inserted a new Section "Funeral Processions" which derived from RSMo. §§194.500—194.512.*

340.040 *No change.*

340.050 *We deleted this Section.*

340.060 Is this still current in the City?

* *We deleted this Section and renumbered the subsequent Sections.*

340.070(340.050) The City may wish to review the provisions of this Section against the provisions of Section 300.330, RSMo., which provides that "the driver of a motor vehicle shall not drive within any sidewalk area except as 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".

* *We deleted this Section and inserted a new Section "Vehicle Shall Not Be Driven On A Sidewalk—Prohibition On Obstruction Bicycle Lanes—Drivers To Yield To Bicycles In Designated Bicycle Lanes" which derived from RSMo. §300.330.*

340.110(340.090) The City may wish to review the provisions of this Section against the similar statutory provisions of Section 300.347.3, RSMo., which contains an additional prohibition which states "no person shall ride a motorized bicycle upon a sidewalk".

* *We deleted this Section and inserted a new Section "Riding Bicycle On Sidewalks—Limitations—Motorized Bicycles Prohibited which derived from RSMo. §300.347.*

340.120(340.100) The City may wish to review the provisions of this Section against the provisions of Section 300.350, RSMo., which contains an additional prohibition which states "neither shall the driver of a vehicle knowingly pull a rider behind a vehicle".

* *We deleted this Section and inserted a new Section "Riding Bicycles, Sleds, Roller Skates By Attaching To Another Vehicle Prohibited—Pulling A Rider Behind Vehicle Prohibited" which derived from RSMo. §300.350.*

340.160(340.140) See Section 210.260 and Comment thereto.

* *No change except numbering.*

340.170(340.150) See Section 205.240 and Comment thereto.

* *In the first sentence we deleted the words "standing" and "or locked" and after the word "vehicle" we inserted "under conditions which in the opinion of a Police Officer may result in substantial harm to the animal".*

340.190(340.170) The City may wish to review this Section to make certain it is still current.

* *No change except numbering.*

340.200(340.180) The City may wish to review the provisions of this Section against the provisions of Section 577.060.2 and 3, RSMo., which set forth additional elements of this offense as well as the penalties for violation as follows: "2. For the purposes of this section, all peace officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident. 3. Leaving the scene of a motor vehicle accident is a class A misdemeanor, except that it shall be a

class D felony if the accident resulted in: (1) Physical injury to another party; or (2) Property damage in excess of one thousand dollars; or (3) If the defendant has previously pled guilty to or been found guilty of a violation of this section".

* *We deleted this Section and inserted a new Section "Leaving The Scene Of A Motor Vehicle Accident" which derived from RSMo. §577.060.*

340.230(340.210) *We deleted this Section and inserted a new Section "Passing Regulations" which derived from RSMo. §304.016.*

340.230(A)1
(340.210) The City may wish to review this Section to make certain it is still current.

* *See above note.*

340.230(A)3
(340.210) The City may wish to review the provisions of this Section against the similar statutory provisions of Section 304.016.1(2), RSMo., which provides that "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".

* *See above note.*

340.230(B)4
(340.210) The City may wish to review the provisions of this Section against the similar statutory provisions of Section 304.016.2(4), RSMo., which provides that "upon any highway outside of a city with unobstructed pavement of sufficient width and clearly marked for four or more lines of traffic. 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".

* *See above note.*

340.240 The City may wish to review the provisions of this Section against the provisions of Section 340.010 and Comment thereto.

* *We deleted this Section and renumbered the subsequent Sections.*

340.260(340.230) *We deleted this Section and inserted a new Section "Stopping For School Bus" which derived from RSMo. §304.050.*

340.260(B)
(340.230)

The City may wish to note the similar statutory provision of Section 304.050.2, RSMo., contains the phrase "approved by the state board of education," after the words "signaling device" as they appear in the sixth line of this Section.

*

See above note.

340.260(C)
(340.230)

The City may wish to review the provisions of this Section against the provisions of Section 304.050.4, RSMo., which sets forth this requirement as follows: "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 shall have the authority pursuant to this section 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 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 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 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 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 miles per hour and at least three hundred 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".

*

See above note.

340.260(D)
(340.230)

The City may wish to note the similar statutory provision of Section 304.050.5, RSMo., uses the word "separate" rather than "separated" as that word appears in the second line of this Section.

*

See above note.

340.280(340.250)

The City may wish to review the provisions of this Section against the provisions of Section 304.080, RSMo., which provides that "the driver of a vehicle approaching a person with a visual, aural or physical disability who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, hearing dog or service dog shall yield to such pedestrian, and any driver who fails to take such precautions shall be liable in

damages for any injury caused such pedestrian and any injury caused to the pedestrian's guide dog, hearing dog or service dog; provided that such a pedestrian not carrying such cane or using a guide dog, hearing dog or service dog in any of the places, accommodations or conveyances listed in section 209.150, RSMo., shall have all of the rights and privileges conferred by law upon other persons".

* *We deleted this Section and inserted a new Section "Handicapped Persons With White Cane Or Dog, Driver To Take All Necessary Precautions—Cane Or Dog Not Required To Enforce Rights, When" which derived from RSMo. §304.080, RSMo.*

340.310 *We deleted this Section and renumbered the subsequent Sections.*

340.310(A) As to the definition of BUS, the City may wish to note Section 301.010(6), RSMo., defines this term as "a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses".

* *See above note.*

As to the definition of TRUCK, the City may wish to note Section 301.010(61), RSMo., defines this term as " a motor vehicle designed, used, or maintained for the transportation of property".

* *See above note.*

340.320(340.280) The City may wish to review the provisions of this Section to make certain it is still current.

* *In Subsection (D) in the third line after the word "private" we inserted "streets and"; we deleted Subsections (I) and relettered the following Subsection; we deleted Subsections (K) and (L).*

340.330(340.290) *We deleted Subsection (B).*

(340.340(340.300) *We deleted Subsection (B).*

505.010(340.310) *We moved Section 505.010 "Blocking Vehicular Traffic On Public Streets—Prohibited" herein and renumbered.*

CH. 342 ALCOHOL-RELATED TRAFFIC OFFENSES

Generally The City may wish to note House Bill 1695, 2010, enacted a new Section 577.006, RSMo., which relates to intoxication-related traffic offenses. The new statute establishes procedures for municipal judges to receive adequate instruction on such cases, the establishment of a written policy on timely

disposition of such cases, and a new report required of municipal judges, which the City may wish to review and consider including either in this Chapter or perhaps, more appropriately, in Chapter 130, Municipal Court.

House Bill 1695, 2010 at Section 577.006, RSMo., provides that: "1. Each municipal judge shall receive adequate instruction on the laws related to intoxication-related traffic offenses as defined in section 577.023 including jurisdictional issues related to such offenses, reporting requirements to the highway patrol central repository as set out in section 43.503 and required assessment for offenders under the substance abuse traffic offender program (SATOP). Each municipal judge shall adopt a written policy requiring that municipal court personnel timely report all dispositions of all charges for intoxication-related traffic offenses to the central repository. 2. Each municipal court shall provide a copy of its written policy for reporting dispositions of intoxication-related traffic offenses to the office of state courts administrator and the highway patrol. To assist municipal courts, the office of state courts administrator may create a model policy for the reporting of dispositions of all charges for intoxication-related traffic offenses. 3. Each municipal division of every circuit court in the state of Missouri shall prepare a report every six months. The report shall include, but shall not be limited to, the total number and disposition of every intoxication-related traffic offense adjudicated, dismissed or pending in its municipal court division. The municipal court division shall submit and report to the circuit court en banc. The report shall include the six month period beginning January first and ending June thirtieth and the six month period beginning July first and ending December thirty-first of each year. The report shall be submitted to the circuit court en banc no later than sixty days following the end of the reporting period. The circuit court en banc shall make recommendations or take any action it deems appropriate based on its review of said reports".

342.010

The City may wish to review the provisions of this Section against the provisions of Section 577.010, RSMo., which sets forth the elements of the offense of driving while intoxicated as follows: "1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition. 2. Driving while intoxicated is for the first offense, a class B misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years".

The City may wish to note pursuant to House Bill 1695, 2010, Section 577.010,. RSMo., was amended to include new provisions which state: "3. Notwithstanding the provisions of subsection 2 of this section, in a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program. 4. If a person is not granted a suspended imposition of sentence for the reasons described in

sub section 3 of this section, for such first offense: (1) if the individual operated the motor vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours; (2) if the individual operated the motor vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days". The City may wish to consider whether the new statutory language is applicable herein.

* *No change.*

342.020 *We deleted the language of this Section and inserted RSMo. §577.012.*

342.020(A) The City may wish to note the similar statutory provision of Section 577.012.1, RSMo., provides that the blood alcohol content is "eight-hundredths of one percent or more by weight of alcohol in such person's blood". This differs from the "ten-hundredths of one percent" referenced herein.

Additionally, the City may wish to note pursuant to House Bill 1695, 2010, Section 577.012, RSMo., was amended to include new provisions relating to the sentencing for violations of this provision which are similar to the amendments referenced in the Comment to Section 342.010. The City may wish to review the amended statutory provision and consider whether it is applicable herein.

* *See above note.*

342.025(130.075) This Section may be better placed in Ch. 130, Municipal Court.

* *This Section was moved to the Municipal Court Chapter as Section 130.075.*

342.030 *We deleted Subsection (F).*

CH. 355 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

355.010 *City to revise this Section, we made changes per notes as follows:
(A)(2)(c) Deleted "at an intersection" at the end of that Subdivision.
(A)(2)(d) After the words "approach to..." the words "any intersection, or" were added. Please review and advise of any additional changes.*

* *We moved Subparagraphs (A)(11—16) herein and relettered under Subparagraph (A)(3) as (c)—(h).*

355.100 The City may wish to review the provisions of this Section against the provisions of Section 355.040 and consider whether the two Sections may be combined for ease of reference and to avoid any potential there may be for conflict.

* *No change.*

355.110 The City may wish to review the provisions of this Section against the provisions of Section 301.143, RSMo., which provides that "1. As used in this section, the term "vehicle" shall have the same meaning given it in section 301.010, and the term "physically disabled" shall have the same meaning given it in section 301.142. 2. Political subdivisions of the state may by ordinance or resolution designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Owners of private property used for public parking shall also designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever a political subdivision or owner of private property so designates a parking space, the space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility and shall also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign 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".. 3. Any political subdivision, by ordinance or resolution, and any person or corporation in lawful possession of a public off-street parking facility or any other owner of private property may designate reserved parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as possible to the nearest accessible entrance. Such designation shall be made by posting immediately adjacent to, and visible from, each space, a sign upon which is inscribed the international symbol of accessibility, and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. 4. The local police or sheriff's department may cause the removal of any vehicle not displaying a distinguishing license plate or card on which is inscribed the international symbol of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card issued by any other state from a space designated for physically disabled persons if there is posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed the international symbol of accessibility and may 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. Any person who parks in a space reserved for physically disabled persons and is not displaying distinguishing license plates or a card is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars. Any vehicle which has been removed and which is not properly claimed within thirty days thereafter shall be considered to be an abandoned vehicle. 5. Spaces designated for use by vehicles

displaying the distinguishing "disabled" license plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established pursuant thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated by political subdivisions in residential areas for the exclusive use of vehicles displaying a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the requirements of the federal Americans with Disabilities Act pursuant to this subsection and any such space shall have clearly and visibly painted upon it the international symbol of accessibility and any curb adjacent to the space shall be clearly and visibly painted blue. 6. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority of this section shall be guilty of a class B misdemeanor. 7. Law enforcement officials may enter upon private property open to public use to enforce the provisions of this section and section 301.142, including private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. 8. Nonconforming signs or spaces otherwise required pursuant to this section which are in use prior to August 28, 1997, shall not be in violation of this section during the useful life of such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs or spaces be extended by means other than those means used to maintain any sign or space on the owner's property which is not used for vehicles displaying a disabled license plate".

* *We deleted this Section and inserted a new Section "Physically Disabled Parking" which derived from RSMo. §301.143.*

355.130(215.140) *We moved this Section "Parking Prohibited In Residential Front Yards" to Chapter 215 as Section 215.140.*

355.150 This Section may be adequately addressed by Section 355.040.

* *We deleted this Section and renumbered the subsequent Sections.*

355.180(355.160) The City may wish to review the provisions of this Section against the provisions of Section 355.010 and consider whether the issue is adequately addressed therein or whether the two Sections may be combined for ease of reference and to avoid any potential there may be for conflict.

* *In Subsection (A) we deleted Subparagraphs (1)—(3) and the remaining Subparagraphs were renumbered; we inserted a new Subparagraph (13) and renumbered the following; as to Subparagraph (16) (now 14) we deleted "the road so as to obstruct emergency snow removal operation" and inserted "an emergency snow route as listed in Schedule XVI when there are accumulations of snow or ice of more than two (2) inches". City to review.*

In Subsection (B) we changed "Department of Public Works or the Division of Highways" to read "City Traffic Engineer".

* *Subparagraphs (A)(11—16) were moved to Subparagraph 355.010(A)(3) as (c)—(h); City Attorney to review and advise whether to retain Subsections (B) and (C) herein. We deleted "in any of the following places:" at the end of Subsection (A).*

* *Okay as is.*

355.180 *We inserted a new Section "Parking Of Recreational Vehicles In Residential Areas" which derived from Ordinance No. 2641.*

CH. 365 STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

365.070 The City may wish to review the provisions of this Section against the provisions of Section 355.160 and consider whether the two Sections may be combined for ease of reference and to avoid any potential there may be for conflict.

* *No change.*

CH. 370 VEHICLE EQUIPMENT

370.010 As to the definition of WHEN LIGHTED LAMPS ARE REQUIRED, the City may wish to note Section 307.020(9), RSMo.1, also provides that "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".

* *We inserted RSMo. §307.020(9).*

370.050 The City may wish to note the similar statutory provision of Section 307.045, RSMo., also provides that "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".

* *We deleted the language of this Section and inserted RSMo. §307.045.*

370.060 The City may wish to review the provisions of this Section against the provisions of Section 307.070.1, RSMo., which provides that "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 feet, or is within three

hundred 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 feet ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead".

* *We deleted this Section and inserted a new Section "Dimming Of Lights—When" which derived from RSMo. §307.070.*

370.070(A) The City may wish to review the provisions of this Section against the provisions of Section 307.075.1, RSMo., which provides that "every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two 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 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 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".

* *We deleted this Section and inserted a new Section "Taillamps—Reflectors" which derived from RSMo. §307.075.*

370.070(B) The City may wish to note the similar statutory provision of Section 307.075.2, RSMo., includes the phrase "every motorcycle registered in this state, when operated on a highway," after the word "motorcycle" as it appears in the first line of this Section.

* *See above note.*

370.130 The City may wish to note the similar statutory provisions of Section 307.125, RSMo., use the term "animal driven vehicles" rather than "horse-drawn vehicle" as referenced herein. Additionally, the City may wish to review the provisions of Section 307.125.2, RSMo., which sets forth additional requirements regarding the lighting for this type of vehicle as follows: "in addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half hour before sunrise shall have at least one light flashing at all times the vehicle is on any highway of this state. 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 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 feet. Any person violating the provisions of this section shall be guilty of an infraction. 3. Any person operating an animal-driven vehicle during the hours between sunset and one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this section, use lamps or lanterns

complying with the rules promulgated by the director of the department of public safety".

* *We deleted this Section and inserted a new Section "Animal-Driven Vehicles—Lighting Requirements—Penalty which derived from RSMo. 307.125.*

370.180 The City may wish to review the provisions of this Section against the provisions of Section 307.170.2, RSMo., which provides that "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".

* *We deleted this Section and inserted a new Section "Muffler Cutouts" which derived from RSMo. §307.170.2.*

370.220 The City may wish to review the provisions of this Section against the similar statutory provisions of Section 307.170. 6, RSMo., which provides that "when one vehicle is towing another, the connecting device shall not exceed fifteen feet. During the time that lights are required by sections 307.020 to 307.120, 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 City may also wish to note Section 307.170.7, RSMo., also provides that "the provisions of subsection 6 of this section shall not apply to farm implements, or to any vehicle which is not required to be registered".

* *We deleted this Section and inserted a new Section "Towlines" which derived from RSMo. §307.170.6.*

370.250 The City may wish to review the provisions of this Section against the provisions of Section 307.173, RSMo., which sets forth the specifications for sun screening device applied to windshield or windows as follows: "1. 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 or more plus or minus three percent and a luminous

reflectance of thirty-five percent or less plus or minus three percent. Except as provided in subsection 5 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 by 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 2 of this section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited. 2. 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. 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo., that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo., and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo., are non-severable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo., to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. 4. Any person who violates the provisions of this section is guilty of a class C misdemeanor. 5. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this section".

* *We deleted this Section and inserted a new Section "Vision-Reducing Material Applied To Windshield Or Windows Without Permit Prohibited—Penalty—Rules—Procedure" which derived from RSMo. §307.173.*

370.280

The City may wish to review the provisions of this Section against the provisions of Section 307.172.1, RSMo., which provides that "no person shall operate any passenger motor vehicle upon the public streets or highways of this state, 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". This differs somewhat from the way the prohibition is described herein.

* *We deleted this Section and inserted a new Section "Altering Passenger Motor Vehicle By Raising Front Or Rear Of Vehicle Prohibited, When—Bumpers Front And Rear Required, When Certain Vehicles Exempt" which derived from RSMo. §307.172.*

370.290(B) The City may wish to review the provisions of this Section against the provisions of Section 307.179.2, RSMo., which provides that "every driver transporting a child under the age of sixteen years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this state, for providing for the protection of such child as follows: (1) Children less than four 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 pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child; (3) Children at least four years of age but less than eight years of age, who also weigh at least forty pounds but less than eighty pounds, and who are also less than four feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child; (4) Children at least eighty pounds or children more than four feet, nine inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child".

* *We deleted this entire Section and inserted a new Section "Seat Belts" which derived from RSMo. §307.178.*

370.300(A) See Comment to Section 370.290(B).

* *We deleted this entire Section and inserted a new Section "Transporting Children Under Sixteen Years Of Age—Restraint Systems" which derived from RSMo. §307.179.*

CH. 373 BICYCLES

373.030(B) See the reference in line 4 to Subsection (B), we believe this is incorrect, could Subsection (A) be the intended reference.

* *Yes, we changed the reference to Subsection "(A)".*

CH. 375 PARADES

Generally Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

375.020 The City may wish to review the provisions of this Section against the provisions of Section 340.060 to avoid any potential there may be for conflict.

* *Section 340.060 was deleted.*

CH. 380 LICENSING

380.010 *We deleted this Section and inserted a new Section "Operation Of Motor Vehicle Without Proper License Prohibited—Motorcycles—Special License" which derived from RSMo. §§302.020.1, 302.720, 302.178.*

380.020 *We deleted this Section and inserted a new Section "Driving While License Suspended Or Revoked" which derived from RSMo. §302.321.1.*

380.020(B) The City may wish to review the provisions of this Section against the provisions of Section 302.130.1, RSMo., which provides that "any person at least fifteen years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent, guardian, a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program who has a valid driver's license".

* *See above note.*

380.030 The City may wish to review the provisions of this Section against the provisions of Section 302.321.1, RSMo., which provides that "a person commits the crime 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".

* *We deleted this Section and renumbered the subsequent Sections.*

380.040 *We inserted a new Section "Prohibited Uses Of License" which derived from RSMo. §§302.220, 302.301.3.*

380.050 *We inserted a new Section "Exemptions From License Law" which derived from RSMo. §302.080.*

380.060 *We moved Section 210.100(A) "Unlawful To Alter A Motor Vehicle Operator's License Or Identification Card" herein and renumbered; Subsection (B) has been deleted.*

380.080(380.100) Note that the similar statutory provisions of Section 303.025, RSMo., which has been amended as recently as 2010 states this offense more comprehensively. It also appears to be a Class C misdemeanor which seems, per Section 560.016, RSMo., to only allow for a \$300.00 fine. Also see the exception to conviction in Section 303.025.3, RSMo.

* *We deleted this Section and inserted a new Section "Financial Responsibility Required" which derived from RSMo. §§303.025, 303.160, 303.190.*

380.110 *We inserted a new Section "Display Of False Evidence Of Insurance—Penalty—Confiscation Of False Evidence" which derived from RSMo. §303.178.*

380.120 *We inserted a new Section "Alteration, Production Or Sale Of Invalid Insurance Card" which derived from RSMo. §303.179.*

CH. 385 ABANDONED, WRECKED OR INOPERABLE VEHICLES

* *City to review model material left with them.*

* *The City will retain their language in this Chapter.*

385.030.1 The City may wish to note there are specific procedures in the event an automobile is abandoned pursuant to Sections 304.155, RSMo., and 304.157, RSMo., including special notification requirements set forth in Section 304.158, RSMo., which the City may wish to review and consider including herein.

* *See above note.*

385.060 *We deleted this Section.*

CH. 390 SALE OF MOTOR VEHICLES ON PRIVATE OR COMMERCIAL PARKING LOTS

Generally Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

390.080 Note that this penalty and many others in this Title are \$500.00 and the City general penalty is \$1,000.00.

* *We deleted this Section.*

Schedule II The City may wish to review this list of streets and their corresponding maximum speed limits to make certain it is still current.

* *The City is to send amendments to this Schedule.*

Schedule III The City may wish to review this list of streets which have special speed limit maximums to make certain it is still current.

Schedule IV The City may wish to review this list of intersections and locations which have turning and directional movement restrictions to make certain it is still current.

Schedule V The City may wish to review this list of through highways, roads or streets to make certain it is still current.

* *We amended this Schedule by ord. no. 2676.*

Schedule VI The City may wish to review this list of intersections where traffic is required to stop to make certain it is still current.

* *This Schedule was amended per Ordinance Nos. 2629 and 2639. Please review the spelling of "Countryside Mannon Place" and "Stonebrairy Ridge Drive", which we believe are likely spelling errors.*

* *"Mannon" was changed to "Manor"; "Stonebriary" was changed to "Stonebrier".*

Schedule VII The City may wish to review this list of intersections where traffic is required to yield to make certain it is still current.

Schedule VIII The City may wish to review this list of streets where traffic is required to stop and yield the right-of-way to children at or near a school to make certain it is still current.

Schedule IX The City may wish to review this list of streets and roads where parking is prohibited or restricted to make certain it is still current.

Schedule X The City may wish to review this list and add any locations where there are taxicab stands.

Schedule XI The City may wish to review this list of one-way roads, streets and alleys to make certain it is still current.

Schedule XII The City may wish to review this list of streets where certain kinds and classes of traffic is regulated to make certain it is still current.

Schedule XIII The City may wish to review this list of parking lots which contain parking restrictions to make certain it is still current.

Schedule XIV The City may wish to review this list of streets where a right turn on red is prohibited to make certain it is still current.

Schedule XV The City may wish to review this list of streets where through traffic is prohibited to make certain it is still current.

Schedule XVI The City may wish to review this list of snow routes to make certain it is still current.

* *This Schedule is amended per Ordinance No. 2427.*

Schedule XVII The City may wish to consider making note of the locations of the school zones pursuant to this Schedule to make certain it is current.

TITLE IV. LAND USE

Generally We have removed most of the Editor's Notes from these Chapters, since there will be many additional changes made going forward and the notes will no longer be accurate when the numbers are changed herein. We have retained the Editor's Note at the beginning of Chapter 405. We were not certain, but believe based on this note, that Ord. no. 624 should be referenced at most of the Sections in this Chapter to carry an accurate history note. We will be glad to give the City a listing of the Sections we believe would be affected if the City agrees with this idea. Obviously any new Sections, i.e 1003.107 (now set out in 405.180) would not carry this ordinance reference as it appears to be newly enacted in 2010 by ord. no. 2599.

CH. 400

PLANNING

400.030 The City may wish to review the provisions of this Section to make certain the fees herein are still current.

*

We changed the language in Subsections (1)(d—f) and 2(b) per city instructions at the final meeting.

400.030(2)(b) We made a typographical change in the 4th line herein. In the previous Code this read "If the estimate fee is inadequate..."; we changed it to read "If the estimated fee is inadequate...". Review and confirm.

*

Ok per City.

Art. II

Planning And Zoning Commission

Generally The City may wish to review the provisions of this Article against the provisions of Chapter 120, Article V, Department of Planning, to avoid any potential there may be for conflict.

400.110 The City may wish to review the provisions of this Section against the provisions of Section 120.610 and consider clarifying the relationship between the "Planning Commission" described herein to the "Department of Planning" described in that Section to avoid any potential there may be for conflict.

*

No change.

400.120(B) The City may wish to review the provisions of this Section against the provisions of Section 89.320, RSMo., which provides that "the planning commission of any municipality shall consist of not more than fifteen nor less than seven members, including: (1) The mayor, if the mayor chooses to be a member; (2) A member of the council selected by the council, if

the council chooses to have a member serve on the commission; and (3) Not more than fifteen nor less than five citizens appointed by the mayor and approved by the council."

* *After the phrase "include the Mayor" we inserted "if the Mayor chooses to be a member"; after the phrase "selected by the City Council" we inserted "if the Council chooses to have a member serve on the Commission".*

400.140(A) The City may wish to note Section 400.120(B) does not reference the "City Engineer" as a member of this Committee. The City may wish to review these Sections to avoid any potential there may be for conflict.

* *We deleted Subsection (A) and relettered the subsequent Subsections.*

400.140(B)(A) In the first line of this Subsection, the Code originally read "on the effective date of this ordinance"; we changed this to read "on the effective date of this Section"; however the City may find it prudent to insert the actual date referred to, either the date of the original zoning ordinance or the date of the amending ordinance that is being referred to. This change was also made in the following Subsections; the City should review each of these carefully as it appears that a different date may be required for many of these and some of these references can probably be deleted entirely because they are no longer applicable:

400.190; 405.160(F)(1)(b); 405.160(f)(4)(h); 405.220(C)(1)(c); 405.220(C)(4)(b); 405.230(C)(1)(c); 405.230(C)(4)(b); 405.240(C)(1)(c); 405.240(C)(4)(b); 405.250(C)(1)(c); 405.250(C)(4)(b); 405.260(C)(1)(c); 405.260(C)(4)(b); 405.270(C)(1)(c); 405.270(C)(4)(b); 405.280(C)(1)(f); 405.280(C)(4)(b); 405.290(C)(1)(f); 405.290(C)(4)(b); 405.300(C)(4)(f); 405.300(C)(4)(b); 405.310(C)(1)(f); 405.310(C)(4)(b); 405.320(C)(1)(f); 405.320(C)(4)(b); 405.360(F)(4); 405.370(F)(5); 405.380(F)(2); 405.430(D)(2); 405.500(D)(2); 405.590(I); 405.830(S)(3); 405.830(S)(3)(h)(1); 405.830(S)(4)(a); 405.830(S)(5)(a)(1); 405.830(S)(5)(a)(2); 405.910(B)(3); 405.1360(M)(1); 410.090(I); 410.220(1)(r); 410.220(2)(c); 410.480; 415.050 (definitions of "Existing Construction" and "New Construction").

* *We deleted "here and after the effective date of this Section (insert effective date)". We removed the language at Section 400.140 completely and returned all other noted Sections to their original language.*

400.150(4) The City may wish to review the provisions of this Section against the provisions of Section 89.380, RSMo., which provides that "whenever the commission adopts the plan of the municipality or any part thereof, no street or other public facilities, or no public utility, whether publicly or privately owned, and, the location, extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the municipality until the location, extent and character thereof has been submitted to and approved by the planning commission. In case of disapproval the commission shall

communicate its reasons to the council, and the council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the council or the appropriate board or officer may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the council, then the submission to the planning commission shall be by the board having jurisdiction, and the planning commission's disapproval may be overruled by that board by a vote of not less than two-thirds of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within sixty days after the date of official submission to it shall be deemed approval." The City may wish to note the requirement to overrule the Commission "by vote of not less than two-thirds of its entire membership" differs from the reference herein to a "vote of not less than three-fourths (3/4) of its entire membership."

*

No change.

400.160(6)

The City may wish to review the provisions of this Section against the provisions of Section 89.330.1, RSMo., which provides for the election of a "chairman and secretary from among the citizen members," but it makes no reference to a "Vice Chairman" as referenced herein. Additionally, the City may wish to review the provisions of this Section against the provisions of Section 120.630(A), and Comment thereto, to avoid any potential there may be for conflict.

*

We deleted "/Treasurer".

400.190


The City may wish to review the provisions of this Section against the provisions of Section 89. 450, RSMo., which provides that "no owner, or agent of the owner, of any land located within the platting jurisdiction of any municipality, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the council or planning commission and recorded in the office of the appropriate county recorder unless the owner or agent shall disclose in writing that such plat has not been approved by such council or planning commission and the sale is contingent upon the approval of such plat by such council or planning commission. Any person violating the provisions of this section shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. A

municipality may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action." The City may wish to consider whether any additions or deletions may be necessary herein.

* *We deleted this Section and inserted a new Section "Use Of Unapproved Plat In Sale Of Land—Penalty—Vacation Or Injunction Of Transfer" which derived from RSMo. §89.450.*

Art. III

Landmarks Preservation Commission

*  *This Article consisting of Sections 400.260—400.410 was amended per Ordinance No. 2628.*

400.260

In the definition of MINIMUM MAINTENANCE, we deleted "as set out in..." to the end of this definition.

400.270(A)

The City may wish to note the similar statutory provision of Section 253.415.3, RSMo., also provides that "Commission members should, to the extent available, be persons with demonstrated interest or expertise in historic preservation. Representatives of historical societies and residents of historic districts are encouraged as members."

* *See above note.*

400.270(G)(2)

The City may wish to note the similar statutory provision of Section 253.415.2(1), RSMo., describes this power somewhat differently by stating such local commission has the authority to "conduct ongoing survey and research to identify and document buildings, structures, objects, sites and districts that are of historic, archaeological, architectural, engineering, cultural or scenic significance to the locality, the state or the nation."

* *See above note.*

400.270(G)(3)

The City may wish to note the similar statutory provision of Section 253.415.2(3), RSMo., describes this power somewhat differently by stating such local commission has the authority to "recommend to the governing body the establishment of regulations, guidelines and policies to preserve the integrity and ambience of designated landmarks and districts. The commission shall have the authority to review ordinary maintenance as deemed appropriate, new construction, alterations, removals, and demolitions proposed within the boundaries of a landmark or district, including review of plans for vacant lots and nonhistoric buildings and structures."

* *See above note.*

400.270(G)(7)

The City may wish to note the similar statutory provision of Section 253.415.2(4), RSMo., describes this power somewhat differently by stating such local commission has the authority to "provide technical assistance to

owners of older and historic, architectural, archaeological, cultural and scenic properties concerning the preservation and maintenance of the property."

* *See above note.*

400.270(G)(8) The City may wish to note the similar statutory provision of Section 253.415.2(2), RSMo., describes this power somewhat differently by stating such local commission has the authority to "recommend to the governing body designation of significant historic properties as historic landmarks and historic districts, to prepare documentation supporting such nomination, and to maintain a register of designated landmarks and districts, and of significant historical, architectural and archaeological properties."

* *See above note.*

400.270(G)(9) The City may wish to note the similar statutory provision of Section 253.415.2(5), RSMo., describes a related power by stating such local commission has the authority to "recommend to the governing body programs and policies and economic incentives to encourage the preservation of significant historic landmarks and districts."

* *See above note.*

400.270(G)(16) The City may wish to note the similar statutory provision of Section 253.415.2(7), RSMo., describes this power somewhat differently by stating such local commission has the authority to "participate in the conduct of land use, urban renewal and other city activities affecting landmarks and districts."

* *See above note.*

400.270(G)(18) The City may wish to note the similar statutory provision of Section 253.415.2(8), RSMo., describes this power somewhat differently by stating such local commission has the authority to "acquire by purchase, gift, or bequest, fee title or lesser interest, including preservation restriction or easements, in designated properties and adjacent or associated lands which are important for the preservation and use of the designated properties."

* *See above note.*

400.270(G)(23) The City may wish to note the similar statutory provision of Section 253.415.2(6), RSMo., describes this power somewhat differently by stating such local commission has the authority to "prepare a comprehensive historic preservation plan, or a preservation element to a master plan, to integrate the preservation program into the local government for planning and zoning for land use, building and fire codes, special-use permits, community revitalization, and heritage tourism."

* *See above note.*

400.290(B)(2) The City may wish to review the word "settling" as it appears in the first line of this Section and consider whether the word "setting" was intended.

* *See above note.*

400.290(J) In line 3, we made a typographical change as follows: In the previous Code this read ", unless that the nominator or any"; we deleted the word that and in this draft it reads "unless the nominator or any.....". If this is not correct, please advise.

Additionally, in the 5th line, we changed the word "file" to "files". Review and advise.

* *See above note.*

400.290(L) We corrected a typo in the last line; it previously read "...as on overlay district." We changed to read "...as an overlay district." Review and confirm this change. We also changed the comma at the end of the previous sentence to be a period.

* *See above note.*

400.410 The City may wish to note "Attachment A" referenced herein was not attached and therefore not reviewed. Possibly "Attachment "A", which is attached hereto and made a part hereof", should be referred to as "on file in the City offices".

* *See above note; we deleted "attached hereto and made a part of" and inserted "on file in the City offices".*

2018 UPDATE: The 2012 notes for Chapters 405, 410, 415, 420 and 425 are obsolete due to the City's adoption of the Unified Development Code 6-16-2014 by Ord. No. 2801.

CH. 405 ZONING REGULATIONS

Generally See note at the beginning of this Title concerning the Editor's Note and whether ordinance references should be added to this Chapter.

Just note that graphics have not been included as yet and will be added when the final draft is completed.

405.030(C) As to the definition of ACCESSORY STRUCTURE, this term may be adequately addressed by the similar definition of ACCESS BUILDING since the definition of BUILDING is the same definition as STRUCTURE.

* *No change.*

As to the definition of DAY CARE HOME, the City may wish to review the definition against the definition of CHILD CARE CENTER to avoid any potential there may be for conflict.

* *No change.*

As to the definite of DWELLING, SINGLE-FAMILY, the City may wish to note Section 89.020.2, RSMo., provides that "for the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two 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. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood." Additionally, Section 89.020.6, RSMo., provides that "for purposes of any zoning law, ordinance or code the classification of single family dwelling or single family residence shall include any private residence licensed by the division of family services or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this subsection shall be construed to relieve the division of family services, the department of mental health or any other person, firm or corporation occupying or utilizing any single family dwelling or single family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single family dwelling or single family residence."

* *No change.*

Additionally, see the definition of ELECTRONIC MESSAGING CENTERS, we believe it should read "...by means of pre-programming...", please confirm this typographical change.

* *In the third line after the word "means" we changed the word "or" to "of".*

As to the definition of FAMILY, see Comment to the definition of DWELLING, SINGLE-FAMILY.

* *No change.*

As to the definition of FOSTER HOME FOR HANDICAPPED CHILDREN, see Comment to the definition of DWELLING, SINGLE-FAMILY.

* *No change.*

As to the definition of GROUP LIVING FACILITY (DORMITORY), this Section may be adequately addressed by definition of DORMITORY.

* *No change.*

As to the definition of JUNK YARD, the City may wish to note the similar statutory provision of Section 226.660(4), RSMo., defines this term as "an establishment, area, or place of business maintained, operated, or used for the storing, keeping, buying, or selling of junk or for the operation of an automobile graveyard, garbage dump or sanitary fill."

* *Change already incorporated in new UDC.*

As to the definite of KENNEL, BOARDING, the City may wish to note the similar statutory provision of Section 273.325.2(7), RSMo., defines this term as "a place or establishment, other than a pound or animal shelter, where animals, not owned by the proprietor, are sheltered, fed, and watered in return for a consideration; however, "boarding kennel" shall not include hobby or show breeders who board intact females for a period of time for the sole purpose of breeding such intact females, and shall not include individuals who temporarily, and not in the normal course of business, board or care for animals owned by other individuals."

* *No change.*

See the definition of PROJECT IDENTIFICATION SIGN, this definition has duplicative language within it, and does not make sense as it is stated. We believe it could possibly read "A permanent freestanding sign located at the main entrance to a commercial or industrial development which is in excess of twenty (20) acres. (See "directory sign — exterior.") If our assumption is correct, please advise and we will change this definition.

* *In the second line we deleted "industrial development commercial" and "commercial or industrial development".*

As to the definition of PUBLIC INFORMATION SIGN, this definition may be adequately addressed by the definition of INFORMATION SIGNS.

* *No change.*

405.040 See the editor's note under previous Code Section 1003.030, we think ord. no. 2527 which created three new districts could be referenced herein, since the districts were added and we assume the City believed this change to be allowed by implication of ord. no. 2527. Also see numerous notes throughout this review document concerning districts which are not in this listing but are set out in the text.

* *Change already incorporated in new UDC.*

Also note that all the districts listed herein have been placed in the text like

this "R-6" with quotation marks surrounding the district, there was an inconsistency with the way it was previously set out, some had quotes, some did not, some had parens, so we chose quotes and made this consistent throughout the text. Review and confirm.

* *Change already incorporated in new UDC.*

405.040(A) The City may wish to note the District Classifications "Residence District (2 acre)" and "Residence District (1 acre)" should be switched so the "2 acre" District matches with the "E-2" Code Designation and the "1 acre" District matches with the "E-1" Code Designation.

* *Change already incorporated in new UDC. We changed to E-1/2 in this Table and throughout the Chapter.*

Additionally, the City may wish to note Residence District (1/2 acre) has the Code Designation of "E-1/2" at Section 405.200(A) which differs from the "E-3" Code Designation in this Table.

* *Change already incorporated in new UDC.*

405.050(A) The City may wish to note the statutory name at Section 89.080, RSMo., is simply "Board of Adjustment."

* *We deleted the word "Zoning" here and throughout this Chapter.*

405.150(F)(4) The City may wish to define the reference herein to "CUP" (conditional use permit) to avoid any potential there may be for conflict.

* *Change already incorporated in new UDC.*

405.150(F)(5)(e) The City may wish to consider referencing the Code Section for the "tree protection ordinance" for ease of reference and to avoid any potential there may be for conflict.

* *Change already incorporated in new UDC.*

405.160 The City may wish to note this District is not enumerated at Section 405.040(A).

* *Change already incorporated in new UDC.*

405.170(D)(7) The City may wish to consider referencing the specific Code Section or Chapter related to landscaping rather than the "Chesterfield City Code."

* *Change already incorporated in new UDC.*

405.180(E)(5) In this Subsection we changed the wording which previously read ".....not less than seven (7) feet form the edge of pavement..." to now read "..... not less than seven (7) feet from the edge of pavement...".

* *Change already incorporated in new UDC.*

The following subsections all contained the same error noted above and the same change was made: 405.190(E)(5) and 405.200(E)(5).

* *Change already incorporated in new UDC.*

405.200(A) The City may wish to note this District has the Code Designation of "E-3" at Section 405.040(A).

* *Change already incorporated in new UDC.*

405.210 This Section contains the provisions of ord. no. 2286, which was left out of the previous Code book inadvertently, please review this ordinance, as it jumps from number 4 to number 6. We simply want to confirm that we have all the material. We have correctly relettered it for this draft. Also note that this District should probably be added to the District listing in Section 405.040.

* *Change already incorporated in new UDC.*

405.210(D)(3)(e) The wording here is awkward, please review and confirm if something is missing.

* *Change already incorporated in new UDC.*

405.210(D)(4)(e) The wording here is awkward, please review and confirm if something is missing.

* *Change already incorporated in new UDC.*

405.210(E) See "Table 1" hereof, the first listing, should the word be "navigation" or "aviation"?

* *No change.*

405.220 The City may wish to note this District is not enumerated at Section 405.040(A).

* *Change already incorporated in new UDC.*

405.220(E)(2) Here and in ten other Sections listed below we found the following wording and believe it to be a typo, please review and confirm if the change we made is correct:

In Sections 405.230(E)(2), 405.240(E)(2), 405.250(E)(2), 405.260(E)(2),

405.270(E)(2), 405.280(E)(2), "R-6A" 405.290(E)(2), "R-6AA" 405.300(E)(2), 405.310(E)(2), 405.320(E)(2) and 405.330(E)(2) the following words started off each of these Subsections: "No building when a residential substance abuse treatment facility development....." We changed it to read "No building within a residential substance abuse treatment facility development....." . If our assumption is incorrect, or some other change is required, please advise.

* *Ok as is.*

405.230 The City may wish to note this District is not enumerated at Section 405.040(A).

* *Change already incorporated in new UDC.*

405.250(C)(1)(e) In this Subsection, this previously read "Specialized private schools shall be located on a tract land...."; we changed to read "Specialized private schools shall be located on a tract of land....". This occurred in the following Subsections as well and we made the same change: 405.270(C)(1)(e); 405.280(C)(1)(h); 405.290(C)(1)(h); 405.300(C)(1)(h); 405.310(C)(1)(h); 405.320(C)(1)(h). Advise if this is not the correct terminology.

* *Ok per City.*

405.260(C)(1)(c) In this Subsection in the previous Code Book, the words "less then" appeared and we changed this to "less than" to be grammatically correct. This change was also made in Sections 405.310(C)(1)(f), 405.320(C)(1)(f), Section 300.010 (definition of ALLEY) and Section 500.210(B)(5).

* *Ok per City.*

405.260(C)(5) In this Subsection, we found a typographical error we believe. This Subsection previously read "...no structure or plan material..."; we changed it to read "...no structure or plant material...". Please review and advise if anything different is needed in this Subsection and the following Subsections: 405.270(C)(5); 405.280(C)(5); 405.290(C)(5); 405.300(C)(5); 405.310(C)(5); and 405.320(C)(5).

* *Ok per City.*

405.280(C)(1)(e) The following wording was found within a table in Subsection (C)(1)(e) of this Section and the below-noted Sections with an asterisk as noted, as if it was supposed to be attached to something in the Section, we found no asterisk to connect it with, our assumption was that this referred to note (see Subsection (E) for specific requirements) herein, if this is the case and the City agrees, we believe it would be more accurate to remove the asterisk:

Residential substance abuse treatment facilities* (See Subsection (E) for specific requirements.)

(this was found at the end of Sections 1003.120A (now 405.290); 1003.121 (now 405.300); 1003.123 (now 405.310) and 1003.125 (now 405.320).

* *We deleted the asterisks.*

405.280(C)(2)(g)

The following paragraph was found after a table in Subsection (C)(2)(g) of this Section and the below-noted Sections with an asterisk before it, as if it was supposed to be attached to something in the Section, we found no asterisk to connect it with, our assumption was that this referred to the Table of setback distances just above each of these notes, if this is the case and the City agrees, we believe it would be easier to include as part of the table:

***Any dimension given above shall include the side yard required for a single-family dwelling, when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.**

(this was found at the end of Sections 1003.120A (now 405.290); 1003.121 (now 405.300); 1003.123 (now 405.310) and 1003.125 (now 405.320).

* *We deleted the asterisks.*

405.280

The following paragraph was found at the end of this Section and the below-noted Sections with an asterisk before it, as if it was supposed to be attached to something in the Section, we found no asterisk to connect it with and no other reference to "tandem parking" throughout the entire zoning:

***"Tandem parking" is defined as a parking space within a group of two (2) or more parking spaces arranged one behind the other. Each car must be able to enter and exit a parking space independently of the movement of any other vehicle.**

(this was found at the end of Sections 1003.120A (now 405.290); 1003.121 (now 405.300); 1003.123 (now 405.310) and 1003.125 (now 405.320).

* *We deleted the asterisks.*

405.310(C)(1)(g)

Are foster homes for handicapped children the same as group homes? The City may wish to clarify in order to avoid any potential there may be for conflict.

* *Change already incorporated in new UDC.*

405.310(F)

See Comment to Section 405.310(C)1g.

* *Change already incorporated in new UDC.*

405.320(B)(1) In this Subsection in the previous Code book, "Educational facilities—college/university, primary/secondary, kindergarten or nursery school." was listed at paragraph (d) and (j), we removed the duplication at (j). Review and confirm this deletion.

* *Ok as is.*

405.330 The City may wish to note this District is not enumerated at Section 405.040(A).

* *No change.*

405.350 *This Section was listed as Reserved in the Code we received from the City. There are only a couple references to the previously contained "C-1" Neighborhood Business District, all were found within Section 405.830(R). Aimee to review if this removal was proper and let us know if any change is to be made to this Section or references to this District.*

* *Okay as is.*

405.360 The City may wish to note this District is not enumerated at Section 405.040(A).

* *No change.*

405.360(B)(3) The City may wish to consider adding the phrase "and other places of worship" in order to be consistent with the other references to "churches" as a permitted use.

* *After the word "Churches" we added "and other places of worship".*

405.360(B)(7) Note that throughout this Title, we have seen reference to Department of Planning and Public Works, however here the reference is simply to Department of Planning. Should this read Department of Planning and Public Works or are these two different Departments? If so, then where both are referenced it should probably read "Departments of Planning and Public Works". See the following delineation:

* *Change already incorporated in new UDC.*

All the following Sections contain "Department of Planning"; some may have a reference to Department of Public Works as well:

405.360(H)(2)(e)	See comment to 405.360(B)(7).
405.370(B)(9)	See comment to 405.360(B)(7).
405.370(H)(2)(e)	See comment to 405.360(B)(7).
405.380(B)(4)	See comment to 405.360(B)(7).
405.380(G)	See comment to 405.360(B)(7).
405.420(F)	See comment to 405.360(B)(7).
405.470(F)	See comment to 405.360(B)(7).
405.490(F)	See comment to 405.360(B)(7).
405.510(J,K)	See comment to 405.360(B)(7).

405.670(C,E)	See comment to 405.360(B)(7).
405.680 (table)	See comment to 405.360(B)(7).
405.820(C)	See comment to 405.360(B)(7).
405.830	See comment to 405.360(B)(7).
405.910	See comment to 405.360(B)(7).
405.950	See comment to 405.360(B)(7).
405.1140(B—C)	See comment to 405.360(B)(7).
405.1150	See comment to 405.360(B)(7).
405.1170	See comment to 405.360(B)(7).
405.1180	See comment to 405.360(B)(7).
405.1210	See comment to 405.360(B)(7).
405.1290	See comment to 405.360(B)(7).
405.1360	See comment to 405.360(B)(7).
405.1420	See comment to 405.360(B)(7).
405.1500	See comment to 405.360(B)(7).
410.050	See comment to 405.360(B)(7).
410.080	See comment to 405.360(B)(7).
410.090	See comment to 405.360(B)(7).
410.140	See comment to 405.360(B)(7).
410.160	See comment to 405.360(B)(7).
410.200	See comment to 405.360(B)(7).
410.210	See comment to 405.360(B)(7).
410.220	See comment to 405.360(B)(7).
410.250	See comment to 405.360(B)(7).
410.320	See comment to 405.360(B)(7).
410.350	See comment to 405.360(B)(7).
410.390	See comment to 405.360(B)(7).
410.410	See comment to 405.360(B)(7).
410.440	See comment to 405.360(B)(7).

The following Sections contain reference to "Department of Planning and Public Works":

400.270	See comment to 405.360(B)(7). Also note that "Director of Planning and Public Works" is mentioned here; and note that the "Planning and Public Works Committee of Council" is mentioned herein.
400.290	See comment to 405.360(B)(7). Also note that "Director of Planning and Public Works" is mentioned here.
400.300	See comment to 405.360(B)(7). Also note that "Director of Planning and Public Works" is mentioned here.
400.310	See comment to 405.360(B)(7). Only "Director of Planning and Public Works" is mentioned here.
400.320	See comment to 405.360(B)(7).
400.350	See comment to 405.360(B)(7). Also note that "Planning and Public Works Committee" is mentioned here.
400.360	See comment to 405.360(B)(7).
400.370	See comment to 405.360(B)(7).
400.390	See comment to 405.360(B)(7).
405.180	See comment to 405.360(B)(7).
405.190	See comment to 405.360(B)(7).
405.200	See comment to 405.360(B)(7).

405.220 See comment to 405.360(B)(7).
405.230 See comment to 405.360(B)(7).
405.240 See comment to 405.360(B)(7).
405.250 See comment to 405.360(B)(7).
405.260 See comment to 405.360(B)(7).
405.270 See comment to 405.360(B)(7).
405.280 See comment to 405.360(B)(7).
405.290 See comment to 405.360(B)(7).
405.300 See comment to 405.360(B)(7).
405.310 See comment to 405.360(B)(7).
405.320 See comment to 405.360(B)(7).
405.330 See comment to 405.360(B)(7).
405.340 See comment to 405.360(B)(7).
405.950 See comment to 405.360(B)(7).
405.950(7)(f)(11) See comment to 405.360(B)(7).
405.950(7)(g)(6) See comment to 405.360(B)(7).
405.1150 See comment to 405.360(B)(7). Note that "Departments of Planning and Public Works" is used here.
405.1200 See comment to 405.360(B)(7).
405.1510 See comment to 405.360(B)(7). Note that the "Planning and Public Works Department" is stated here.
420.140 See comment to 405.360(B)(7). Only "Director of Planning and Public Works" is mentioned here.
425.120 See comment to 405.360(B)(7).
425.160 See comment to 405.360(B)(7).
App. A to Ch. 425 See comment to 405.360(B)(7). Note that "Planning and Public Works Committee of Council" is only referenced herein.

The following section reads "Department of Planning or Planning Commission":

405.1140(C1)(d) See above note.

405.370 The City may wish to note this District is not enumerated at Section 405.040(A).

* *Change already incorporated in new UDC.*

405.380 The City may wish to note this District is not enumerated at Section 405.040(A).

* *Change already incorporated in new UDC.*

405.400(H)(1) The City may wish to consider adding the reference to "Section 405.1430", which sets forth the procedures in the event of a protest to a zoning amendment, in order to be consistent with the other amendment procedures in this Chapter.

* *Change already incorporated in new UDC.*

405.410 This Section derives from Section 1003.141. When double checking the Cross Reference of ordinances, we found ord. no. 1056, which stated that

it amended this Section, however we found no reference to this ordinance here or anywhere else in the Code, we are showing ord. no. 1056 as superseded. Please note however, that this ordinance refers to a district "C-6", which is still referenced in Section 405.830(S)(3)(a) and (S)(5)(a)(3) in this draft of the Code, but does not seem to be, as far as we could see, a district any longer. If this is no longer a district, reference to it should probably be removed from the code or changed to the appropriate district name.

405.410 The City may wish to note this District is not enumerated at Section 405.040(A).

* *Change already incorporated in new UDC.*

405.410(G) The City may wish to consider referencing the specific Code Sections rather than "the City Code" in order to avoid any potential there may be for conflict.

* *Change already incorporated in new UDC.*

405.415 *Upon further review, the City is to provide the old county regulations for "C-6" District, which we will then amend with already provided Ordinance No. 1056. All of this will then be numbered as a new Section 405.415.*

* *We inserted this Section on "C-6" District.*

405.420 The City may wish to note this District is not enumerated at Section 405.040(A).

* *Change already incorporated in new UDC.*

405.430 The City may wish to note this District is not enumerated at Section 405.040(A).

* *Change already incorporated in new UDC.*

405.430(L)(4) The City may wish to include the name of the "department" as referenced in this Section in order to avoid any potential there may be for conflict.

* *Change already incorporated in new UDC.*

405.440(E)(1)(k) The City may wish to consider referencing the specific Code Sections rather than "the Chesterfield zoning ordinance" in order to avoid any potential there may be for conflict. See also Comment to Section 405.410(G).

* *Change already incorporated in new UDC.*

- 405.450(E)(1)(d) See Comment to Section 405.440(E)1k.
- * *Change already incorporated in new UDC.*
- 405.470 The City may wish to note this District is not enumerated at Section 405.040(A).
- * *Change already incorporated in new UDC.*
- 405.480(D)(11) See Comment to Section 405.440(E)1k.
- * *Change already incorporated in new UDC.*
- 405.490 The City may wish to note this District is not enumerated at Section 405.040(A).
- * *Change already incorporated in new UDC.*
- 405.500 The City may wish to note this District is not enumerated at Section 405.040(A).
- * *Change already incorporated in new UDC.*
- 405.510(K)(1)(c) *"County Council" was changed to "City Council".*
- 405.590(C) As to the definition of AIRPORT, the City may wish to note Section 305.120(5), RSMo., defines this term somewhat differently by providing that it is "an area on land or water that is used or intended to be used for the landing and takeoff of aircraft including buildings, equipment, facilities, rights-of-way, property and appurtenant areas."
- * *Change already incorporated in new UDC.*
- As to the definition of RUNWAY, the City may wish to note Section 305.120(9), RSMo., defines this term somewhat differently by providing that it is "a defined rectangular area on a land airport prepared specifically for the landing and takeoff of aircraft."
- * *Change already incorporated in new UDC.*
- 405.600(C)(1) The City should review the reference herein to Chapter 711 and Chapter 7 Article VI, there doesn't appear to be a Chapter 711 and Chapter 7 Article VI is reserved. Please advise how to handle this reference.
- * *We deleted "Chapter 711 City of Chesterfield ordinance (see Chapter 7, Article VI)," and inserted "as adopted herein,".*

405.600(C)(2) The City should review and confirm the reference to "Chapter 625 SLCRO".

* *Change already incorporated in new UDC.*

405.600(C)(3—6) The City should review and confirm the reference to "Chapter 612 SLCRO".

* *Change already incorporated in new UDC.*

405.670(C) The City may wish to review the applicable provisions of the Americans with Disabilities Act to make certain the size specifications herein are still current in light of the fact Section 301.143.5, RSMo., provides that "spaces designated for use by vehicles displaying the distinguishing "disabled" license plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the Federal Americans with Disabilities Act, as amended, and any rules or regulations established pursuant thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated by political subdivisions in residential areas for the exclusive use of vehicles displaying a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the requirements of the federal Americans with Disabilities Act pursuant to this subsection and any such space shall have clearly and visibly painted upon it the international symbol of accessibility and any curb adjacent to the space shall be clearly and visibly painted blue."

* *Change already incorporated in new UDC.*

405.680 In the Table herein, see the first row, middle column, some wording appears to be missing.

* *Ordinance No. 1350 repealed Sections 405.680—405.750; these Sections were kept RESERVED for the City's future use. We have included a cross reference setting out the title and number of each Section. City to review as this note will be removed at final printing.*

* *Okay as is. We left the editor's note therein.*

405.820(C)(4) The City may wish to review this Section to make certain the fee for an appeal is still current.

* *Change already incorporated in new UDC.*

405.830 When double-checking the ordinance listing, we noticed that ord. no. 1848 was included in this history note, but 1849, which in the log states it amends this Section as well, is not noted in the history. The City should review and confirm if the material in ord. no. 1849 is or should be included herein and then of course history-noted as well.

* *Ord. No. 1849 amended this Section.*

405.830(O)(2) This Section may be adequately addressed by Section 210.580.

* *We moved this Subsection to Nuisances as Section 215.150. We have made no changes as yet. Please review as Subsection (C)(5) appears to conflict with Section 215.140. Also note that Section 210.580 appears to address the material in Subsection (B) of this Section. The subsequent Subsections were renumbered.*

405.830(P)(O) *We amended Subsection (P)(now O) per Ordinance No. 1849.*

405.830(P)(1)
(405.830(O)(1)) The City should review and confirm the reference to "Chapter 803 SLCRO".

* *City to check.*

* *No change made.*

405.830(Q)(7)
(405.830(P)(7)) The City may wish to clarify the reference to the "SR" District as it is not enumerated in Section 405.040(A).

* *Change already incorporated in new UDC.*

405.830(S)(3)(a)
(405.830(R)(3)(a)) See note to Section 405.410 concerning the reference herein to district "C-6", also see Subsection (S)(5)(a)(3) of this Section for same reference.

* *See note at Section 405.415.*

* *"C-6" District has been added back in at Section 405.415.*

405.830(S)(5,b,4)
(405.830(R)(5,b,4)) The City may wish to review this Section to make certain the administrative review fee is still current.

Additionally, see the 13th line hereof, note the term "regulate in good faith"; should this be "negotiate in good faith".

* *Ok as is.*

210.730(405.850) *We moved Section 210.730 "Requirement to disclose information relative to future land use and local noise impact" herein and renumbered as 405.835. Please review and advise if the City wants to retain this language.*

* *No change made.*

210.740(405.860) *We moved Section 210.740 "Renting Of Single-Family Dwellings" herein and renumbered as 405.835. Please review and advise if the City wants to retain this language.*

* *No change made.*

405.910(C)(3) The City may wish to consider whether the word "an" as it appears in the first line of this Section should read "a" or "any" in order to clarify the

sentence.

- * *Change already incorporated in new UDC.*
- 405.930 The diagrams will be included at the final printing.
- * *Ok per City.*
- 405.930(A)(1)(a) The word at the end of the first sentence was "sip", we changed it to read "sign".
- * *Ok per City.*
- 405.930(A)(2)(e)(1) In the first line, we changed the word "log" to "logo".
- * *Ok per City.*
- 405.930(A)(4)(a) In the third line of this Subsection, we added the word "of" between area and building, previously this read "diameter of an area building by".
- * *Ok per City.*
- 405.930(B)(3) In the first line hereof we changed the word "comer" to "corner", we believed this to be a typo.
- * *Ok per City.*
- 405.940(3)(a)(3) In the second line of this Subsection, we changed the words "mansard root" to now read "mansard roof". We believe this to be a typo.
- * *Ok per City.*
- 405.950(3)(f) In the third line hereof, the wording does not make sense, is something missing?
- * *We changed "of or" to read "of the".*
- 405.960, 405.980 Note that in these two Sections, the word "FP" Flood Plain district is set out as 2 words, throughout the rest of the Code, references to the "FP" district as well as all references to "floodplain" are set out as one word. The City may want to be consistent in the reference to this District and use the 2-word term, which seems to be more applicable.
- * *We changed all references throughout to 2 words.*
- 405.970(C)(4)(c) Does the City intend to keep the references to the St. Louis County Zoning Code?
- * *No change.*

- 405.970(C)(5) See the last phrase which contains a reference to Section 1004.070, which we did not find in the Chesterfield Zoning Code. Review and advise.
- * *We deleted the word "Zoning" as it refers to "Board of Adjustment"; we changed the reference to "125.100 et seq."*
- 405.1050(C)(4)(e) The City should review and confirm the reference to "Chapter 801 SLCRO".
- * *Change already incorporated in new UDC.*
- 405.1050(C)(4)(f) The City should review the references to the St. Louis County Zoning Order and confirm they are still needed, and if so, that they are correct.
- * *Change already incorporated in new UDC.*
- 405.1050(C)(8) See the last phrase which contains a reference to Section 1004.070, which we did not find in the Chesterfield Zoning Code. Review and advise.
- * *We changed the reference to "125.100 et seq."*
- 405.1130(C)(1)(d) *We deleted "Department of Planning" in last line.*
- 405.1130(M) We included the Exhibit from Ord. No. 2609, herein as Subsection (M), if the City did not want this Exhibit included please advise.
- * *Change already incorporated in new UDC.*
- 405.1180(G) In Table 1 included herein, in the 3rd and 4th box in the right column, we added the word "of" between amount and the word landscaping, previously this read "amount landscaping".
- * *Ok per City.*
- 405.1190(C) As to the definitions of ADULT BOOKSTORE, ADULT ENTERTAINMENT, ADULT ENTERTAINMENT FACILITY, and ADULT MOTION PICTURE THEATER, the City may wish to note the similar statutory provision of Section 67.2540 (7), RSMo., defines the term "Sexually oriented business", as "an adult cabaret or any business which offers its patrons goods of which a substantial or significant portion are sexually oriented material. It shall be presumed that a business that derives thirty percent or less of its revenue from sexually oriented materials is presumed not to be a sexually oriented business. No building, premises, structure, or other facility that contains any sexually oriented business shall contain any other kind of sexually oriented business."
- * *Change already incorporated in new UDC.*
- As to the definition of SPECIFIED SEXUAL ACTIVITIES, the City may wish to note Section 67.2540 (10), RSMo., defines this term as including

the following acts: "(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (b) Sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or (c) Excretory functions as part of or in connection with any of the activities set forth in this subdivision."

* *Change already incorporated in new UDC.*

Also note that there are new Sections 573.525 to 573.540, RSMo., which were just enacted in 2010 by SB 586, which set out new regulations for "sexually oriented businesses". These appear to duplicate and in some instances conflict with Sections 67.2540, RSMo. et seq. noted above. The City may want to review both sets of provisions to confirm compliance with said statutory Sections.

* *Change already incorporated in new UDC.*

405.1190(K)(2)(c) The City may wish to note the word "license" as it appears in the second line of this Section should read "licensed."

* *We made the above change.*

405.1210(B—C) The City may wish to note Section 405.040(A) does not enumerate Districts as "C" or "M" as stated herein.

* *Change already incorporated in new UDC.*

405.1290(E) The City may wish to note Section 405.040(A) does not reference Districts designated as "M", "C" or "SR" as they appear in the Criteria column of Table I relating to "Off-street parking and loading requirements."

* *Change already incorporated in new UDC.*

405.1290(K)(3) Please review and confirm the reference to Subsection (G) here and within Subsection (L)(2)(a) of this Section as well.

* *Change already incorporated in new UDC.*

405.1360 When double-checking the ordinance listing, we noticed that ord. no. 2106 was not included in this history note, which in the log states it amends this Section as well. The City should review and confirm if the material in ord. no. 2106 is or should be included herein and then of course history-noted as well.

* *Ord. no. 2106 was added to the history listing.*

405.1360(B) We made a minor typographical change in the definition of TEMPORARY OUTDOOR LIGHTING (in the first line, we changed "area of object" to "area or object"; and SHIELDED (we changed "external of internal" to "external or internal").

* *Ok per City.*

Also note that in the original text of the previous Code Section 1003.430, under the definition of SHIELDED there was a letter "q", which we have put under this definition as number 1, however it does not appear to be a definition and does not appear to be related to "Shielded". Review and advise.

* *Change already incorporated in new UDC.*

405.1360(F)(1)(e) The City may wish to note Section 405.040(A) does not reference a District designated as "M" as that designation appears in column "Type of District/Street" of Table 6 herein.

* *Change already incorporated in new UDC.*

405.1420(C)(3) The City may wish to review this Section and consider whether the phrase "If the petition has determined not to comply with minimum petition requirements" which appears in the ninth line of this Section, is missing words or is in need of additional clarification to avoid any potential there may be for conflict.

* *Change already incorporated in new UDC.*

405.1520(B) See the reference herein to "Ordinance No. 125", which appears to be repealed by ord. no. 423, possibly this reference should be eliminated.

* *Change already incorporated in new UDC.*

405.1520(D)(6) In the second to last sentence of this Subsection the last three words were changed from "need not observed". to now read "need not be observed".

* *Ok per City.*

405.1520(E) Note that the similar statutory provisions of Section 89.120, RSMo. appears to set the penalty for provisions adopted under Ch. 89, RSMo. a little differently than those set out herein. Review and advise if any changes are needed.

* *In Subsection (E)(1)---(2) we inserted Section 89.120.2(2) and (3) RSMo.*

CH. 407 ADVERTISING AND SIGNS

Generally The City may wish to review the provisions of this Chapter against the

provisions of Article VI. Sign Regulations set forth in Sections 405.910 through 405.980 and consider whether the issue is adequately addressed in that Article or whether this Chapter may be combined therein for ease of reference and to avoid any potential there may be for conflict.

* *Change already incorporated in new UDC.*

407.010(3) In the last line hereof, we changed it from "structure of billboard" to now read "structure or billboard". We believe this to be a typographical error.

* *Change already incorporated in new UDC.*

407.020 The City may wish to review the provisions of this Section against the provisions of Section 405.960(C) and consider whether the issue is adequately addressed or whether the two Sections may be combined for ease of reference and to avoid any potential there may be for conflict.

* *Ordinance No. 2640 amended this Section.*

CH. 410 SUBDIVISION REGULATIONS

Generally Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

410.050 As to the definition of SUBDIVISION, the City may wish to note Section 89.300(3), RSMo., defines this term as "the division of a parcel of land into two or more lots, or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided."

* *Change already incorporated in new UDC.*

As to the definition of SUBDIVISION, NON-RESIDENTIAL (2), we changed this from "in conjunction with or use in" to now read "in conjunction with or used in". We believe this to be a typographical error.

* *Change already incorporated in new UDC.*

410.080(E) The City may wish to review the provisions of this Section against the provisions of Section 89.410, RSMo., which sets forth the regulations governing subdivision of land and how escrow funds are to be released as follows: "1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the city, town or village; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the city, town or village; for adequate open spaces for traffic, recreation, light and

air; and for a distribution of population and traffic; provided that, the city, town or village may only impose requirements for the posting of bonds, letters of credit or escrows for subdivision-related improvements as provided for in subsections 2 to 5 of this section. 2. The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and utility installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council shall accept, at the option of the developer, an escrow secured with cash or an irrevocable letter of credit deposited with the city, town, or village. The city, town, or village may accept a surety bond, and such bond shall be in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond. The release of any such escrow, letter of credit, or bond by the city, town or village shall be as specified in this section. The council may enforce the escrow or bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

3. The regulations shall provide that in the event a developer who has posted an escrow, or letter of credit, or bond with a city, town, or village in accordance with subsection 2 of this section transfers title of the subdivision property prior to full release of the escrow, letter of credit, or bond, the municipality shall accept a replacement escrow or letter of credit from the successor developer in the form allowed in subsection 2 of this section and in the amount of the escrow or letter of credit held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement escrow or letter of credit, the city, town, or village shall release the original escrow or letter of credit in full and release the prior developer from all further obligations with respect to the subdivision improvements if the successor developer assumes all of the outstanding obligations of the previous developer. The city, town, or village may accept a surety bond from the successor developer in the form allowed in subsection 2 of this section and in the amount of the bond held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement bond, the city, town, or village shall release the original bond in full, and release the prior developer from all further obligations with

respect to the subdivision improvements. 4. The regulations shall provide that any escrow or bond amount held by the city, town or village to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. The city, town, or village shall inspect each category of improvement or utility work within twenty business days after a request for such inspection. Any such category of improvement or utility work shall be deemed to be completed upon certification by the city, town or village that the project is complete in accordance with the ordinance of the city, town or village including the filing of all documentation and certifications required by the city, town or village, in complete and acceptable form. The release shall be deemed effective when the escrow funds or bond amount are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds or bond amount are hand delivered to an authorized person or place as specified by the owner or developer. 5. If the city, town or village has not released the escrow funds or bond amount within thirty days as provided in this section or provided a timely inspection of the improvements or utility work after request for such inspection, the city, town or village shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the escrow funds or bond amount have been released. Any owner or developer aggrieved by the city's, town's or village's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court may award the prevailing party or the city, town or village the amount of all costs attributable to the action, including reasonable attorneys' fees. 6. Nothing in this section shall apply to performance, maintenance and payment bonds required by cities, towns or villages. 7. Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council. 8. The provisions of subsection 2 of this section requiring the acceptance of an escrow secured by cash or an irrevocable letter of credit, rather than a surety bond, at the option of the developer, all of the provisions of subsection 3 of this section, and the provisions of subsections 4 and 5 of this section regarding an inspection of improvements or utility work within twenty business days shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county. 9. Notwithstanding the provisions of section 290.210, RSMo, to the contrary, improvements secured by escrow, letter of credit, or bond as provided in this section shall not be subject to the terms of sections 290.210 to 290.340, RSMo, unless they are paid for wholly or in part out of public funds."

*

City to review.

*

No change made.

410.090(D)(1) We deleted the last sentence in this Subsection.

410.110(8)(o) The City may wish to note the defined term at Section 405.030(C) is "Senior Residence" rather than "Elderly Housing."

* *Change already incorporated in new UDC.*

410.110(9)(a) The reference to St. Louis County Water Company should probably be updated to the current name.

* *Change already incorporated in new UDC.*

410.220(3)(b) Note that we found 2 spellings of the plural of cul-de-sac, which can be either culs-de-sac or cul-de-sacs. The City may want to be consistent with this spelling.

* *The correct spelling is "cul-de-sacs"; we will search and replace.*

410.220(3)(c) In the first line hereof, we changed it from "access may he required" to "access may be required", we believed this to be a typo.

* *Ok per City.*

410.320(B) This Section may be adequately addressed, in part, by Section 410.320(A)1d.

* *Change already incorporated in new UDC.*

410.420(A) The City may wish to review this Section to make certain the fees are still current.

* *Change already incorporated in new UDC.*

410.430(A) The City may wish to review the provisions of this Section against the provisions of Section 89.090, RSMo., and consider whether the variances described herein fall within the jurisdiction of the Board of Adjustment rather than the "Director of Planning" as referenced herein.

* *Change already incorporated in new UDC.*

410.440(B)(2) We deleted this paragraph at the final meeting with the City and relettered the remaining Subsections.

410.480 The City may want to review this Section as it does not appear to be applicable any longer.

* *We deleted this Section.*

410.490 *We deleted this RESERVED Section.*

CH. 415

FLOOD DAMAGE PREVENTION

Generally

We would suggest the City have this Chapter reviewed by the local FEMA office. One of the contacts who has been extremely helpful to our communities has been Karen McHugh, CFM. Her number is 1-573-526-9129. These regulations change regularly and we believe that FEMA/SEMA has the most up-to-date information on the changes that may be required by a City.

415.080(A)

The City may wish to review this Section to make certain the penalties are still current.

*

Change already incorporated in new UDC.

415.120(B)

Note that in the third line hereof, we changed this from "except that it if is reconstructed" to now read "except that if it is reconstructed"

*

Change already incorporated in new UDC.

415.220(3)

Note that the reference to "Division 2" in the last line of this Subsection does not make sense to us, please review and advise.

*

Change already incorporated in new UDC.

415.340(3)

We were not certain what Subsection was intended by the reference to Section 14-32(d), we found no such Subsection. Review and advise.

*

Change already incorporated in new UDC.

CH. 420

GRADING, EROSION AND SEDIMENT CONTROL

420.060(A)(3)

The City may wish to clarify the reference to "manual" to avoid any potential there may be for conflict.

*

The correct reference is "Erosion and Sediment Control Manual".

420.150

We deleted this Section.

CH. 425

TREE PRESERVATION AND LANDSCAPE REQUIREMENTS

Generally

The diagrams will be included at the final printing.

425.050

In the Table, see the sixth row, fourth column, the wording here doesn't make sense. Review and advise.

*

Ok per City.

425.150 Should the reference to ord. no. 1345 remain (since it is not referenced anywhere else in the Chapter), or possibly just the date?

* *No change.*

425.190 See the last line of the Table, the wording in the last box is awkward, please review and advise if any changes are needed.

* *In the last line of the Table we deleted "of City Council".*

TITLE V. BUILDING AND CONSTRUCTION

*
_

Mike G. to review Title a second time.

CH. 500

BUILDINGS AND BUILDING REGULATIONS

Generally

Due to the age of many of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

Has the City been notified, by the State Geologist and/or the U.S. Geological Survey or by the State Commissioner of Administration that it is required under the provisions of Section 319.200, RSMo., et seq., to adopt requirements for construction pursuant to said statutory provisions and relating to earthquakes and seismic construction standards. We believe in this City such a regulation is required.

There are graphics throughout this Chapter which we will include in the final draft.

*

We have rearranged this Chapter 500 so that the Code adoptions are first and the other material follows. Review this Chapter and the notes below carefully.

*
_

Ok.

500.020

We deleted the contract language in this Section and placed a note therein, regarding authority and copies retained on file at the City offices.

500.010(B)(500.300)

The City may wish to consider using the term "emergency work" as defined in Subsection (A) of this Section rather than the phrase "except in the case of urgent necessity in the interest of public safety" as it appears in the fifth line of this Section.

*

We deleted the words "urgent necessity in the interest of public safety" and inserted "emergency work". We changed the Section heading to read OPERATION OF HEAVY EQUIPMENT and added this into a newly created Article III COMMERCIAL AND PRIVATE CONSTRUCTION.

500.010(C)(500.300)

This Section may be adequately addressed by Subsection (B) which also references an exception for emergency situations. The City may also wish to consider combining these two Sections for ease of reference and to avoid any potential there may be for conflict.

*

No change, except for numbering.

Art. II

County Enforcement Services

500.060—500.070
(500.020)

We don't usually include contract language, especially since Section 500.060 was included in 1988 and is possibly not current. The City should review this language and determine if it should be retained in the Code.

*

We moved this Article II County Enforcement Services to be combined with now Article I and deleted Section 500.060, we renumbered Section 500.070 as 500.020 and changed the scope of services to reflect generally the codes adopted by the county with stipulations to some we found in the ordinances adopting these codes. We discussed with the City that they may want to revise the scope of services in such a way that future amendments to this won't be necessary assuming no new "named" codes are adopted thereunder. The language herein reflects our attempt to do that. Review and advise of any changes. We additionally added an editor's note under this Section directing the reader to go to City offices to locate the most recent contract with the County.

*

Ok. We deleted this Section and inserted language provided by the City.

3.1 PERMITS.

The City may wish to consider specifying which codes are being enforced since Section 1.1 as referenced herein sets out "areas" of code enforcement services rather than specific "codes".

500.080(500.010)

The City may wish to review the provisions of this Section against the provisions of Section 67.280, RSMo., which sets forth the procedure to be followed when technical codes are incorporated by reference into ordinances. In particular, the City may wish to note the requirement that "at least one copy of such code, portion or amendment which is incorporated or adopted by reference, shall be filed in the office of the clerk of the community and there kept available for public use, inspection, and examination". Additionally, the City may wish to note the requirement of a separate penalty provision with respect to each adopted code.

*

We deleted the words "Code of the" in the first line; we added Section 500.030 "Violation And Penalty".

*

We additionally changed the format of this Section to make it easier to read, review and confirm this format.

*

Ok.

500.030

We added a Violation and Penalty Section which is required by Section 67.280, RSMo.

500.160(500.120)

As to the definition of FIXTURES, does the City intend to include in the definition only those items "on the exterior of a building"?

*

No change, except numbering.

500.200(D)(500.160)

The City may wish to review the provisions of Section 500.240 which appears to set forth the summons and abatement procedures rather than specific penalties for violations of this Chapter.

*

No change, except numbering. City to review.

*

Ok.

500.210(A)(500.170)

The City may wish to review the provisions of this Section against the provisions of Section 1.190, RSMo., which provides that "whenever any of the statutes of this state require or imply that a notice shall be given to any person concerning or affecting any right, property, claim, duty, matter or thing of any character or nature, unless the statutes expressly direct a different method of service, the delivery of a true copy of the notice to the person intended to be notified, or the leaving of a copy at his usual place of abode with some member of his family over the age of fifteen years, constitutes a valid and sufficient service of the notice".

*

No change, except numbering. City to review.

*

Ok as is.

500.240.1(500.200)

See Comment to Section 500.210(A).

*

We deleted the words "as follows:" and inserted "for abatement as set forth in Section 215.050 of this Code:" in the introductory paragraph. City to review.

*

No change.

500.310

We deleted this Section "Insurance Requirements for Contractors and others who provide services to the City" and kept the number "Reserved" for the City's future use.

500.330

This should probably refer to the general penalty Section of the Code.

*

We deleted this Section.

500.420(B)(500.520)

The City may wish to review the provisions of this Section against the provisions of Section 500.560 and consider whether the collection process could be more clearly defined to avoid any potential there may be for conflict.

*

We changed this reference to read 500.640.

500.460(500.560) With respect to the first paragraph of the Notice of Declaration of Nuisance, the City may wish to consider referencing the current Code Section rather than "Ordinance No. 1055" in order to be consistent throughout this compilation.

* *We changed this reference to read "...Chapter 500, Article V "Unfit Buildings", Sections 500.500 et seq. of the Code of City of Chesterfield". Please be aware however that this is a "Notice of Declaration of Nuisance" and this form should be changed to reflect this language. Review and advise.*

500.530(500.630) The City may wish to note the relevant statutory provisions related to judicial review extend to "Section 536.160, RSMo.," rather than "Section 536.140, RSMo.," as stated herein.

* *We made the above change.*

CH. 505 STREETS AND SIDEWALKS

Generally Due to the age of some of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

* *City to review this Chapter in its entirety.*

Art. I, Div. 1 *We relocated both Sections previously contained in this Article as noted below, we have left this Article and Division reserved for future use.*

505.010(340.310) *We moved this Section into Title III of this Code as Section 340.310.*

505.020(210.1460) *We moved this Section into Title II of this Code as Section 210.1460.*

505.100.5 The City may wish to review this Section to make certain the insurance amounts are still current.

* *City to review.*

505.130 The City may wish to review the provisions of this Section against the provisions of Section 71.365, RSMo., which provides that "the governing body of each municipality in this state may provide for and regulate crosswalks, curbs and gutters. However, after September 28, 1975, all new curbs which are constructed in any municipality, and all existing curbs which are a part of any reconstruction, shall comply with this section. In order to enable persons using wheelchairs to travel freely and without assistance, at each crosswalk a ramp shall be built into the curb so that the sidewalk and street blend to a common level. Such ramp shall be not less than thirty-six inches wide and shall not have a slope greater than one inch rise per twelve inches length (eight and three-tenths percent). Where because of surrounding buildings or other restrictions it is impossible to

conform the slope with this requirement, the ramp shall contain a slope with as shallow a rise as possible under the circumstances not to exceed ten percent. In all ramps there shall be a gradual rounding at the bottom of the slope". The City may wish to consider whether any additions or deletions may be necessary herein.

* *No change.*

505.140(B) The City may wish to review this Section to make certain it is still current.

* *We deleted this Subsection (B).*

505.160 The City should review the referencing herein to "Section 12-37(1) through (5)"; we found no such Sections.

* *Brian to review and advise. Per the City we removed "except that" to the end of the first sentence, thus removing this reference from the Code.*

505.180 The City may wish to consider whether this Section may be more appropriately placed in Title IV for ease of reference and to avoid any potential there may be for conflict. Especially review against Sections 405.910 to 405.980 and Ch. 407.

* *No change except for deletion of Subsection (C) noted below.*

505.180(C) This Section may be adequately addressed by Section 210.580.

* *We deleted this Subsection (C) and relettered the subsequent Subsections.*

505.200 The City may wish to consider whether the Driveway Access Location and Design Standards referenced herein fall within the meaning of the statute regulating technical codes incorporated by reference pursuant to Section 67.280, RSMo.

* *After the words "Design Standards" in line 1, we added "which are on file in the City offices".*

505.230(D) This picture will be added before final printing.

* *OK.*

505.240.1 This picture will be added before final printing.

* *OK.*

505.270(F) Note the reference to Subsection (4)(b), we were not sure what was intended. Review and advise.

* *Brian to review and advise.*

* *We changed this reference to 500.220(D).*

505.270(H) This picture will be added before final printing.

* *OK.*

505.300 *In Subsection (A), we deleted the wording "...a misdemeanor (\$500.00).. " and inserted "...an ordinance violation punishable as set forth in Section 100.080 of this Code...".*

TITLE VI. BUSINESS AND OCCUPATION

* *We deleted "or his/her designee; or the City Administrator's designee; or the Chief of Police's designee"*

CH. 600 ALCOHOLIC BEVERAGES

Generally Due to the age of most of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

Note that the State Law Reference hereunder is not correct, as Chapter 312, RSMo. was repealed in 2009. This reference could probably read simply "Ch. 311, RSMo." instead of "§§311.010 to 312.510, RSMo."

* *We inserted a model Chapter and retained some of the Code Sections as follows:*

<i>600.010(premises)</i>	<i>(600.010)</i>
<i>600.480</i>	<i>(600.070)</i>
<i>600.340</i>	<i>(600.080)</i>
<i>600.350</i>	<i>(600.085)</i>
<i>600.370</i>	<i>(600.090)</i>
<i>600.380</i>	<i>(600.100)</i>
<i>600.390</i>	<i>(600.110)</i>
<i>600.420</i>	<i>(600.120)</i>
<i>600.430</i>	<i>(600.130)</i>
<i>600.190</i>	<i>(600.160)</i>
<i>600.200</i>	<i>(600.170)</i>
<i>600.220</i>	<i>(600.180)</i>
<i>600.160</i>	<i>(600.195)</i>
<i>600.100</i>	<i>(600.220) (see note below)</i>

* *There are still some areas to review, see Section 600.030(E), which is a Model Chapter Section and confirm if the City has restrictions as to the number of certain alcoholic beverage licenses.*

* *We deleted Subsection (E) and relettered the subsequent Subsections.*

Also review Section 600.130 and 600.140, which both deal with Suspension/Revocation of Licenses, the City should determine if both Sections are needed and if not, then which should be retained. If Section 600.140 is retained then a choice should be made as to whether to retain the first or second Subsection (A), as these are alternative Subsections.

* *We kept both Sections.*

600.020(A) *We deleted the second sentence.*

600.050(3)(b) *As to "Tasting permit" we added "annually".*

- 600.150(A) ***We retained the alternate version of this Subsection "Hearing Officer".***
- 600.210(G) ***In Subparagraph (1) we added the following sentence: "Notwithstanding any other provision of this Code to the contrary:". Subparagraphs (2) and (3) are now relettered as (a) and (b). Subparagraph (4) is deleted.***
- 600.220 ***Subsection (A) of this Section was moved to Section 600.210(G) as Subparagraph (2). The remainder of Section 600.220 was deleted. The subsequent Section was renumbered.***
- 600.010 As to the definition of INTOXICATING LIQUOR, the City may wish to note the similar statutory provision of Section 311.020, RSMo., defines this term as "containing in excess of one-half of one percent by volume," which differs from the reference herein to "in excess of three and two-tenths percent (3.2%) of alcohol by weight." Additionally, the statute further provides that "all beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this chapter, but subject to inspection as provided by sections 196.365 to 196.445*, RSMo."
- * *See note at beginning of Chapter 600.*
- As to the definition of PERSON, the City may wish to note the similar statutory provision of Section 311.030, RSMo., does not include "club" in the definition of this term.
- * *See note at beginning of Chapter 600.*
- As to the definition of RESTAURANT BAR, the City may wish to note Section 311.097.1, RSMo., uses the term "consumed" rather than "consumption" as that word appears in the fourth line of this Section.
- * *See note at beginning of Chapter 600.*
- As to the definition of SALE BY DRINK, the City may wish to note the similar statutory provision of Section 311, RSMo., defines this term as "the sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty 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."
- * *See note at beginning of Chapter 600.*
- 600.020 The City should note that the similar statutory provisions of Section 311.470, RSMo., were repealed in 2010 by HB 1965.
- * *See note at beginning of Chapter 600.*
- 600.030 The City may wish to review the provisions of this Section against the similar statutory provisions of Section 311.330, RSMo., which includes the phrase "or

any kind of liquor used exclusively as an ingredient in any foods being prepared and sold on the premises," at the end of this Section.

* *See note at beginning of Chapter 600.*

600.040 The City may wish to review the provisions of this Section against the provisions of Section 311.270, RSMo., which provides that "1. It shall be unlawful for any person, holding a license for the sale of malt liquor only, to possess, consume, store, sell or offer for sale, give away or otherwise dispose of, upon or about the premises mentioned in said license, or, upon or about said premises, to suffer or permit any person to possess, consume, store, sell or offer for sale, give away or otherwise dispose of, any intoxicating liquor of any kind whatsoever other than malt liquor brewed or manufactured by the method, in the manner, and of the ingredients, required by the laws of this state. Whosoever shall violate any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction shall be punished as in this chapter provided as to misdemeanors. Upon such conviction becoming final, the license of the person so convicted shall forthwith, and without other or further action, order or proceeding, be deemed to have been revoked, and shall by the licensee be forthwith surrendered to the supervisor and canceled."

* *See note at beginning of Chapter 600.*

600.050 The City may wish to review the provisions of this Section against the provisions of Section 311.100, RSMo., which provides that "the sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty 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." This language differs somewhat from the language used herein.

* *See note at beginning of Chapter 600.*

600.070(B) The City may wish to note pursuant to Section 311.293.1, RSMo., Sunday sale may occur " between the hours of 9:00 a.m. and midnight on Sundays."

* *See note at beginning of Chapter 600.*

600.070(C) The City may wish to note the similar statutory provision of Section 311.298, RSMo., includes in this exception "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 license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of section 311.290 or any other provision of law to the contrary."

* *See note at beginning of Chapter 600.*

600.080(A) This Section may be adequately addressed by Section 600.070(A). Additionally, the City may wish to review the provisions of this Section against the provisions of Section 311.290, RSMo., which provides that "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 in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon or about his or her premises. If the person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday."

* *See note at beginning of Chapter 600.*

600.080(B) This Section may be adequately addressed by Section 600.070(C) and Comment thereto. Also note that though "election day" is in the heading of this Section, it is not mentioned in the text of the Section.

* *See note at beginning of Chapter 600.*

600.090 Note that the similar statutory provisions of Section 311.350, RSMo. were repealed.

* *See note at beginning of Chapter 600.*

Also note, the City may wish to review the provisions of this Section against the provisions of Section 311.050, RSMo., which provides that "it shall be unlawful for any person, firm, partnership or corporation to manufacture, sell or expose for sale in this state intoxicating liquor, as defined in section 311.020, in any quantity, without taking out a license."

* *See note at beginning of Chapter 600.*

600.100(A)(600.220) The City may wish to review the provisions of this Section against the similar statutory provisions of Section 311.310.1, RSMo., which provides that "any licensee under this chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment."

* *No change except numbering.*

600.110 The City should review the similar statutory provisions of Section 311.310, RSMo. which appears to set these regulations out much more comprehensively.

* *See note at beginning of Chapter 600.*

600.120 The City may wish to review the provisions of this Section against the similar statutory provisions of Section 311.325.1, RSMo., which provides that "any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020 or who is visibly in an intoxicated condition as defined in section 577.001, RSMo, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor."

* *See note at beginning of Chapter 600.*

600.130(A) The City may wish to note the similar statutory provision of Section 311.300.1, RSMo., does not include the reference to "non-intoxicating beer" as it appears at the end of this Section. All references to "non-intoxicating beer" and Ch. 312, RSMo., have been removed in the 2009 legislative session.

* *See note at beginning of Chapter 600.*

600.130(B) The City may wish to review the provisions of this Section against the similar statutory provisions of Section 311.300.2, RSMo., which provides that "in any place of business licensed in accordance with section 311.200, persons at least eighteen years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carryout, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one years. Any licensee who employs any person under the age of twenty-one years, as authorized by this subsection, shall, when at least fifty percent of the licensee's gross sales does not consist of nonalcoholic sales, have an employee twenty-one years of age or older on the licensed premises during all hours of operation." This language differs somewhat from the language used herein.

* *See note at beginning of Chapter 600.*

600.130(C) The City may wish to note the similar statutory provision of Section 311.300.3, RSMo., does not reference "non-intoxicating beer" anywhere in this provision. The City may wish to consider whether any additions may be necessary herein.

The city may also wish to note the statutory language includes the following at the end of this Section: "any wholesaler licensed pursuant to this chapter may employ persons of at least eighteen years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor."

* *See note at beginning of Chapter 600.*

600.130(D) The City may wish to note the similar statutory provision of Section 311.300.4, RSMo., does not reference "non-intoxicating beer" anywhere in this provision. The City may wish to consider whether any additions may be necessary herein.

* *See note at beginning of Chapter 600.*

600.150 This Section appears to be missing some wording. Review and advise.

* *See note at beginning of Chapter 600.*

600.170 Note that possibly this should reflect the \$1,000.00 penalty set out in Section 100.080 or just referring to said General Penalty may be better.

* *See note at beginning of Chapter 600.*

600.190(A)(600.160) As to the definition of PERSON, see Comment to definition of "person" at Section 600.010.

* *We deleted this definition.*

As to the definition of INTOXICATING LIQUOR, see Comment to definition of "intoxicating liquor" at Section 600.010.

* *We deleted this definition.*

* *We deleted all definitions except DRIVE-UP WINDOW and renumbered this as Section 600.160.*

600.200(A)(600.170) As to the definition of ALCOHOLIC BEVERAGE, the City may wish to note Chapter 312, RSMo., was repealed by House Bill 132, 2009, so the mention of it and non-intoxicating beer may no longer be relevant.

* *We retained Section 600.200(600.170); in Subsection (A) we deleted the reference to "non-intoxicating liquor"; deleted 311.020, RSMo., and inserted "600.010 of this Chapter"; in Subsection (C) we added a new #3; we deleted Subsection (D).*

600.230 This Section may be better placed in Title III, see Ch. 342 and comments thereto.

* *See note at beginning of Chapter 600.*

600.230(B) The City may wish to review the provisions of this Section against the similar statutory provisions of Section 577.012.2, RSMo., which provides that "as used in this section, percent by weight of alcohol in the blood shall be based upon

grams of alcohol per one hundred milliliters of blood or two hundred ten 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."

* *See note at beginning of Chapter 600.*

600.230(C) The City may wish to review the provisions of this Section against the provisions of Section 577.012.3, RSMo., which provides that "for the first offense, driving with excessive blood alcohol content is a class B misdemeanor."

* *See note at beginning of Chapter 600.*

Additionally, the City may wish to note Section 577.012, RSMo., was amended by House Bill 1695, 2010, to add new provisions setting forth the requirements for suspended imposition of sentence for certain persons which the City may wish to review and consider including herein.

600.320(A)(3) With respect to the reference herein to "non-intoxicating beer," see Comment to Section 600.200(A).

* *See note at beginning of Chapter 600.*

600.340(600.080) **We deleted the first occurrence of "City Clerk" and changed to read simply "Clerk".**

600.360(A) The City may wish to review the provisions of this Section against the provisions of Section 311.080.1 and 2, RSMo., which provides that "1. No license shall be granted for the sale of intoxicating liquor, as defined in this chapter, within one hundred feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the board of alderman, city council, or other proper authorities of any incorporated city, town, or village, except that when a school, church or place of worship shall hereafter be established within one hundred feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten days' written notice has been provided to all owners of property within one hundred feet of the proposed licensed premises. 2. The board of aldermen, city council or other proper authorities of any incorporated city, town or village may by ordinance prohibit the granting of a license for the sale of intoxicating liquor within a distance as great as three hundred feet of any school, church, or other building regularly used as a place of religious worship. In such cases, and where the ordinance has been lawfully enacted, no license of any character shall be issued in conflict with the ordinance while it is in effect; except, that when a school, church or

place of worship is established within the prohibited distance from any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason."

* *See note at beginning of Chapter 600.*

* *We inserted 100 feet in Section 600.040 of this new draft.*

600.380(600.100) We removed the Editor's Note under previous Code Section 4-38, from which this Section is taken, believing it to be unnecessary at this time. Review and confirm.

* *We deleted Subsection (B) of this Section.*

600.440 The City may wish to review the provisions of this Section against the similar statutory provisions of Section 311.200.1, RSMo., which provides that "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 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 store a stock of goods having a value according to invoices of at least one thousand dollars, 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 law."

* *See note at beginning of Chapter 600.*

600.450(A) The City may wish to review the provisions of this Section against the provisions of Section 311.097.1, RSMo., which provides that "notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of control may issue, a license to sell intoxicating liquor, as in this chapter defined, between the hours of 9:00 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient guests."

* *See note at beginning of Chapter 600.*

600.460(2) The City may wish to review the provisions of this Section against the provisions of Section 311.200.3, RSMo., which provides that "for every license issued for the sale of malt liquor at retail by drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday."

Also note that per Section 311.220, RSMo., the City is allowed to charge 1½ times the fee mentioned above which would make the maximum allowable fee \$75.00.

* *See note at beginning of Chapter 600.*

600.460(3) The City may wish to review the provisions of this Section against the provisions of Section 311.200.4, RSMo., which provides that "for every license issued for the sale of malt liquor and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year."

Also note that per Section 311.220, RSMo., the City is allowed to charge 1½ times the fee mentioned above which would make the maximum allowable fee \$75.00.

* *See note at beginning of Chapter 600.*

600.460(5) The license set out herein is not completely clear, it appears the City is referring to a beer license (non-intoxicating beer), however in 2009 Ch. 312, RSMo., as well as all licensing regulations concerning 3.2% beer was repealed. The City should review these provisions and confirm if this license is covered possibly under Subsection 2 or 3 above in this Section.

* *See note at beginning of Chapter 600.*

600.460(6) The City should review the provisions of this Section against the provisions of Section 311.090, "Sale of Liquor By the Drink, Cities Requirements—Sunday Sales Authorized For Certain Organizations; and Section 311.097, RSMo. "Restaurant Bar And Certain Transient Guest Accommodations—Sunday Sales, When—Restaurant Bar Defined—Temporary License, New Business, When—Sports Stadium, Certain Counties, Special Provisions"; and Section 311.098, "Amusement Places, Sunday Sales, When, Limitation—Amusement Place Defined—Temporary License, New Business, When"; and Section 311.102, "Places Of Entertainment—Sunday Sales by The Drink On Premises—Place Of Entertainment Defined—License Requirements, Fee"; all of which set out various provisions concerning different types of licenses which can be issued for Sunday Sales. All of these appear to provide a State fee of \$200.00 which would allow the City per Section 311.220, RSMo. to charge a fee as high as \$300.00 per year. The City should review and determine if any of the above noted provisions are needed herein.

Additionally, the City may wish to note Section 311.097.1, RSMo., provides that the Sunday sales for a restaurant bar is "between the hours of 9:00 a.m. on Sunday and midnight on Sunday."

* *See note at beginning of Chapter 600.*

600.460(7) The City may wish to review the provisions of this Section against the similar statutory provisions of Section 311.293, RSMo., which provides that "1.

Notwithstanding the provisions of any law to the contrary, any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor in the original package at retail pursuant to section 311.200, may apply to the supervisor of alcohol and tobacco control for a special license to sell intoxicating liquor in the original package at retail between the hours of 9:00 a.m. and midnight on Sundays. A licensee under this section shall pay to the director of revenue an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees. 2. In addition to any fee collected pursuant to section 311.220, a city or county may charge and collect an additional fee not to exceed three hundred dollars from any licensee under this section for the privilege of selling intoxicating liquor in the original package at retail between the hours of 9:00 a.m. and midnight on Sundays in such city or county; however the additional fee shall not exceed the fee charged by that city or county for a special license issued pursuant to any provision of this chapter which allows a licensee to sell intoxicating liquor by the drink for consumption on the premises of the licensee on Sundays."

* *See note at beginning of Chapter 600.*

600.470(A) The City may wish to review the provisions of this Section against the provisions of Section 311.482.1, RSMo., which provides that "notwithstanding any other provision of this chapter, a permit for the sale of intoxicating liquor as defined in section 311.020, for consumption on premises where sold may be issued to any 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. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven days by any such club or organization." This language differs somewhat from the language used herein.

* *See note at beginning of Chapter 600.*

600.470(B) The City may wish to note the similar statutory provision of Section 311.482.2, RSMo., also provides that "no applicant shall be required to furnish a personal photograph as part of the application. "

Also note that per Section 311.220, RSMo., the maximum allowable fee is \$37.50.

* *See note at beginning of Chapter 600.*

600.470(E) The City may wish to note the similar statutory provision of Section 311.482.4, RSMo., provides that "any sales tax due shall be paid to the director of revenue within fifteen days after the close of the event, and failure to do so shall result in a liability of triple the amount of the tax due plus payment of the tax, and denial of any other permit for a period of three years. Under no circumstances shall a bond be required from the applicant."

* *See note at beginning of Chapter 600.*

600.470(I) The City may wish to review the provisions of this Section against the similar statutory provisions of Section 311.485.1, RSMo., which provides that "the supervisor of liquor control 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 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight 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 director of revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is issued." This language differs somewhat from the language used herein.

Also note that per Section 311.220, RSMo., the maximum allowable fee is \$15.00.

* *See note at beginning of Chapter 600.*

600.490(C) See comment to Section 600.170 regarding penalty provisions.

* *See note at beginning of Chapter 600.*

CH. 605 LICENSES AND BUSINESS REGULATIONS

Generally The City should be aware that the Hancock Amendment may impact fees set forth herein.

Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

605.020 *As to the definition of OFFICE, we placed the word "or" between "manufacturing" and "retail merchant" and removed the words "or manufacturing" at the end of the definition.*

As to the definition of RETAIL MERCHANT, the City may wish to note Section 150.010.1, RSMo., defines the related term "merchant" as "every person, corporation, copartnership or association of persons, except motor vehicle dealers as defined in sections 150.010 to 150.015, who shall deal in the selling of goods, wares and merchandise at any store, stand or place occupied for that purpose, is declared to be a "merchant"." The City may wish to consider whether any additions or deletions may be necessary herein.

* *No change.*

- * *As to the definition of SERVICE, we removed the words "of the following ... any" and "but listed in Section 94.110, RSMo." We also removed remove all of the businesses listed under "Service Occupation/Offices Categories" at the end of this definition.*
- 605.035 *We inserted Section 71.620, RSMo., herein.*
- 605.040 *The City may wish to review and consider whether there is any application of Section 71.620, RSMo., which provides that "hereafter 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, chiropractist, physician or surgeon in this state 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, or 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 its business or occupation, in excess of or in an aggregate amount exceeding twenty-five thousand dollars annually, any law, ordinance or charter to the contrary notwithstanding. 2. 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 state 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 or her profession by a municipality unless that person maintains a business office within that municipality."*
- * *We inserted Section 144.083.4, RSMo., as Section 605.040(B).*
- 605.050 *The City may wish to review this Section to make certain the fee schedule is still current.*
- * *No change.*
- 605.070(A) *We deleted "or his/her designee." at the end of this Subsection.*
- 605.070(B) *We inserted a period after "Finance Director" in the first line and changed the word "upon" to read "Contracting businesses located in Chesterfield shall furnish".*
- 605.080 *We deleted "or his/her designee" after the words "City Administrator" in two places in this Section.*
- 605.100 *We inserted "of space" after "largest percentage" in the third line.*
- 605.130 *City to review this Section.*
- * *No change.*

605.140 *The City needs to review whether they should charge more for larger space if business moves during the license year.*

* *No change.*

605.170 *We deleted "or his/her designee" in the first line of this Section.*

605.240 The City may wish to review this Section to make certain the fee is still current.

* *No change.*

Art. II Solicitors

605.260 As to the definition of SOLICITING, the City may wish to note Section 150.380.1, RSMo., defines the related term "itinerant vendor" for the purposes of sections 150.380 to 150.460, to mean and include "all persons, both principal and agents, who engage in, or conduct, in this state, either in one locality or in traveling from place to place, a temporary or transient business of selling goods, wares and merchandise with the intention of continuing in such business in any one place for a period of not more than one hundred and twenty days, and who, for the purpose of carrying on such business, hire, lease or occupy, either in whole or in part, a room, building, or other structure, for the exhibition and sale of such goods, wares and merchandise and do not have a permanent place of business in Missouri."

* *No change.*

605.270 The City may wish to review the provisions of this Section against the provisions of Section 150.410, RSMo., which also provides that "before selling under a state license an itinerant vendor shall exhibit it to the county clerk of the county, license collector, or other authorized officer of any municipal corporation, in which he proposes to make sale. Upon payment to such county clerk, license collector, or other authorized officer of any local license fee provided by law or ordinances, and the proof of payment of all such other license fees legally chargeable upon local sales, the local officer shall record such state license, endorse upon it the words "local license fees paid", and affix his official signature, with the date of such endorsement, for which service a fee of two dollars shall be paid to said officer. Failure to obtain proper endorsement made on the state license shall be subject to a like penalty as if state license had not been issued." The City may wish to consider whether any additions or deletions may be necessary herein.

* *No change.*

605.370 See comment to Section 600.170 regarding penalty provisions.

* *We deleted this Section and renumbered subsequent Sections.*

Art. III

Coin-Operated Vending Machines

Generally

We removed "coin-operated" everywhere it appeared in this Article including the Article heading.

605.460

As to the definition of CIGARETTE MACHINE, the City may wish to note Section 407.925(11), RSMo., defines the related term "Vending machine", as "any mechanical electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses a product."

*

We removed this definition and all other definitions except AMUSEMENT DEVICE. We inserted the definition for VENDING MACHINE adjusting to refer to any product.

605.470

We inserted the word "sticker" between "license" and "specifically" in the third line, changed "location" to "machine" at the end of the third line and deleted the last sentence "Any vending ... be removed."

605.480

We deleted all Subsections from this Section except Subsection (G) and removed the word "and" from between "license" and "sticker" in the next to last sentence.

605.490(C)

The City may wish to review this Section to make certain the fee is still current.

*

We deleted this entire Section.

600.500—600.520

We deleted these Sections.

605.530

See comment to Section 600.170 regarding penalty provisions.

*

We deleted this Section.

Art. IV

Tourist Camps

605.600

The City may wish to review this Section to make certain it is still current.

*

No change.

Art. V

Pawnbrokers

605.740

As to the definition of NET ASSETS, the City may wish to note that pursuant to the similar statutory provision of Section 367.011(2), RSMo., the word "payable" as it appears in the seventh line of this Section should read "payables."

*

We made this change.

As to the definition of PAWNBROKER there appears to be language missing in the last line thereof.

*

We replaced this definition with Section 367.011(3), RSMo.

As to the definition of PAWNSHOP, the City may wish to note Section 367.011(4), RSMo., includes the phrase "premises in which" after the word "or" as it appears in the first line of this Section.

* *We replaced this definition with the words "as defined in Section 405.030. Note that this definition does not occur therein as yet.*

* *This definition has been added.*

605.750 The City may wish to review the provisions of this Section against the similar statutory provisions of Section 367.031.2, RSMo., which provides that "the pawnbroker may be required, in accordance with local ordinances, to furnish appropriate law enforcement authorities with copies of information contained in subdivisions (1) to (4) of subsection 1 of this section and information contained in subdivision (6) of subsection 4 of section 367.040. The pawnbroker may satisfy such requirements by transmitting such information electronically to a database in accordance with this section, except that paper copies shall be made available for an on-site inspection upon request of any appropriate law enforcement authority." The City may wish to review this Section and consider whether any additions or deletions may be necessary.

* *We removed "on a form ... of 12:00 noon," from the second and third lines of this Section.*

605.760 The City may wish to review the provisions of this Section against the provisions of Section 367.031.5, RSMo., which provides that "the database shall also contain such security features and protections as may be necessary to ensure that the reportable data maintained in the database can only be accessed by permitted users in accordance with the provisions of this section."

* *We inserted the language in quotes as the last sentence in this Section.*

605.770(A)(2) The City may wish to review the provisions of this Section against the provisions of Section 367.043.1(2), RSMo., which provides that an applicant for a pawnshop license shall "have net assets of at least fifty thousand dollars readily available for use in conducting business as a pawnshop for each licensed pawnshop," which differs from the "seventy-five thousand dollars" referenced herein.

* *We made this change.*

605.770(A)(3) The City may wish to review the provisions of this Section against the provisions of Section 367.043.1(3), RSMo., which also provides that "in addition to the qualifications specified in subdivisions (1) to (3) of this subsection, a municipality or county may also refuse to issue a pawnshop license to any applicant who has a felony or misdemeanor conviction which directly relates to the duties and responsibilities of the occupation of pawnbroker or otherwise makes the applicant presently unfit for a pawnshop license."

* *No change.*

605.770(C)

The City may wish to review the provisions of Section 367.043.3, RSMo., which provides that "an application for a new pawnshop license, the transfer of an existing pawnshop license or the approval of a change in the ownership of a licensed pawnshop shall be under oath and shall state the full name and place of residence of the applicant, the place where the business is to be conducted, and other relevant information required by the municipality or county. If the applicant is a partnership, the municipality or county may require that the application state the full name and address of each member. If the applicant is a corporation, the application shall state the full name and address of each officer, shareholder, and director. The application shall be accompanied by: (1) An investigation fee of five hundred dollars if the applicant is unlicensed at the time of applying for the pawnshop license or two hundred fifty dollars if the application involves a second or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location; and (2) Proof of general liability if required by the municipality or county, and an annual fee of five hundred dollars."

*

We inserted Section 367.043.3, RSMo., herein, except for minor changes to make this applicable to the City.

605.770(D)

The City may wish to review the provisions of this Section against the provisions of Section 367.043.4, RSMo., which provides that "each applicant for a pawnshop license at the time of filing application shall file with the municipality or county, if the municipality or county so requires, a bond satisfactory to him and in an amount not to exceed five thousand dollars for each license with a surety company qualified to do business in this state. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the state for the use of the state and of any person or persons who may have a cause of action against the obligor of such bond under the provisions of sections 367.011 to 367.060. Such bond shall be conditioned that the obligor will comply with the provisions of sections 367.011 to 367.060 and of all rules and regulations lawfully made by the municipality or county, and will pay to the state and to any such person or persons any and all amounts of money that may become due or owing to the state or to such person or persons from such obligor under and by virtue of the provisions of sections 367.011 to 367.060 during the time such bond is in effect."

*

We inserted Section 367.043.4, RSMo., except for minor changes to make this applicable to the City.

605.860(A)

The City may wish to review the provisions of this Section against the provisions of Section 367.031.2-8, RSMo., which provides that "2. The pawnbroker may be required, in accordance with local ordinances, to furnish appropriate law enforcement authorities with copies of information contained in subdivisions (1) to (4) of subsection 1 of this section and information contained in subdivision (6) of subsection 4 of section 367.040. The pawnbroker may satisfy such requirements by transmitting such information electronically to a database in accordance with this section, except that paper copies shall be made available for an on-site inspection upon request of any appropriate law enforcement authority. 3. As used in this section, the following terms mean: (1) "Database", a computer database established and

maintained by a third party engaged in the business of establishing and maintaining one or more databases; (2) "Permitted user", persons authorized by law enforcement personnel to access the database; (3) "Reportable data", the information required to be recorded by pawnbrokers for pawn transactions pursuant to subdivisions (1) to (4) of subsection 1 of this section and the information required to be recorded by pawnbrokers for purchase transactions pursuant to subdivision (6) of subsection 4 of section 367.040; (4) "Reporting pawnbroker", a pawnbroker who chooses to transmit reportable data electronically to the database; (5) "Search", the accessing of a single database record. 4. The database shall provide appropriate law enforcement officials with the information contained in subdivisions (1) to (4) of subsection 1 of this section and other useful information to facilitate the investigation of alleged property crimes while protecting the privacy rights of pawnbrokers and pawnshop customers with regard to their transactions. 5. The database shall contain the pawn and purchase transaction information recorded by reporting pawnbrokers pursuant to this section and section 367.040 and shall be updated as requested. The database shall also contain such security features and protections as may be necessary to ensure that the reportable data maintained in the database can only be accessed by permitted users in accordance with the provisions of this section. 6. The third party's charge for the database shall be based on the number of permitted users. Law enforcement agencies shall be charged directly for access to the database, and the charge shall be reasonable in relation to the costs of the third party in establishing and maintaining the database. No reporting pawnbroker or customer of a reporting pawnbroker shall be charged any costs for the creation or utilization of the database. 7. (1) The information in the database shall only be accessible through the Internet to permitted users who have provided a secure identification or access code to the database but shall allow such permitted users to access database information from any jurisdiction transmitting such information to that database. Such permitted users shall provide the database with an identifier number of a criminal action for which the identity of the pawn or purchase transaction customer is needed and a representation that the information is connected to an inquiry or to the investigation of a complaint or alleged crime involving goods delivered by that customer in that transaction. The database shall record, for each search, the identity of the permitted user, the pawn or purchase transaction involved in the search, and the identity of any customer accessed through the search. Each search record shall be made available to other permitted users regardless of their jurisdiction. The database shall enable reporting pawnbrokers to transmit to the database through the Internet reportable data for each pawn and purchase transaction. (2) Any person who gains access to information in the database through fraud or false pretenses shall be guilty of a class C felony. 8. Any pawnbroker licensed under section 367.043 shall meet the following requirements: (1) Provide all reportable data to appropriate users by transmitting it through the Internet to the database; (2) Transmit all reportable data for one business day to the database prior to the end of the following business day; (3) Make available for on-site inspection to any appropriate law enforcement official, upon request, paper copies of any pawn or purchase transaction documents"

*

We inserted the words "or electronically" after "in writing" in the second line.

605.870(A)(2) The City may wish to note the similar statutory provision of Section 367.031.1(2), RSMo., does not reference the pledgor's "date of birth" as referenced herein.

* *We inserted "and" between "name" and "address" in the first line and removed "and date of birth" from the same line.*

605.870(A)(4) The City may wish to note the similar statutory provision of Section 367.031.1(3), RSMo., does not reference the "time of transactions."

* *We deleted this Subsection and renumbered subsequent Subsections.*

605.900(5) The City may wish to review the provisions of Section 367.040.4(6), RSMo., which also provides that a pawnbroker shall not "purchase or take in trade used or secondhand personal property unless a record is established that contains: (a) The name, address, physical description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the seller; (b) A complete description of the property, including the serial number if reasonably available, or other identifying characteristic; and (c) A signed document from the seller providing that the seller has the right to sell the property."

* *We inserted Section 367.040.4, RSMo. as Subsection (6).*

Art. VI Tobacco Products

Generally The City may wish to review the provisions of Section 149.192, RSMo., which provides that "the general assembly hereby occupies and preempts the entire field of legislation increasing the taxation of cigarettes and tobacco products to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any future orders, ordinances or regulations in this field shall be null and void. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation increasing the tax levied on cigarettes and tobacco products. The tax levied by any county, city, town, village, municipality, or other political subdivision of this state shall not exceed the amount of tax levied on September 30, 1993."

* *Megan to review.*

* *Ok as is.*

605.1020 As to the definition of CIGARETTE, the City may wish to review the provisions of Section 149.011(2), RSMo., which defines this term as "an item manufactured of tobacco or any substitute therefor, wrapped in paper or any substitute therefor, weighing not to exceed three pounds per one thousand cigarettes and which is commonly classified, labeled or advertised as a cigarette."

* *We inserted Section 149.011(2), RSMo.*

As to the definition of PACKAGE, the City may wish to review the provisions of Section 149.011(9), RSMo., which defines the related term "package of cigarettes" as "a container of any type composition in which is normally contained twenty individual cigarettes, except as in special instances when the number may be more or less than twenty."

* *We inserted Section 149.011(9), RSMo.*

As to the definition of RETAIL DEALER, the City may wish to review the provisions of Section 149.011(11), RSMo., which defines the related term "retailer" as "any person who sells to a consumer or to any person for any purpose other than resale."

* *We inserted Section 149.011(11), RSMo.*

As to the definition of SALE, the City may wish to review the provisions of Section 149.011(12), RSMo., which defines this term as "sales, barter, exchanges and every other manner, method and form of transferring the ownership of personal property from one person to another. "Sale" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption."

* *We inserted Section 149.011(12), RSMo.*

As to the definition of WHOLESALE DEALER, the City may wish to review the provisions of Section 149.011(18), RSMo., which defines the related term "wholesaler" as "any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the state who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this chapter, who so sells or so distributes cigarettes or tobacco products."

* *We inserted Section 149.011(18), RSMo.*

605.1090

The City may wish to review the provisions of this Section against the similar statutory provisions of Section 407.927, RSMo., which also provides that "the owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall: (1) Contain in red lettering at least one-half inch high on a white background the following: "It is a violation of state law for cigarettes or other tobacco products to be sold or otherwise provided to any person under the age of eighteen or for such person to purchase, attempt to purchase or possess cigarettes or other tobacco products."; and (2) Include a depiction of a pack

of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 18".

605.1090 See comment to Section 600.170 regarding penalty provisions.

Art. VII Adult Entertainment Businesses

Generally In addition to the notes below, also note that in the 2010 legislative session, SB 587 enacted Sections 573.525 to 573.540, RSMo. all dealing with "Sexually-Oriented Businesses". These newly adopted Sections appear to duplicate and in some instances conflict with the Sections referred to in these comments from Chapter 67.2540, RSMo., et seq. We believe both sets of provisions should be reviewed by the City.

605.1210 As to the definitions of ADULT ARCADE, ADULT ENCOUNTER PARLOR, ADULT ENTERTAINMENT, ADULT ENTERTAINMENT BUSINESS, ADULT ENTERTAINMENT CABARET, ADULT ENTERTAINMENT FACILITY, ADULT ENTERTAINMENT STUDIO (INCLUDES THE TERMS "RAP STUDIO", EXOTIC DANCE STUDIO", "SENSITIVITY STUDIO" OR "ENCOUNTER STUDIO"), ADULT MEDIA, ADULT MEDIA OUTLET, ADULT MOTEL, ADULT NEWSRACK, ADULT RETAIL ESTABLISHMENT, ADULT THEATER", the City may wish to note Section 67.2540(7), RSMo., defines the term "Sexually oriented business" as "an adult cabaret or any business which offers its patrons goods of which a substantial or significant portion are sexually oriented material. It shall be presumed that a business that derives thirty percent or less of its revenue from sexually oriented materials is presumed not to be a sexually oriented business. No building, premises, structure, or other facility that contains any sexually oriented business shall contain any other kind of sexually oriented business."

* *Aimee to handle in UDC.*

* *Now taken care of in Section 405.1190.*

* *We deleted the words "the following" and "are adopted" in the first sentence and inserted "for the following words or phrases can be found in Section 405.1190:" We also deleted all the definitions in this Section and only listed the words.*

* *Ok as is.*

Please note that most of these listed words are not contained in Section 405.1190. Review and advise if anything should be changed. Also note we deleted any words which were not contained in the Code anywhere except in these definitions. Confirm the deletion of the following terms: Adult Arcade; Adult Encounter Parlor; Adult Entertainment Cabaret; Adult Entertainment Studio, Etc.; Adult Media; Adult Media Outlet; Adult Motel; Adult Newsrack; Adult Retail Establishment; Adult Theater; Body Painting Studio; Escort Bureau; Public Place (not in Article).

As to the definition of ADULT ENTERTAINMENT CABARET, the City may also wish to note Section 67.2540(1), RSMo., defines the term "Adult cabaret" as "a nightclub, bar, restaurant, or similar establishment in which persons regularly appear in a state of nudity, as defined in section 573.500, RSMo, or seminudity in the performance of their duties." See also the Comment to the definition of ADULT ARCADE, et al, set forth above.

* *See above note.*

As to the definition of ADULT ENTERTAINMENT FACILITY, in number (3) thereof, we changed the word "providing" to provides in the first line thereof.

* *See above note.*

As to the definition of ADULT MEDIA OUTLET, in the paragraph which starts "For purposes of this Subsection", should this read For the purposes of this definition.

* *See above note.*

As to the definition of SPECIFIED SEXUAL ACTIVITIES, the City may wish to note Section 67.2540(10), RSMo., defines this term as "the following acts: (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (b) Sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or (c) Excretory functions as part of or in connection with any of the activities set forth in this subdivision."

* *See above note.*

605.1280(1) The City may wish to review the provisions of this Section against the provisions of Section 67.2552.4, RSMo., which provides that "it shall be a class A misdemeanor if a person knowingly allows on the premises of a sexually oriented business a person under the age of twenty-one years, except for a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises."

* *We inserted the above language from Section 67.2552.4, RSMo.*

605.1280(4) The City may wish to review the provisions of this Section against the provisions of Section 67.2552.1, RSMo., which provides that "it shall be a class A misdemeanor for a person, in a sexually oriented business, to knowingly and intentionally appear in a state of nudity or depict, simulate, or perform specified sexual activities."

* *No change.*

605.1280(5)(b) The City may wish to review the provisions of this Section against the provisions of Section 67.2552.3, RSMo., which provides that "It shall be a class A misdemeanor for an employee, while seminude, to touch a customer or the clothing of a customer."

* *No change.*

605.1280(6) The City may wish to review the provisions of this Section against the provisions of Section 67.2552.2, RSMo., which provides that "it shall be a class A misdemeanor for a person to appear knowingly or intentionally in a sexually oriented business in a seminude condition unless the person is an employee who, while seminude, shall be at least ten feet from any patron or customer and on a stage at least two feet from the floor and behind a railing no less than twenty-four inches in height."

* *No change.*

605.1280(8) The City may wish to review the provisions of this Section against the provisions of Section 67.2546.1, RSMo., which also provides that "a person who operates or causes to be operated a sexually oriented business shall be prohibited from exhibiting in a viewing room on the premises a film, video cassette, DVD, or other video reproduction that depicts specified sexual activities unless the viewing room is visible from a continuous main aisle in the sexually oriented business and such viewing room is not obscured by any curtain, door, wall, or other enclosure. No viewing room shall be occupied by more than one individual at a time and there shall be no aperture between viewing rooms which is designed or constructed to facilitate sexual activity between persons in different rooms."

* *We inserted the above language from Section 67.2546.1, RSMo.*

605.1320(6) Note that there appears to be some wording missing in the first four lines, review and advise.

* *We inserted "that" between "entertainer license" and "has become" at the end of the first line.*

605.1350—605.1360 See comment to Section 600.170 regarding penalty provisions.

* *We deleted these Sections.*

CH. 610 VEHICLES FOR HIRE

* *We deleted this Chapter and renumbered the subsequent Chapters.*

Generally Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

Also note that when we were completing the Ordinance listing, we found the following: Ord. no. 1006 states in the log that it repeals ord. no. 463 concerning taxicab licenses. See the note at the beginning of the Chapter,

however ord. no. 463 appears to be included herein, was only a portion of it repealed, or because of the effective date being later than the passage date, was this never repealed in the text of the Code? Review and advise if any changes are necessary.

610.010 As to the definition of TAXICAB, the City may wish to note Section 390.020(27), RSMo., defines this term as "any motor vehicle performing a bona fide for-hire taxicab service having a capacity of not more than five passengers, exclusive of the driver, and not operated on a regular route or between fixed termini."

610.100 See comment to Section 600.170 regarding penalty provisions.

CH. 615(610) ALARM SYSTEMS

Generally Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

615.080(610.080) The City may wish to review the provisions of this Section to make certain the fines are still current.

* *Okay, no change.*

615.120 See comment to Section 600.170 regarding penalty provisions.

* *We deleted this Section and renumbered subsequent Sections.*

615.220(610.220) The City may wish to review the provisions of this Section to make certain the fees are still current.

* *Okay, no change.*

CH. 620(615) WIRELESS TELECOMMUNICATIONS FACILITIES

620.190(B)(615.190) We added the word "to" after order and before recertify in the first line.

* *No changes, okay as is.*

620.240(615.240) See comment to Section 600.170 regarding penalty provisions.

* *We deleted "of not more than imprisonment." and inserted "as set forth in Section 100.080 of this Code."*

CH. 625(620) PUBLIC UTILITIES LICENSE TAX

Generally Due to the age of the enabling ordinances, the City may wish to review this Chapter in its entirety to make certain it is still current.

* *We deleted "exchange" before telephone throughout this Chapter.*

625.140(620.140)

We deleted "of not more than imprisonment." and inserted "as set forth in Section 100.080 of this Code."

CH. 630(625)

CABLE TELEVISION

* *City to review in conjunction with model ordinances left with them.*

* *Left City with Ellisville and Hermann for City to review.*

* *No change for now.*

Generally

The City may wish to note Section 67.2679.2, RSMo., provides that "except to the extent expressly set forth herein, upon issuance of a video service authorization, any existing or future franchise or ordinance adopted by a franchise entity that purports to regulate video service or video service networks or the franchising of video service providers shall be preempted as applied to such video service provider."

630.020(625.020)

As to the definition of NORMAL OPERATING CONDITIONS, the City may wish to note Section 67.2692.1(2), RSMo., uses the term "video service provider" in place of the term "cable operator" as referenced herein.

As to the definition of SERVICE INTERRUPTION, the City may wish to note Section 67.2192.1(3), RSMo., uses the term "video" in place of the term "cable" as referenced herein.

* *No change except numbering.*

630.030(625.030)

The City may wish to note the similar statutory provision of Section 67.2692, RSMo., uses the term "video" in place of the term "cable" and "video service provider" in place of the term "cable operator" throughout this Section.

* *No change except numbering.*

630.030(2)(a)(625.030)

The City may wish to note the similar statutory provision of Section 67.2692.2(5), RSMo., provides that "the operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards provided under subdivisions (1) to (4) of this subsection, unless a historical record of complaints indicates a clear failure to comply."

* *No change except numbering.*

630.030(2)(b)(625.030) See Comment to Section 630.030.2a.

* *No change except numbering.*

630.030(3)(625.030) The City may wish to note the similar statutory provision of Section 67.2692.2(6), RSMo., simply provides that "under normal operating conditions, the customer will receive a busy signal less than three percent of the time."

* *No change except numbering.*

630.050(1)(625.050) The City may wish to note the similar statutory provision of Section 67.2692.2(8)(a), RSMo., simply provides that "standard installations shall be performed within seven business days after an order has been placed. "Standard" installations* are those that are located up to one hundred and twenty-five feet from the existing distribution system."

* *No change except numbering.*

630.050(2)(625.050) The City may wish to note the similar statutory provision of Section 67.2692.2(8)(b), RSMo., provides that "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 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."

* *No change except numbering.*

630.050(3)(a)(625.050) The City may wish to note the similar statutory provision of Section 67.2692.2(8)(d), RSMo., uses the term "shall" rather than "may" as that word appears in the first line of this Section.

* *No change except numbering.*

630.050(3)(c)(625.050) The City may wish to note the similar statutory provision of Section 67.2692, RSMo., does not include this requirement.

* *No change except numbering.*

630.050(3)(d)(625.050) The City may wish to note the similar statutory provision of Section 67.2692, RSMo., does not include this requirement.

* *No change except numbering.*

630.090(C)(2)(625.090) The City may wish to review the provisions of this Section against the provisions of Section 67.2692.2(9)(b), RSMo., which provides that refunds will be issued no later than "the return of the equipment supplied by the video service provider if the service is terminated."

* *No change except numbering.*

630.090(D)(625.090) The City may wish to review the provisions of this Section against the provisions of Section 67.2692.2(10), RSMo., which provides that "credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted."

* *No change except numbering.*

630.120 **We deleted this Section.**

630.350(625.350) The City may wish to review the provisions of this Section against the provisions of Section 67.2705.1, RSMo., which provides that "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 local area in which the group resides."

* *No change except numbering.*

630.840(625.840) We changed this wording from "but it is not required to, identified a separate lime item" to read but it is not required to, identify a separate line item".

* *No change except numbering.*

630.880 **We deleted this Section.**

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Chapter 100

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Section 100.010. How Code Designated And Cited.¹

[CC 1990 § 1-1]

The ordinance provisions embraced in this and the following Chapters and Sections shall constitute and be designated as the Code of the City of Chesterfield, Missouri, and may be so cited. Such provisions may also be cited as the Chesterfield City Code.

Section 100.020. Definitions And Rules Of Construction.

[CC 1990 § 1-2; Ord. No. 524 § 1, 11-19-1990]

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

CITY — The words "the City" or "this City" shall mean the City of Chesterfield, Missouri.

CITY COUNCIL — The words "City Council" or "the Council" shall mean the City Council of Chesterfield.

1. State Law References: Ordinances to conform to state law, § 71.010, RSMo.; mayor shall enforce ordinances, § 77.350, RSMo.; council may make ordinances and establish penalties for violation, § 77.590, RSMo.; printed volume of ordinances to be evidence in state courts, § 490.240, RSMo.

COMPUTATION OF TIME — The time within which an act is to be done shall be computed by excluding the first (1st) day and including the last. If the last day is Sunday, it shall be excluded.²

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

DELEGATION OF AUTHORITY — Whenever a provision of this Title requires or authorizes an officer or employee of the City to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provisions shall designate otherwise.

GENDER — When any subject matter, party or person is described or referred to by words importing the masculine gender, females as well as males and associations and bodies corporate as well as individuals shall be deemed to be included.³

JOINT AUTHORITY — Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of the persons, unless otherwise declared in the law giving the authority.⁴

MONTH — A calendar month.⁵

NUMBER — When any subject matter, party or person is described or referred to by words importing the singular number or the masculine gender, several matters and persons, and females as well as males, and bodies corporate as well as individuals, are included.⁶

OATH — Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".⁷

OFFENSE — A violation of this Code.

OFFICERS, ETC. — A reference to any officer, board, commission, department or other agency shall be deemed to be followed by the words "of the City of Chesterfield, Missouri".

OWNER — Applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

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2. State Law Reference: Similar provisions, § 1.040, RSMo.
 3. State Law Reference: Similar provisions, § 1.030(2), RSMo.
 4. State Law Reference: Similar provisions, § 1.050, RSMo.
 5. State Law Reference: Similar provisions, § 1.020(11), RSMo.
 6. State Law Reference: Similar provisions, § 1.030(2), RSMo.
 7. State Law Reference: Parties may affirm, when, § 492.030, RSMo.

PERSON — The word "person" may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.⁸

PERSONAL PROPERTY — Includes money, goods, chattels, things in action and evidences of debt.⁹

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.¹⁰

PROPERTY — Includes real and personal property.¹¹

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

REAL PROPERTY — The terms "real property", "premises", "real estate" and "lands" shall be deemed to be co-extensive with lands, tenements and hereditaments.¹²

RSMO. — The latest published edition of the Revised Statutes of Missouri and all amendments thereto.

SHALL, MAY — The word "shall" is mandatory and the word "may" is permissive.

SIGNATURE — Where the written signature of any person is required, the proper handwriting of such person or his/her mark shall be intended.

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

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.

TENANT, OCCUPANT — Applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

TENSE — The use of any verb in the present tense shall include the future when applicable.

WRITING AND WRITTEN — 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.¹³

8. State Law References: "Person" defined, § 1.020(12), RSMo.; administration of decedents' estates, §§ 473.010 et seq., RSMo.

9. State Law Reference: Similar provisions, § 1.020(13), RSMo.

10. State Law Reference: Similar provisions, § 1.020(15), RSMo.

11. State Law Reference: Similar provisions, § 1.020(16), RSMo.

12. State Law Reference: Similar provisions, § 1.020(15), RSMo.

13. State Law Reference: Similar provisions, § 1.020(22), RSMo.

YEAR — A calendar year, unless otherwise expressed and the word "year" shall be equivalent to the words "year of our Lord".¹⁴

- B. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.¹⁵

Section 100.030. Catchlines Of Sections — Provisions Considered As Continuation Of Existing Ordinances.

[CC 1990 § 1-3]

- A. The catchlines of the several Sections of this Code printed in boldface are intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of such Section, nor any part of the Section, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catchlines, are amended or re-enacted.
- B. The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as a continuation thereof and not as new enactments.

Section 100.040. Severability Of Parts Of Code.

[CC 1990 § 1-4; Ord. No. 19 § 1, 6-1-1988]

It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses and phrases of the Chesterfield Code are severable and if any phrase, clause, sentence, paragraph or Section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the validity of the remaining portions of these ordinances. The City Council of Chesterfield, Missouri, hereby declares that it would have passed the same, even though such portions so held to be unconstitutional had not been included therein.

Section 100.050. Ordinances — Style — How Enacted.¹⁶

[CC 1990 § 1-5; Ord. No. 2 §§ 1 — 2, 6-1-1988; Ord. No. 146 §§ 1 — 2, 8-15-1988]

The style of the ordinances of the City shall be: "Be it ordained by the Council of the City of Chesterfield, 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 Council shall vote therefor and the "ayes" and "nays" shall be entered on the journal. Every proposed ordinance shall be introduced to the Council 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 Council. If the proposed ordinance is read by title only, copies of the proposed ordinance

14. State Law Reference: Similar provisions, § 1.020(9), RSMo.

15. State Law References: Construction of statutes generally, §§ 1.010 et seq., RSMo.

16. Cross Reference: As to city attorney to approve all contracts, ordinances and resolutions as to legal form prior to passage and approval, § 120.170(A)(5).

shall be made available for public inspection prior to the time the bill is under consideration by the Council. No bill shall become an ordinance until it shall have been signed by the officer presiding at the meeting of the Council at which it shall have been passed. When so signed, it shall be delivered to the Mayor for his/her approval and signature or his/her veto.

Section 100.060. Ordinances — Repeal Not To Affect Liabilities, Etc.

[CC 1990 § 1-6]

Whenever any ordinance or part of any ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying the same shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise be affected, released or discharged but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provisions has continued in force, unless it shall be therein otherwise expressly provided.

Section 100.070. Ordinances — Repeal Not To Revive Former Ordinance.

[CC 1990 § 1-7]

When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it be expressly so provided and such former ordinance, clause or provision is set forth at length.

Section 100.080. General Penalty — Continuing Violations, Etc.¹⁷

[CC 1990 § 1-8; Ord. No. 87 § 1, 6-1-1988; Ord. No. 2201 § 1, 9-19-2005; Ord. No. 2423 § 1, 1-23-2008]

- A. Except as hereinafter provided, whenever in any rule, regulation or order promulgated pursuant to such ordinances of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor pursuant to ordinances passed prior to the date of the enactment of this Section or whenever in such City ordinance, rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful by any ordinance passed prior to the date of the enactment hereof or where no specific penalty is provided therefore or any future rule, regulation or order promulgated pursuant to such ordinances of the City or any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in such City ordinances, rules, regulations or the doing of any act is required or the failure to do any act is declared to be unlawful or where no specific penalty is provided there, the violations of any such ordinances of the City or of any rule, regulation or order promulgated pursuant to such City ordinance shall be punished by a fine of not more

¹⁷ Cross Reference: As to prosecution of the same offense where different penalties exist, § 130.090.

State Law References: Authority of city to prescribe penalties, §§ 77.590, 546.902, RSMo.

than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed three (3) months, or by both such fine and imprisonment.

- B. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of these ordinances or rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these ordinances or rules, regulations or orders shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.
- C. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State establishes a penalty differing from that provided by this Section, for an offense similar to any offense established by these ordinances, rules, regulations or other orders of the City, the violation of such City law, ordinance, rule, regulation or order shall be punished by the fine or imprisonment established for such similar offense by such State law.
- D. Each day any violation of these ordinances, rules, regulations or orders promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.

Section 100.090. Supplementation Of Code.

[CC 1990 § 1-9]

- A. By contract or by City personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the City Council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the City Council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- B. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- C. When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
 - 1. Organize the ordinance material into appropriate Sections;
 - 2. Provide appropriate catchlines, headings and titles for Sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles;

3. Assign appropriate numbers to Sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing Section or other subdivision numbers;
4. Change the words "this ordinance" or words of the same meaning to "this Chapter", "this Article", "this Division", etc., as the case may be or to "Sections _____ to _____" (inserting Section numbers to indicate the Sections of the Code which embody the substantive Sections of the ordinance incorporated into the Code); and
5. Make other non-substantive changes necessary to preserve the original meaning of ordinance Sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Section 100.100. Altering Code.**[CC 1990 § 1-10]**

It shall be unlawful for any person in the City 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 Code in any manner whatsoever which will cause the law of the City of Chesterfield to be misrepresented thereby. Any person, firm or corporation violation this Section shall be punished as provided in Section 100.080 hereof.

Section 100.110. Parties To An Offense.**[CC 1990 § 1-11]**

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be unlawful or any offense or a misdemeanor, whether individually or in connection with one (1) or more other persons or as principal, agent or accessory, shall be guilty of such unlawful act or offense or misdemeanor and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision hereof shall likewise be guilty.

Chapter 105

ELECTIONS

Section 105.010. Wards Established.

Section 105.020. Municipal Election Day.

Section 105.030. Filing Procedures.

Section 105.040. Posting Of Rules.

Section 105.050. Penalty.

Section 105.060. Special Election For Filling Of Council Vacancy.

Cross References: As to administration, ch. 110; as to when election to be called to fill vacancy in office of mayor, § 110.210; as to division of city into wards, councilmembers, § 110.320; as to city administrator not to use official authority or influence to interfere with any election, § 110.650; as to city clerk's duties concerning elections, § 110.750; as to municipal court, ch. 130.

State Law References: Registration of voters, §§ 115.132 et seq., RSMo.

Section 105.010. Wards Established.¹

[CC 1990 § 10-1; Ord. No. 21 §§ 1 — 2, 6-1-1988; Ord. No. 154 §§ 1 — 2, 8-15-1988; Ord. No. 218 §§ 2 — 3, 12-5-1988; Ord. No. 2920, 11-7-2016]

- A. There will be four (4) wards established within the City of Chesterfield.
- B. The ward boundary lines within the City are described and designated for the election of Councilmembers pursuant to the ordinances of the City.
- C. The legal description of the election districts are not set out herein, but are on file and available for inspection in the Office of the City Clerk.

Section 105.020. Municipal Election Day.

[CC 1990 § 10-2; Ord. No. 14 § 1, 6-1-1988; Ord. No. 2920, 11-7-2016]

- A. A general non-partisan election for the election of Mayor and Councilmembers of the City of Chesterfield shall be held on the first Tuesday following the first Monday in April of each year.
- B. The name of candidates for municipal office shall be listed on the ballot in the order in which they are filed.

1. Cross Reference: As to division of city into wards, § 110.320.

Section 105.030. Filing Procedures.

[CC 1990 § 10-3; Ord. No. 14 § 2, 6-1-1988; Ord. No. 152 § 1, 8-15-1988; Ord. No. 340 § 1, 9-5-1989; Ord. No. 369 § 2, 11-6-1989; Ord. No. 2013 § 1, 8-19-1996; Ord. No. 2920, 11-7-2016]

- A. Declarations of candidacy filed for office in the municipal election shall be received by the City Clerk or their designee commencing at 8:00 A.M. on the sixteenth (16th) Tuesday prior to the election. No declaration for candidacy for office shall be accepted by the City Clerk or their designee after 5:00 P.M. on the eleventh Tuesday prior to the election.
- B. No candidate's name shall be printed on any official ballot unless the candidate has filed a written "Declaration of Candidacy" and paid the appropriate filing fee to the City Clerk or their designee.
- C. Each Declaration of Candidacy shall state the candidate's full name, name to appear on the ballot, date of birth, residence address, length of residency at that address, office for which they propose to be a candidate and that if elected they will serve. It shall be subscribed and sworn to be the candidate before an official authorized to accept their Declaration of Candidacy.
- D. All candidates filing their Declarations of Candidacy shall personally file said declaration with the City Clerk or their designee.
- E. Declarations of Candidacy will be received by the City Clerk or their designee in the order which the candidates pass through the front door of City Hall and the Clerk or their designee shall continue to accept filings in that order until all persons have filed.

Section 105.040. Posting Of Rules.

[CC 1990 § 10-4; Ord. No. 14 § 3, 6-1-1988; Ord. No. 152 §§ 2 — 3, 8-15-1988; Ord. No. 369 § 3, 11-6-1989; Ord. No. 2920, 11-7-2016]

- A. Candidates filing for office will only be admitted through the front door;
- B. Declarations of Candidacy will be received by the City Clerk or their designee in the order which the candidates pass through the front door and shall continue to be accepted in that order until all persons have filed;
- C. The person to pass through the front door shall be the candidate only and not a designee or "stand in";
- D. The City Clerk or their designee must issue and post a legal notice prior to the opening of filing. Legal notice may be published in at least one newspaper of general circulation in the City.

Section 105.050. Penalty.

[CC 1990 § 10-5; Ord. No. 14 § 4, 6-1-1988; Ord. No. 2920, 11-7-2016]

Any person filing or attempting to file for office by any means other than under the procedure set forth in this Chapter shall be disqualified and his or her name removed from the ballot.

Section 105.060. Special Election For Filling Of Council Vacancy.

[CC 1990 § 10-6; Ord. No. 902, § 1, 5-2-1994; Ord. No. 2920 § 10-6, 11-7-2016]

Declarations of Candidacy for office in a special election to fill a vacancy for the City Council shall be received by the City Clerk or their designee commencing at 8:00 A.M. on the seventh Tuesday prior to the election. No Declaration for Candidacy for office shall be accepted by the City Clerk or their designee after 5:00 P.M. on the third Friday following the seventh Tuesday prior to the election.

Chapter 110

ADMINISTRATION

**ARTICLE I
In General**

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State Law References: Cities of third class generally, § 77.010 et seq., RSMo.

**ARTICLE I
In General****Section 110.010. City Administrator Form Of Government Adopted.¹****[CC 1990 § 2-1; Ord. No. 7 § 1, 6-1-1988]**

Pursuant to Section 77.042, RSMo., a City Administrator form of government for the Third Class City of Chesterfield is adopted.

Section 110.020. Indemnification Of City Officials And Employees.**[CC 1990 § 2-3; Ord. No. 195 §§ 1 — 9, 10-17-1988]**

- A. The City may, in its discretion, indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, other than an action by or in the right of the City, by reason of the fact that he/she is or was a public official, whether elected or appointed, officer, employee or agent of the City or its boards or commissions or was serving at the request of the City on any other governmental board or commission against expenses, including attorney fees, judgments, fines and amounts paid in settlement or compromise, actually and reasonably incurred by him/her in connection with such action, suit or proceeding if he/she acted in good faith and in a manner he/she reasonably believed to be in or not opposed to the best interest of the City and, with respect to any criminal action or proceeding, had no reasonable cause to believe his/her conduct was unlawful or unconstitutional. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he/she reasonably believed to be in or not opposed to the best interest of the City and, with respect to any criminal action or proceeding, had reasonable cause to believe that his/her conduct was not unlawful; except that no indemnification shall be made in respect of any claim or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in performance of his/her duty to the City unless and only to the extent that the court in which the action or suit was brought determines upon application that, despite the adjudication of liability and in view of all the circumstances of the case, the person is fairly and reasonably entitled to indemnity for such expenses which the court may deem proper.
- B. Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the City in advance of the final disposition of the action, suit or proceeding as authorized by the City Council in the specific case upon receipt of an undertaking by or on behalf of the public official, employee or agent to pay the expense of such action.
- C. Any person seeking indemnification from the City shall, in the event of any occurrence and upon receipt of notice of any claim, suit, action or proceeding, promptly notify in writing the City Administrator of the City of the identity of the person seeking indemnification and also reasonably obtainable information with respect to the time,

1. Cross References: As to city administrator, §§ 110.500 et seq.

place and circumstance that give rise to the occurrence including the name and address of the injured party and of any witnesses.

- D. The person seeking indemnification shall cooperate with the City in any investigation, defense, negotiation or compromise of any claim, suit or action, even if any of the allegations of the suit are groundless, false or fraudulent and the City may make such investigation and settlement of any claim or suit as it deems expedient, but the City shall not be obligated to pay any claim or judgment or expense including attorney fees unless and until the benefits of any insurance, whether provided by the City or by the person seeking indemnification, have been exhausted and in no event in excess of one hundred thousand dollars (\$100,000.00) for any one (1) claimant or an aggregate of one hundred fifty thousand dollars (\$150,000.00) for all claims arising out of and upon the same act or an aggregate of one hundred fifty thousand dollars (\$150,000.00) during any one (1) calendar year.
- E. Any investigation, defense, negotiation or compromise covered by this Section shall be conducted by the City Attorney or his/her designees.
- F. The City may, in its discretion, purchase and maintain insurance on behalf of the City or any person who is or was a public official, whether elected or appointed, or an employee or agent of the City, its boards or commissions, or is, or was serving on any other board or commission at the request of the City against claims or causes of action for property damage or personal injuries, including death, caused while in the exercise of government functions.
- G. The indemnification provided herein is intended for the personal enjoyment, protection and welfare of the City, its public officials whether elected or appointed, its employees or agents as herein set forth and no such person can assign, sell, pledge, hypothecate or in any other manner anticipate or dispose of such right to indemnification; and no party recovering any such judgment, fines, amounts paid settlement or compromise of claim or cause of action or expense, including attorney fees, against a person eligible for indemnification can sue the City to recover or enforce any claim for indemnification.
- H. Nothing herein shall be construed to broaden the liability of the City, its public officials whether elected or appointed, its employees or agents nor to abolish or waive any defense at law which might otherwise be available to the City, its public officials whether elected or appointed, its employees or agents.
- I. The payment of such amounts as may be necessary for the benefit of any person covered hereby are deemed necessary and proper public purposes for which funds of this City may be expended.

Section 110.030. City Of Chesterfield Retirement Plan.

[CC 1990 § 2-4; Ord. No. 367, 11-6-1989; Ord. No. 529, 12-3-1990; Ord. No. 1836, 3-18-2002; Ord. No. 2225, 12-5-2005]

The City, by Ordinance No. 367, adopted November 6, 1989, has adopted a retirement plan for the employees of the City. Said retirement plan is not set out herein, but is on file and available for inspection in the office of the City Clerk.

Section 110.040. Notice Of Claim Prior To Institution Of Suit For Damages Against The City.

[CC 1990 § 2-5; Ord. No. 505 §§ 1 — 2, 10-1-1990]

- A. In accordance with Chapter 77.600 RSMo. 1986, no action shall be maintained against the City on account of any injuries growing out of any defect or unsafe condition of or on any bridge, boulevard, street, sidewalk or thoroughfare in the City, until notice shall first have been given in writing to the Mayor. **[Ord. No. 2963, 7-17-2017]**
- B. Notice shall be given within ninety (90) days of the occurrence for which such damage is claimed. The notice shall state the place where, the time when such injury was received, the character and circumstances of the injury and that the person so injured will claim damages therefor from the City.

Section 110.050. through Section 110.100. (Reserved)

**ARTICLE II
Mayor And City Council**

Division 1
Generally

Section 110.110. Authority To Take Property By Eminent Domain And Condemnation.

[CC 1990 § 2-21; Ord. No. 561 § 1, 2-19-1991]

- A. Pursuant to and in conformity with the Constitution of the State of Missouri and Sections 77.170 and 88.497, RSMo., as amended, and without limiting the generality of powers vested in the City Council of the City of Chesterfield, the Council shall have the power to:
 - 1. Acquire in the name of the City by condemnation, purchase, gift, donation or otherwise real and personal property in fee simple title or any estate or interest therein;
 - 2. Exercise all the rights and powers of eminent domain and, upon condemnation and payment therefor, cause the fee simple title to such property to vest in the City;
 - 3. Acquire by eminent domain such property or rights in property, together with any grants and privileges in excess of that actually to be occupied by the public improvement or used in connection therewith, as may be reasonably necessary to effectuate the purpose intended and cause the fee simple title to such property of the control of the use thereof to be vested in the City.

Section 110.120. through Section 110.160. (Reserved)

Division 2

Mayor²**Section 110.170. Compensation.**

[CC 1990 § 2-26; Ord. No. 13 § 2, 6-1-1988; Ord. No. 199 § 3, 10-17-1988; Ord. No. 350 § 3, 9-18-1989]

The Mayor shall receive compensation at the rate of twelve thousand dollars (\$12,000.00) per year, to be prorated as and paid on the same basis as members of the City Council.

Section 110.180. Election — Term — President Of City Council.

[CC 1990 § 2-27; Ord. No. 11 § 1, 6-1-1988]

The Mayor shall be elected for a term of four (4) years and he/she shall be the president of the City Council as is provided by Statute.

Section 110.190. Qualifications.

[CC 1990 § 2-28; Ord. No. 11 § 2, 6-1-1988]

No person shall be Mayor unless he/she is at least thirty (30) years of age, a citizen of the United States and a resident of Chesterfield at the time of and for two (2) years preceding his/her election. When two (2) or more persons shall have an equal number of votes for the office of Mayor, the matter shall be determined by the City Council.

Section 110.200. Duties And Powers.³

[CC 1990 § 2-29; Ord. No. 11 § 3, 6-1-1988; Ord. No. 2964; 7-17-2017]

The Mayor shall be the Chief Executive Officer of the City and shall be recognized as the official head of the City by the Governor for all legal purposes. The Mayor shall preside at all meetings of the City Council and all ceremonial occasions. The Mayor shall preside over the City Council but shall not vote except in case of a tie in said Council, when he shall cast the deciding vote; but, provided however, that he shall have no such power to vote in cases when he is an interested party.

2. Cross References: As to duties, powers and responsibilities of mayor upon actual occurrence of disaster, § 225.020; as to line of succession established in case of disaster, § 225.030.

3. Cross References: As to mayor to make appointment to fill vacancy in city council, § 110.410; as to mayor to appoint members of standing committees of the city council § 110.420(B); as to mayor to appoint administrator pro tem, § 110.660.

State Law Reference: Similar provisions, § 78.560, RSMo.

Section 110.210. Vacancy In Office Of Mayor — How Filled — President Pro Tem, Duties Of.⁴**[CC 1990 § 2-31; Ord. No. 11 § 5, 6-1-1988]**

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify or otherwise, the President Pro Tem of the Council shall, for the time being, perform the duties of Mayor until such vacancy is filled; and in case of the temporary absence of the Mayor or disability to perform duties of his/her office, the President Pro Tem of the Council shall perform the duties of Mayor until the Mayor shall return or such disability be removed. During the time the President Pro Tem of the Council shall act as Mayor, he/she shall receive the same compensation that the Mayor would be entitled to. In case of vacancy other than a temporary absence or disability, the person exercising the office of Mayor shall cause a new election to be held; provided when a vacancy occurs within six (6) months of a municipal election, no election shall be called to fill such vacancy.

Section 110.220. Approval Or Veto Of Ordinances.⁵**[CC 1990 § 2-32; Ord. No. 11 § 6, 6-1-1988]**

Every bill presented to the Mayor and returned to the Council with the approval of the Mayor shall become an ordinance and every bill presented as aforesaid but returned with his/her objections thereto shall stand reconsidered. The Council shall cause the objections of the Mayor to be entered 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?" Pursuant to Section 77.270, RSMo., as amended, the votes on this question shall be taken by "yeas" 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 President Pro Tem shall certify the fact on the roll and the bill thus certified shall be deposited with the Clerk 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 City Council and shall also possess the power to approve all or any portion of the general appropriation bill or to veto any item or all of the same 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 Council, the same shall become a law without his/her signature.

Section 110.230. Veto Of Resolutions And Orders.**[CC 1990 § 2-33; Ord. No. 11 § 7, 6-1-1988]**

The Mayor shall also have the power to veto any resolution or order of the Council which calls for or contemplates the expenditure of the revenues of the City. Pursuant to Section 77.280, RSMo., as amended, such vetoes shall be noted upon the journal of the Council and shall be effective and binding unless the Council, at a subsequent meeting thereof, general or special, shall pass said resolution or order by a vote of three-fourths (3/4) of all the members elected to the Council.

4. Cross References: As to compensation of mayor, § 110.170; as to elections, ch. 105.

5. Cross Reference: As to form of Ordinances, § 100.050.

Section 110.240. through Section 110.290. (Reserved)

Division 3
City Council⁶

Section 110.300. Compensation.⁷

[CC 1990 § 2-41; Ord. No. 13 § 1, 6-1-1988; Ord. No. 199 § 2, 10-17-1988; Ord. No. 350 § 2, 9-18-1989]

The compensation of members of the City Council shall be the sum of six thousand dollars (\$6,000.00) per year payable in equal monthly payments. The first (1st) payment being on May first (1st) of each year with the following payments being made in arrears for the preceding month. Should a member assume office during any month, such member shall be paid at the same rate per month on a pro rata basis of two hundred fifty dollars (\$250.00) per regular meeting attended, with a maximum compensation for two (2) regular meetings per month. Should any member resign or be removed from office during any month, such member shall be paid at the same rate per month on a pro rata basis.

Section 110.310. Election — Term — Duties And Powers.

[CC 1990 § 2-42; Ord. No. 12 § 1, 6-1-1988]

The City Council, consisting of eight (8) members, shall be elected to office for two-year terms as provided by State Statute. The Council shall be the legislative branch of the City Government and shall perform such duties and have such powers as may be delegated to it by State Statute.

Section 110.320. Division Of City Into Wards — Councilmembers.⁸

[CC 1990 § 2-43; Ord. No. 12 § 2, 6-1-1988]

The Council shall by ordinance divide the City into four (4) wards and two (2) Councilmembers shall be elected from each ward. At the first (1st) election, the candidate receiving the highest number of votes in each ward shall hold his/her office for two (2) years and the candidate receiving the next highest number of votes shall hold his/her office for one (1) year, but thereafter each ward shall elect annually one (1) Councilmember, who shall hold his/her office for two (2) years.

6. State Law References: Composition, term and vacancies, § 78.460, RSMo.; organization of city council, § 78.560, RSMo.

7. Cross Reference: As to compensation of mayor, § 110.170.

8. Cross References: As to elections, ch. 105; as to wards established, § 105.010.

Section 110.330. Councilmember Qualifications.⁹

[CC 1990 § 2-44; Ord. No. 12 § 3, 6-1-1988]

No person shall be Councilmember unless he/she is at least twenty-one (21) years of age prior to taking office, a citizen of the United States and a resident of Chesterfield for one (1) year preceding his/her election and a resident of the ward from which he/she is elected, six (6) months preceding his/her election. Whenever there is a tie in the election of a Councilmember, the matter shall be determined by the Council.

Section 110.340. Oath — Salary.¹⁰

[CC 1990 § 2-45; Ord. No. 12 § 4, 6-1-1988]

The members of the City Council shall take the oath of office prescribed by Statute and shall receive as compensation the sum established by ordinance.

Section 110.350. President Pro Tem.¹¹

[CC 1990 § 2-46; Ord. No. 12 § 5, 6-1-1988]

At the first (1st) regular meeting of the Council after the election in each year, which meeting shall occur at the time fixed by ordinance, but shall not be later than the fourth (4th) Tuesday in April, the Council shall elect one (1) of its members President Pro Tem who shall hold his/her office for the term of one (1) year and who, in the absence of the Mayor, shall preside at the meetings of the Council; provided that in the absence of the Mayor and the President Pro Tem, the Council may select one (1) of its members present to preside at such meetings, who shall be styled "Acting President Pro Tem".

Section 110.360. Regular Meetings.

[CC 1990 § 2-47; Ord. No. 12 § 6, 6-1-1988; Ord. No. 528 § 1, 12-3-1990; Ord. No. 2965, 7-17-2017]

Regular meetings of the Chesterfield City Council shall be on the First and Third Mondays of each month beginning at 7:00 P.M. The meeting place of the City Council shall be at the City Hall unless otherwise ordered by the City Council. The City Council may cancel or reschedule meetings if City Council determines it to be in the best interests of the general public. Notice for all meetings shall be provided in accordance with Chapter 610, RSMo.

Section 110.370. Special Meetings.

[CC 1990 § 2-48; Ord. No. 12 § 7, 6-1-1988]

Special meetings may be called by the Mayor or by any four (4) members of the Council upon at least twenty-four (24) hours prior to written notice to all members and the Mayor in

9. State Law Reference: Similar provisions, § 77.060, RSMo.

10. Cross Reference: As to compensation of city council, § 110.300.

11. Cross Reference: As to vacancy in office of mayor, duties of president pro tem, § 110.210.

accordance with the provisions of the State Sunshine Act as may be amended from time to time.

Section 110.380. Rules Of Procedure.¹²

[CC 1990 § 2-50; Ord. No. 12 § 9, 6-1-1988]

- A. The following rules of procedure shall govern the conduct of all meetings of the City Council, although these rules, other than those prescribed by Statute, may be suspended at any time by the consent of a majority of the Council present at any meeting.
1. Rule 1. The Mayor shall decide all questions of order.
 2. Rule 2. A member of Council discussing a question shall address the Mayor and no member of Council has the floor until recognized by the Mayor.
 3. Rule 3. A roll call vote of "yeas" and "nays" shall be taken and recorded on the journal of proceedings for all ordinances or propositions which create any liability against or obligation on the part of the City or for the expenditure or appropriation of its money and in all other instances where request therefore is made by any member of Council.
 4. Rule 4. All motions and amendments shall be reduced to writing at the request of the Mayor or any Councilmember and shall be handed to the City Clerk who shall read the same to the City Council.
 5. Rule 5. No vote or action of the City Council shall be rescinded at any special meeting unless there be present at such meeting as many members of the Council as were present when such vote or action was taken.
 6. Rule 6. All meetings of the Council shall be open to the public, except as to portions of such meetings from which the Council may, by majority vote of the members present and voting, exclude the public as permitted under the Sunshine Act as amended.
 7. Rule 7. Any person in attendance at an executive session is honor-bound not to violate the confidentiality of the discussion taking place during the session, except as to any portions thereof which may clearly transgress the Sunshine Act.
 8. Rule 8. The City Administrator shall set the agenda for each regular meeting and each special meeting and shall make the same known to the Council and to the press as far in advance of such meeting as may be practicable, preferably two (2) days in advance of such meeting.
 9. Rule 9. The general public shall be afforded an opportunity to address the Council during the portion of the order of business set aside for communications and petitions. Any person desiring to address the Council shall be required to identify himself, stating his/her home address or place of business and to address his/her remarks to the Mayor. Councilmembers desiring further information or comment from the speaker or from any other person in the audience should

¹². Cross Reference: As to proceedings, keeping of records, § 110.430.

request the same through the Mayor. Protracted, repetitive, irrelevant or abusive remarks from the public may be closed off at any time by direction of the Mayor.

Section 110.390. Robert's Rules Of Order.

[CC 1990 § 2-51; Ord. No. 12 § 10, 6-1-1988]

The rules contained in the current edition of "Robert's Rules of Order Newly Revised" shall be the parliamentary authority and shall govern the conduct of all meetings of the Council in all cases where they are not inconsistent with Statute or with the rules of procedure (Section 110.380) herein or hereafter adopted.

Section 110.400. Disturbing Meetings.¹³

[CC 1990 § 2-52; Ord. No. 12 § 11, 6-1-1988]

It shall be unlawful for any person to disturb any meeting of the City Council or of any committee thereof. Violation of the provisions of this Section shall be a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed three (3) months, or by both such fine and imprisonment.

Section 110.410. Vacancies — How Filled.

If a vacancy occurs in any elective office other than the office of Mayor, 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 Council. The Council may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next available regular municipal April election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of the same until the first regular meeting of the Council thereafter, at which time the vacancy shall be permanently filled.

Section 110.420. Standing Committees.¹⁴

[CC 1990 § 2-54; Ord. No. 12 § 13, 6-1-1988; Ord. No. 467 §§ 1 — 2, 7-16-1990; Ord. No. 664 § 1, 3-16-1992; Ord. No. 2859, 8-3-2015; Ord. No. 2899, 7-18-2016]

- A. Establishment. There are hereby established as Standing Committees of the City Council the following:
1. Finance and Administration;
 2. Parks, Recreation and Arts;
 3. Planning and Public Works; and

13. Cross References: As to offenses and miscellaneous provisions, ch. 210; as to offenses against public peace, §§ 210.690 et seq.

14. Cross References: As to boards, commissions, committees, etc., §§ 125.010 et seq.

4. Public Health and Safety.

B. Membership; Appointment.

1. Composition. Each committee shall be compromised of four (4) Council members. One (1) Council member from each of the City's four (4) wards will serve on each committee, with no two (2) Council members from the same ward serving on the same committee.
2. Appointment. After the first City Council meeting immediately following the regular municipal Election held in April of every year, the newly elected President Pro-Tem shall appoint members of the Council to Committees and designate Committee Chairpersons for each Standing Committee, subject to the approval of the City Council by formal vote taken not later than the first City Council meeting in May of every year.
3. Ex-Officio Members. The Mayor and City Administrator shall both serve as non-voting ex officio members of each committee.
4. Chairperson. One (1) Council member from each ward shall serve as a Chairperson of a committee, and no person shall serve as Chairperson of more than one (1) committee.
5. Vacancy. Should there be a vacancy on the Council, the other Council member of the affected ward shall be deemed a full voting member of the committees upon which his or her ward-mate served until said vacancy has been filled. If the Council member previously occupying the currently vacant position served as Chairperson, the Vice Chairperson, at the time of the vacancy, shall assume the position of Chairperson.
6. Proxy Voting. In the event that a Councilmember is unable to attend a committee meeting, that Councilmember may request that his or her Ward mate be allowed to vote at the Committee meeting. Such request would be directed to the Committee Chairperson and must be in writing.

C. Functions.

1. Recommendations. Making recommendations to the Council or to the City Administrator, or both, concerning any of the matters within its purview, when requested and also at other times when it appears that the best interest of the City and its residents will be served thereby;
2. Formulating And Evaluating Plans. Formulating, with the assistance of the staff, long-range plans and evaluation and revision (if necessary) of such plans as adopted;
3. Legislation. Reviewing and recommending legislation concerning any of the matters within its purview;
4. Quorum And Presiding Officer. At least three (3) Council members must be present in order to hold a Committee meeting. The Chairperson shall preside over the Committee meeting. In the absence of the Chairperson, the Vice Chairperson shall preside;

5. Recommendations To Council. Other than items discussed and/or acted upon by the Planning and Public Works Committee, in order for an item to pass out of Committee to the Council, said item shall require at least two (2) affirmative votes. Three (3) affirmative votes are required for an item to be passed to the Council with a favorable recommendation from the Committee;
6. Closed Meetings. Closed meetings cannot be held at any meeting of the Standing Committees.

Section 110.430. Proceedings Of, How Kept.¹⁵

The votes shall be entered on any question at the desire of any two (2) members.

Section 110.440. through Section 110.490. (Reserved)

**ARTICLE III
City Administrator¹⁶**

Section 110.500. Office Created.

[CC 1990 § 2-66; Ord. No. 8 § 1, 6-1-1988]

The office of the City Administrator for the City of Chesterfield, Missouri, is hereby created. For the purposes of this Article, such office shall be referred to as "Administrator".

Section 110.510. Appointment And Term.¹⁷

[CC 1990 § 2-67; Ord. No. 8 § 2, 6-1-1988]

The Administrator shall be appointed by the City Council with the approval of the Mayor for an indefinite term.

Section 110.520. Qualifications.¹⁸

[CC 1990 § 2-68; Ord. No. 8 § 3, 6-1-1988]

The Administrator shall be at least twenty-one (21) years of age and shall be chosen solely on the basis of education, experience and executive and administrative qualifications. He/she shall hold, as a minimum, a Bachelor's Degree in Public Administration or a related field

15. Cross Reference: As to rules of procedures, § 110.380.

State Law Reference: Proceedings of city council and keeping of records, § 77.090, RSMo.

16. Cross References: As to city administrator form of government adopted, § 110.010; as to powers of city administrator in event of disaster, § 225.070.

17. State Law Reference: City administrator to serve at the pleasure of the council, § 77.042, RSMo.

18. State Law Reference: Minimum qualifications for city administrator, § 77.044(1), RSMo.

from an accredited university or have at least five (5) years' practical experience in the field of public administration.

Section 110.530. Oath Of Office.

[CC 1990 § 2-69; Ord. No. 8 § 4, 6-1-1988]

The Administrator shall take and subscribe to an oath of office, before some person authorized to administer oaths, that he/she possesses all the qualifications prescribed for his/her office by law, that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of the State of Missouri and the ordinances of the City of Chesterfield and that he/she will faithfully demean himself/herself while in office.

Section 110.540. Bond.

[CC 1990 § 2-70; Ord. No. 8 § 5, 6-1-1988]

Before entering upon the duties of his/her office, the Administrator shall file with the City a bond conditioned upon the faithful and honest performance of his/her duties and the rendering of faithful and proper accounts to the City for funds and property in his/her possession or under his/her control in the amount of one hundred thousand dollars (\$100,000.00). In the event that the Administrator be covered by a blanket bond to the same extent, an individual bond shall not be required. The cost of such bond shall be borne by the City.

Section 110.550. Compensation.

[CC 1990 § 2-71; Ord. No. 8 § 6, 6-1-1988]

The Administrator shall receive such compensation as shall be fixed by ordinance. The Administrator shall be entitled to all fringe benefits which are provided to other officers and employees of the City and to such other fringe benefits as may be provided by ordinance.

Section 110.560. Removal From Office.

[CC 1990 § 2-72; Ord. No. 8 § 7, 6-1-1988]

The Administrator may be removed from office at will by the Mayor with the consent of a majority of the members elected to the City Council or by a two-thirds (2/3) vote of all members elected to the City Council independently of the Mayor's approval or recommendation.

Section 110.570. Full-Time Position.

[CC 1990 § 2-73; Ord. No. 8 § 8, 6-1-1988]

The Administrator shall devote full-time to the performance of his/her office and he/she shall not be otherwise employed.

Section 110.580. Duties And Authority.**[CC 1990 § 2-74; Ord. No. 8 § 9, 6-1-1988; Ord. No. 2962, 7-17-2017]**

- A. The City Administrator shall be the Chief Administrative Officer of the City and shall serve as the Chief Administrative Assistant to the Mayor. He shall be responsible for the administration and management of the business and employees of the City. He shall have the following duties and powers:
1. General Administrative.
 - a. Carry out all lawful policies established by the Mayor and City Council.
 - b. Establish short and long-range goals for the City with the approval of the Mayor and City Council.
 - c. Develop a plan of organization to establish areas of responsibility, lines of authority and formal channels of communication for approval by the Mayor and City Council.
 - d. Provide for the maintenance of the physical property and equipment of the City; meet operation conditions in compliance with applicable federal, state and local legal requirements.
 - e. Provide for periodic reports to the Mayor and City Council on all aspects of the City's activities.
 - f. Provide for meaningful relationships and communications between the City and its residents.
 - g. Provide for an economic, efficient and safe delivery of supplies and services necessary in rendering efficient services to the City and its residents.
 - h. Provide for a sound, stable and realistically economical insurance and bonding program for all aspects of City liability and risk.
 - i. Supervise the operational activities of all City Departments.
 - j. Coordinate the activities of all Departments, Agencies and Offices.
 - k. Prescribe such rules and regulations as are necessary for the conduct of the City's Departments, Agencies and Offices, and revoke, suspend or amend any rule or regulation of any City Department, Agency or Office.
 - l. Be accountable to the Mayor and City Council for any actions taken when requested to do so, and at all times be subject to the supervision, direction and control of the Mayor.
 - m. Prepare and submit to the Mayor and City Council an annual statement of objectives which will specify goals and time tables consistent with objectives set forth by the Mayor and City Council.

- n. Perform related duties as required by the Mayor and City Council not inconsistent with the statutes of the State of Missouri and the ordinances of the City of Chesterfield.
2. Budgetary. A plan for the fiscal solvency and security of the City, including the submission of a realistic annual budget which provides for a program of sound fiscal management.
3. Committee Liaison.
 - a. Attend all meetings of the City Council and, as requested, meetings of all City Council committees.
 - b. Serve as liaison between the Mayor and City Council and the various Committees, Boards and Commissions of the City and their members.
4. Personnel.
 - a. Recommend the establishment and maintenance of personnel programs employing sound personnel policies and practices which are internally consistent and externally competitive.
 - b. Promote the organization and continuing development of a competent City staff.
 - c. Design, prepare and submit for review and adoption by the City Council personnel procedures, position classifications and compensation schedules for employees covered in the City's personnel program.
 - d. Prescribe the functions and duties of officers and employees of the City not otherwise prescribed by any ordinance of the City of Chesterfield.
 - e. Appoint, promote or remove from service all officers, who are not elected to office, and employees of the City, except as otherwise provided by law or City ordinance; provided, however, that any person so removed from service may appeal his dismissal to the Mayor and City Council by giving notice in writing within ten (10) days following notification of dismissal. All such actions by the Administrator shall be based upon merit, qualifications or disqualifications of the officers or employees concerned without regard to his political beliefs or affiliations.
 - f. Establish such administrative rules and regulations, not inconsistent with law or established City policy, as may be necessary or proper for the efficient and economical conduct of the business of the City.
5. Financial.
 - a. Supervise the collection and deposit of all taxes and revenues such as, but not limited to, sales, personal property, real estate, gasoline, cigarette and intangible taxes and road and bridge fund revenues, license and permit fees, federal revenue sharing funds and court fines.

- b. Supervise in the manner prescribed by ordinance the purchase of all materials, supplies and equipment for which funds are provided in the budget or appropriated by the City Council.
 - c. Keep the Mayor and City Council advised of the financial condition and future needs of the City, including the anticipated financial impact of proposed ordinances and make such recommendations as he may deem appropriate.
 - d. Supervise the preparation of a monthly status report covering all departmental operations and City financial conditions.
 - e. Supervise and coordinate efforts on behalf of the City to obtain financial grants from any sources.
 - f. Keep fully advised of the financial condition and future financial needs of the City.
 - g. Serve as ex-officio Deputy Collector for the City and have and perform all of the authority, rights and duties of the Collector in the event of his refusal to do so, absence, illness or disability, but at no additional compensation therefor.
6. Press Releases. The Administrator shall be responsible for keeping the public informed of the purposes and methods of the City government through all available news media.
 7. Other Duties. Perform such other duties as may be imposed upon him by the Mayor and City Council or by a contract of employment with the City.

Section 110.590. Responsibility For City Property.¹⁹

[CC 1990 § 2-75; Ord. No. 8 § 10, 6-1-1988]

The Administrator shall have responsibility for all real and personal property owned or maintained by the City of Chesterfield. He/she shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property owned by the City may be sold by the Administrator only with approval of the Mayor and City Council. Real property may be sold only when such sale is authorized by ordinance.

Section 110.600. Coordination Of Work Activities.

[CC 1990 § 2-76; Ord. No. 8 § 11, 6-1-1988]

The Administrator shall coordinate the work of all the departments, agencies and offices of the City and 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.

¹⁹. Cross References: As to offenses against property, §§ 210.500 et seq.; as to destruction of city property, § 210.540.

Section 110.610. Investigative Responsibility.**[CC 1990 § 2-77; Ord. No. 8 § 12, 6-1-1988]**

The Administrator shall have the authority to investigate, 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 required by the Mayor or City Council.

Section 110.620. Addressing City Council.**[CC 1990 § 2-78; Ord. No. 8 § 13, 6-1-1988]**

The Administrator shall have the authority to appear before and address the City Council at any meeting.

Section 110.630. Limitation On Duties And Authority.**[CC 1990 § 2-79; Ord. No. 8 § 14, 6-1-1988]**

At no time shall the duties or authority of the Administrator supersede the actions of the Mayor and City Council.

Section 110.640. Interference By City Councilmembers Prohibited — Exceptions.**[CC 1990 § 2-80; Ord. No. 8 § 15, 6-1-1988; Ord. No. 2962, 7-17-2017]**

No member of the City Council shall directly interfere with the conduct of any Department, Agency or Office or with the duties of employees subordinate to the Administrator. Nothing herein is intended to limit communications between Elected Officials, the City Administrator, and Department Heads. However, no Elected Official is authorized or permitted to interfere with employees subordinate to the Administrator that would require substantial effort, investigation, creation of work product or otherwise cause staff to deviate from the execution of normal work processes or existing assignments. Any such request by an elected official should be directed to a standing committee of City Council for disposition.

Section 110.650. Municipal Political Activity Prohibited.²⁰**[CC 1990 § 2-81; Ord. No. 8 § 16, 6-1-1988]**

The City Administrator shall not use official authority or influence for the purpose of interfering with any election. While retaining the right to vote as he/she pleases, he/she shall take no active part in any political campaign or lend support to or oppose the candidacy of any person seeking elective office in the City of Chesterfield.

20. Cross Reference: As to elections, ch. 105.

Section 110.660. Administrator Pro Tem.**[CC 1990 § 2-82; Ord. No. 8 § 17, 6-1-1988]**

In the event that the Administrator shall be absent due to illness, disability, vacation or for personal reasons, the City Administrator shall designate a temporary City Administrator who shall have and perform all of the powers, rights and duties of the Administrator during such absence, but the individual so designated shall receive no additional compensation therefor.

Section 110.670. Employment Contract.**[CC 1990 § 2-83; Ord. No. 8 § 18, 6-1-1988]**

The City of Chesterfield may, acting through the Mayor with the consent of a majority of the members elected to the City Council or by a two-thirds (2/3) vote of all the members elected to the City Council independently of the Mayor's approval or recommendation, enter into an employment contract with a person meeting the qualifications set forth in this Article. Such contract may more fully set forth the terms and conditions of this Article.

Section 110.680. through Section 110.720. (Reserved)

ARTICLE IV
City Clerk²¹

Section 110.730. Appointment.**[CC 1990 § 2-91; Ord. No. 4 § 1, 6-1-1988; Ord. No. 2966, 7-17-2017]**

The City Administrator shall appoint the City Clerk with the consent of the City Council. The term of the City Clerk shall continue from the date of appointment for an indefinite period of time not to exceed four (4) years. The City Clerk may be removed from office by the City Administrator with consent of the City Council.

Section 110.740. Duties Generally.**[CC 1990 § 2-92; Ord. No. 4 § 2, 6-1-1988]**

- A. The City Clerk shall, among other duties, keep a journal of the proceedings of the Council. He/she shall safely and properly keep all 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 and generally shall perform all of the duties required of him/her by ordinance or orders of the Council. He/she is hereby empowered to administer official oaths and also oaths to personnel certifying to demands or claims against the City.
- B. He/she shall have custody of the City Seal and shall affix said seal to and countersign all such public instruments, documents and papers as are required by law or ordinance to be attested with the Seal of the City. He/she shall furnish to the City Attorney or

²¹. State Law Reference: Provisions relating to city clerk and the clerk's duties, § 77.410, RSMo.

Council any record, document or paper in his/her office which either may be called for or be used in any court; but for the same he/she shall take and file a receipt.

- C. He/she shall, whenever required, furnish the Mayor, Council or any committee of the Council copies of any books, accounts, records, vouchers or documents in his/her office or any information relating to the business of the City; and shall at all times permit the Mayor, any member of the Council, any interested City Officer or other person to examine any books, papers or documents of public record in his/her office.

Section 110.750. Duties Concerning Elections.²²

[CC 1990 § 2-93; Ord. No. 4 § 3, 6-1-1988]

The City Clerk shall, in all City elections, perform all the duties specified or required of him/her by the Board of Election Commissioners of St. Louis County and shall also perform all other duties as may be required of him/her by City ordinance.

Section 110.760. Clerk And The Duties And Responsibilities Thereof.

[CC 1990 § 2-94; Ord. No. 4 § 4, 6-1-1988]

The City Clerk shall also prepare, seal with the City Seal and countersign all commissions and other official documents which the Mayor is required to issue and properly keep records thereof.

Section 110.770. Compensation.

[CC 1990 § 2-95; Ord. No. 4 § 5, 6-1-1988]

Compensation for the City Clerk shall be established by the Council within the guidelines as established in the City Compensation Classification Pay Plan.

Section 110.780. Clerical Assistants.

[CC 1990 § 2-96; Ord. No. 4 § 6, 6-1-1988]

At the request of the City Clerk, the City Administrator may appoint clerical assistants for the Clerk; such positions shall be authorized by the City Council.

Section 110.790. Deputy City Clerk.

[CC 1990 § 2-97; Ord. No. 18 §§ 1 — 3, 6-1-1988]

- A. Appointment. The City Administrator may, as is necessary, appoint a Deputy City Clerk to act for and on behalf of the City Clerk when said City Clerk is unavailable.
- B. Duration Of Appointment. The duration of appointments shall be for an appropriate period of time for the performance and function of the office.

22. Cross Reference: As to elections, ch. 105.

- C. Existing City Employees To Be Appointed — Compensation. The appointments shall come from existing City employees and no additional compensation shall result from the appointments above unless authorized by the City Council.

Section 110.800. Acting City Clerk.

[CC 1990 § 2-98; Res. No. 38 §§ 1 — 3, 10-17-1988]

- A. City Administrator To Act As City Clerk. The City Administrator may as is necessary act for and on behalf of the City Clerk when said City Clerk is unavailable.
- B. Duration Of Authority. The duration of any authority to act on behalf of the official City Clerk shall be for an appropriate period of time for the performance and function of the office while the City Clerk is absent.
- C. Appointees Other Than City Administrator — Compensation. Anyone other than the City Administrator who shall be designated as the Acting City Clerk shall be an existing City employee and no additional compensation shall result from their acting as the City Clerk unless authorized by the City Council.

Section 110.810. through Section 110.850. (Reserved)

**ARTICLE V
City Officials²³**

Section 110.860. Appointment Of Certain City Officials — Term.

[CC 1990 § 2-106; Ord. No. 6 §§ 1 — 2, 6-1-1988]

- A. Pursuant to Section 77.370, RSMo., the following City Officials may be appointed:
1. Municipal Judge.
- B. The term of appointment shall not exceed four (4) years.

Section 110.870. through Section 110.920. (Reserved)

²³. Cross Reference: As to indemnification of city officials and employees, § 110.020.

Chapter 115
OFFICERS AND EMPLOYEES

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ARTICLE I
Generally

Section 115.010. Ordinary And Travel Expenses — Elected Officials.

[CC 1990 § 2-301; Ord. No. 817 § 1, 8-16-1993]

- A. In order to qualify for reimbursement, the expense must have been incurred in his/her official capacity. No personal expenses shall be submitted for reimbursement. Reimbursements for meals shall not include the purchase of meals or drinks for the Mayor or any other member of City Council or member of any board or commission or committee or task force (unless circumstances should so warrant in conjunction with an

out-of-town conference), nor shall reimbursement be allowed for any meal or activity that is not in conjunction with an official meeting which the elected official is expected to attend. All requests for reimbursement for qualifying meals shall be reimbursed at one hundred percent (100%) of incurred cost.

- B. Reimbursement shall not be authorized for any product or supply. If same is not readily available at City Hall, the elected official shall submit his/her request to the City Administrator who shall be responsible for obtaining it.
- C. Mileage reimbursement shall only be authorized for any vehicular travel associated with official duties of the office held. This shall not include travel to meetings or events which staff will be attending in a City vehicle or travel to any other government, organization or agency that a member of staff would routinely handle. Exceptions can be allowed if the staff member has a schedule conflict which would preclude his/her being able to offer a ride to the elected official, if adequate space is not available in the staff member's vehicle to accommodate everyone or if the elected official has a scheduling conflict which would preclude his/her riding with a staff member. All exemptions must be fully documented if reimbursement is sought.
- D. With regard to local organizations, if the City pays either an annual membership fee or all meal expenses associated with meetings of such an organization, mileage expenses incurred in attending the meeting or event of any such organization shall not be reimbursed.
- E. In this and all other such circumstances, the City Administrator is responsible for carrying out this policy and shall submit to the Finance and Administration Committee any request for items, except those requests not allowed under this policy.

Section 115.020. Ordinary And Travel Expenses — Employees.

[CC 1990 § 2-302; Ord. No. 817 § 1, 8-16-1993; Ord. No. 1088 § 1, 9-18-1995; Ord. No. 1308 §§ 1 — 2, 9-15-1997]

- A. General Regulations.
 - 1. The City's goals are to allow travel arrangements that conserve public funds, provide equitable treatment of all personnel and allow travel in a manner that is dignified and reflects credit on the City of Chesterfield. These regulations are applicable for all travel expenses incurred on behalf of the City by employees. Where these regulations do not adequately cover a travel situation, the City Administrator may authorize exceptions.
 - 2. Decisions as to which trips will be authorized are generally made through the annual budget process. The City Administrator must approve all out-of-state travel requests in advance. Attendance at various local professional and technical conferences and meetings will be authorized as funds and time permit. Good judgment and a proper regard for economy are expected in incurring travel expense on behalf of the City.
 - 3. There is no objection to a spouse and/or other family members traveling on an official trip, but no expenses attributable to them will be reimbursed by the City.

- B. Travel Advance. No travel advances will be authorized, unless a specific exemption is granted by the City Administrator.
- C. Travel Expense Report. Within five (5) days after returning from a trip, a travel expense report must be forwarded to the Director of Finance and Administration. Required receipts should be attached to the travel expense report.
- D. Use Of Commercial Carrier. Commercial carrier fares will be limited to "coach" or "economy" fares when such services are available. Travel to and from stations and airports may be by bus, limousine, taxi or private vehicle (for which mileage will be paid), whichever is least costly. If available, airport limousines should always be selected over taxis. When possible, travel arrangements should be made through the City's travel agency and billed directly to the City. Receipts for transportation costs are required.
- E. Use Of Private Vehicles.
1. Private vehicles may be used for travel on City business when authorized by the City Administrator. Reimbursement will be limited to the lower of:
 - a. The currently prevailing IRS rate per mile, as stated in IRS publications, plus tolls, parking and garage charges, or
 - b. The cost of air travel as provided above.
 2. When two (2) or more people travel in the same private vehicle, reimbursement will be paid to the owner of the vehicle. Mileage reimbursement will be based on the actual number of miles driven while traveling on City business.
- F. Travel Time.
1. When necessary, one (1) day prior and one (1) day following a meeting or conference shall be allowed for travel to and from an approved meeting or conference.
 2. Scheduled returns shall be made on the day the conference or meeting ends unless it ends late in the evening. In that event, the following day may be allowed for travel.
 3. Employees should not drive to meetings and conferences when travel time in route to the destination requires more than one (1) day. In such instances, no reimbursement will be made for any lodging, meals or other expenses incurred in route, unless prior approval is received from the City Administrator.
 4. When an employee chooses to extend travel time to and from an approved site, any excess time shall be considered vacation and charged accordingly, unless prior approval is received from the City Administrator.
- G. Vehicle Rental. There may be an occasion when rental of a vehicle may be required (i.e., great distance between hotel and conference sites). Prior authorization must be given by the City Administrator. The actual cost will be reimbursed and receipts will be required.
- H. Lodging.

1. Hotels or motel reservations are expected to be made well in advance to ensure that lodging is secured at moderate rates. Receipts for lodging are required. Reimbursement of lodging will be limited to the minimum number of nights required to conduct City business. If a conference, for example, opens on Sunday evening and closes Thursday noon, reimbursement for Sunday through Wednesday night would be allowed. If an employee or City Official chooses to arrive earlier or stay late, the additional lodging and other expenses related to this decision are personal expenses and will not be reimbursed. There may be instances in which significant savings in travel expenses may be achieved by taking advantage of discount fare requiring an additional night's stay. Prior authorization by the City Administrator will be required to utilize this arrangement.
 2. Reimbursement of lodging expenses shall be exclusive of any additional expenses for spouses or others.
 3. No lodging expense will be reimbursed for meetings or conferences held in the St. Louis area unless prior approval is obtained from the City Administrator.
- I. Meals. For meetings and conferences held outside the metropolitan area or at such a distance that overnight lodging is required and approved by the City Administrator, employees and City Officials will be reimbursed for meals per Council policy. The City Administrator may approve unreceipted expense upon receipt of acceptable written documentation that the expenditure was incurred and that a receipt could not be obtained or was subsequently misplaced.
 - J. Miscellaneous Expenses. All other expenses not listed herein shall be reimbursed per Council policy.
 - K. Registration Fees. Registration and tuition fees for pre-approved professional and technical meetings and conference will be reimbursed if not prepaid by the City. Receipts will be required.
 - L. Non-Reimbursable Expenses. Employees will not be reimbursed for expenses incurred for alcoholic beverages, non-conference related entertainment costs, recreational activities or in-room movies.
 - M. Reimbursement For Local Meeting Meals. Employees will be reimbursed for all meal expenses associated with local meetings, such as organizations for which the City pays an annual membership fee, as long as these expenses have been included in the annual budget.
 - N. Reimbursement For Supplies. Employees will be reimbursed for all supply expenses when it is deemed appropriate by the employee's supervisor for the employee to purchase supplies on behalf of the City.
 - O. Reimbursement For Mileage. As the City makes pool cars available to employees, it is the City's policy not to reimburse employees for mileage, unless an exception is granted by the City Administrator under extenuating circumstances.

Section 115.030. through Section 115.070. (Reserved)

ARTICLE II
Conflicts Of Interest

Division 1
Generally

Section 115.080. Declaration Of Policy.

[CC 1990 § 2-321; Ord. No. 604 § 1, 8-19-1991]

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, it is the policy of the City that the conflict of interest provision shall apply to all officers and employees of the City of Chesterfield and to any person or business entity filing any papers with, appearing before, doing business with or having any dealings or transactions of any kind with any City Officer, employee or agency of the City of Chesterfield.

Section 115.090. Definitions.

[CC 1990 § 2-322; Ord. No. 604 § 2, 8-19-1991]

- A. As used in this Division, unless the context clearly requires otherwise, the following terms shall have the meanings indicated:

ADVERSARY PROCEEDING — Any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political subdivision; or an investigative proceeding initiated by an official, department, division, or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department, division or agency.

BUSINESS ENTITY — A corporation, association, firm, partnership, sole proprietorship, joint venture or business entity of any kind or character.

BUSINESS WITH WHICH A PERSON IS ASSOCIATED —

- a. Any sole proprietorship owned by himself or herself, the person's spouse or any dependent child in the person's custody;
- b. Any partnership or joint venture in which the person or the person's spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the person is an officer or director or of which either the person or the person's spouse or dependent child in the person's custody

whether singularly or collectively owns in excess of ten percent (10%) of the outstanding shares of any class of stock or partnership units; or

- c. Any trust in which the person is a trustee or settlor or in which the person or the person's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent (10%) or more of the corpus of the trust.

COMMISSION — The Missouri Ethics Commission established in Section 105.955, RSMo.

CONFIDENTIAL INFORMATION — All information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge.

DECISION-MAKING PUBLIC SERVANT — An official, appointee or employee of the offices or entities delineated in paragraphs (1) through (8) of this subdivision who exercises supervisory authority over the negotiation of contracts, or has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law or exercises primary supervisory responsibility over purchasing decisions. The following officials or entities shall be responsible for designating a decision-making public servant:

- a. The Governing Body of the political subdivision with a general operating budget in excess of one million dollars (\$1,000,000.00).
- b. A department director.
- c. A judge vested with judicial power by Article V of the Constitution of the State of Missouri.
- d. Any commission empowered by interstate compact.
- e. A Statewide elected official.
- f. The Speaker of the House of Representatives.
- g. The President Pro Tem of the Senate.
- h. The President or Chancellor of a State institution of higher education.

DEPENDENT CHILD OR DEPENDENT CHILD IN THE PERSON'S CUSTODY — All children, stepchildren, foster children and wards under the age of eighteen (18) residing in the person's household and who receive in excess of fifty percent (50%) of their support from the person.

DIRECTLY BENEFIT — To derive special private advantage as opposed to a general advantage derived as a member of a large class or of the public at large.

EMPLOYEE — A person performing service for or holding a position or employment with the City of Chesterfield on a full, regular, part-time, intermittent or consultant basis.

IMMEDIATE FAMILY — The officer or employee and his/her spouse and their parents, children, brothers, sisters and spouses thereof.

OFFICER — A person holding any office, position as department or division head, membership on any board or commission, whether by election or appointment, whether service with or without compensation, for the City of Chesterfield.

POLITICAL SUBDIVISION — Includes any political subdivision of the State, and any special district or subdistrict.

PUBLIC DOCUMENT — A State tax return or a document or other record maintained for public inspection without limitation on the right of access to it and a document filed in a juvenile court proceeding.

SUBSTANTIAL INTEREST — Ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity, or of an interest having a value of ten thousand dollars (\$10,000.00) or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00), or more, per year from any individual, partnership, organization, or association within any calendar year.

SUBSTANTIAL PERSONAL OR PRIVATE INTEREST IN ANY MEASURE, BILL, ORDER OR ORDINANCE — Any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity.

Section 115.100. Conflicts Of Interest — Prohibited.

[CC 1990 § 2-323; Ord. No. 604 § 3, 8-19-1991]

It shall be unlawful for any officer or employee to violate Section 105.454, RSMo., on conflicts of interest or to engage in any private business or professional activity which would place him/her in a position of conflict between his/her private interest and the public interest of the City of Chesterfield, Missouri, or to engage in any private activity which involves the improper use of information gained through his/her public position or to use the prerogative of his/her official position for his/her personal benefit or on behalf of any member of his/her immediate family or to accept any fee, compensation, gift, payment of expenses or any other thing of monetary value, either directly or indirectly, under circumstances in which acceptance may result in any conflict of interest. If any officer or employee of the City of Chesterfield shall violate any provisions of this Section, the City of Chesterfield shall be entitled to recover from said officer or employee in a court of proper jurisdiction an amount equal to any considerations received by said officer or employee in the transaction involving the violation of this Section and this remedy shall be in addition to any other remedy or penalty provided by law.

Section 115.110. Disclosure Required.

[CC 1990 § 2-324; Ord. No. 604 § 4, 8-19-1991]

- A. Every person or business entity filing any application, petition or other formal request for action by any officer or employee of the City of Chesterfield shall fully and truthfully disclose the name of every person or business entity for whom he/she is acting when requested to do so by said officer or employee and shall comply with any

City of Chesterfield ordinance dealing with the procedure to disclose potential conflicts of interests and substantial interest.

- B. Every City Officer or employee shall fully and truthfully disclose his/her interest in any matter in which he/she shall have discretion to act and the exercise of such discretion without disclosure of a prohibited conflict of interest shall be deemed a representation that no conflict of interest exists.

Section 115.120. Certain Acts Deemed Prohibited Conflicts Of Interest.

[CC 1990 § 2-325; Ord. No. 604 § 5, 8-19-1991]

- A. The following shall be deemed to be prohibited conflicts of interest and it shall be unlawful for any officer or employee to act in any such circumstances:
1. When a City Officer or employee shall have discretion to act in any matter wherein he/she or a member of his/her immediate family or any business entity in which he/she or a member of his/her immediate family may own a substantial interest may directly benefit from such action.
 2. When any City Officer or employee shall have discretion to act in any matter which may directly benefit any person or business entity with whom said officer or employee or member of his/her immediate family shall have enjoyed profitable business or professional dealing within the period of one (1) year prior to such action.
 3. When any City Officer or employee shall have discretion to act in any matter which may directly benefit any person or business entity with whom such officer or employee or member of his/her immediate family is associated in a business or professional way or may directly benefit any person or business entity which is represented in said matter by any person or business entity with which said officer or employee or member of his/her immediate family is associated in a business or professional way.
 4. When any City Officer or employee shall have discretion to act in any matter and has accepted or agreed to accept anything of monetary value, either directly or indirectly, from any person or business entity who may directly benefit from the matter, with the intent to influence his/her vote, opinion, judgment or decision on such matter or to induce him/her to neglect his/her duty or to perform such duty with partiality or favor or otherwise that is required by law.

Section 115.130. Disqualification Of Interested Officer Or Employee — Effect.

[CC 1990 § 2-326; Ord. No. 604 § 6, 8-19-1991]

- A. In the event that any officer, employee or member of a board or commission shall have a prohibited conflict of interest in any matter in which he/she shall have discretion to act, he/she shall be disqualified to act in said matter and he/she shall immediately inform his/her superior who shall thereupon relieve him/her of his/her assignment in that particular matter and shall exercise the discretion to act therein. For purposes of this paragraph, the superior to any employee shall be the City Administrator.

- B. The superior to the City Administrator shall be the City Council and in cases involving City Councilmembers, the superior shall be the Mayor. In the case of the Mayor, the President Pro Tem of the Council shall be deemed his/her superior. In the case of a member of any board or commission, the superior shall be the Mayor or President Pro Tem in his/her absence. If sufficient members of a board or commission remain who are not disqualified, the board or commission may continue to act in the matter. If there are no sufficient members to act who are not disqualified, then any such matter pending before any board or commission of the City of Chesterfield shall be transferred to the City Council for action.

Section 115.140. Inducement Of Payment To Interested Official — Prohibited.

[CC 1990 § 2-327; Ord. No. 604 § 7, 8-19-1991]

It shall be unlawful for any person or business entity to pay or engage to pay or to offer or attempt to pay any officer or employee, any member of his/her immediate family or any business entity in which said officer or employee or member of his/her immediate family shall own a substantial interest, any commission, gratuity or consideration, directly or indirectly, with respect to any matter in which said officer or employee has discretion to act.

Section 115.150. Disqualification Of Former Officer Or Employee.

[CC 1990 § 2-328; Ord. No. 604 § 8, 8-19-1991]

It shall be unlawful for any person, having been an officer or employee of the City of Chesterfield, Missouri, within one (1) year after the termination of his/her service or employment, knowingly to act as agent or attorney for anyone other than the City of Chesterfield in connection with any judicial or other proceeding, application, claim, controversy or other particular matter in which the City of Chesterfield is a party or has a direct and substantial interest and in which he/she participated personally and substantially as an officer or employee while so employed.

Section 115.160. Exceptions.

[CC 1990 § 2-329; Ord. No. 604 § 9, 8-19-1991]

The Council may waive compliance with this policy with respect to any contract, purchase, lease or other transaction if by prior resolution reciting the pertinent facts it finds such action to be in the interest of the City.

Section 115.170. Penalties.

[CC 1990 § 2-330; Ord. No. 604 § 10, 8-19-1991]

Violation of this Division shall be a misdemeanor, punishable by fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed three (3) months, or by both such fine and imprisonment.

Section 115.180. through Section 115.220. (Reserved)

Division 2

Disclosure Policy**Section 115.230. Declaration Of Policy.**

[CC 1990 § 2-333; Ord. No. 605 § 1, 8-19-1991; Ord. No. 1869 § 1, 9-4-2002; Ord. No. 1953 § 1, 9-3-2003; Ord. No. 2122 § 1, 9-8-2004; Ord. No. 2193 § 1, 8-15-2005; Ord. No. 2294 §§ 1 — 2, 9-6-2006; Ord. No. 2381 § 1, 8-6-2007; Ord. No. 2470 §§ 1 — 2, 8-4-2008; Ord. No. 2562 §§ 1 — 2, 8-17-2009; Ord. No. 2617 §§ 1 — 2, 8-16-2010; Ord. No. 2666 §§ 1 — 2, 9-19-2011; Ord. No. 2713, 8-6-2012; Ord. No. 2752, 8-5-2013; Ord. No. 2806, 9-3-2014; Ord. No. 2858, 8-3-2015; Ord. No. 2906, 8-15-2016; Ord. No. 2968, 8-7-2017]

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

Section 115.240. Conflicts Of Interest.

[CC 1990 § 2-334; Ord. No. 605 § 2, 8-19-1991; Ord. No. 1869 § 1, 9-4-2002; Ord. No. 1953 § 1, 9-3-2003; Ord. No. 2122 § 1, 9-8-2004; Ord. No. 2193 § 1, 8-15-2005; Ord. No. 2294 §§ 1 — 2, 9-6-2006; Ord. No. 2381 § 1, 8-6-2007; Ord. No. 2470 §§ 1 — 2, 8-4-2008; Ord. No. 2562 §§ 1 — 2, 8-17-2009; Ord. No. 2617 §§ 1 — 2, 8-16-2010; Ord. No. 2666 §§ 1 — 2, 9-19-2011; Ord. No. 2713, 8-6-2012; Ord. No. 2752, 8-5-2013; Ord. No. 2806, 9-3-2014; Ord. No. 2858, 8-3-2015; Ord. No. 2906, 8-15-2016; Ord. No. 2968, 8-7-2017]

All elected and appointed officials as well as employees of the City of Chesterfield must comply with Section 105.454, RSMo., and Article II, Division 1 hereof regarding conflicts of interest as well as any other State law governing official conduct. The Mayor and any members of the City Council who has a substantial personal or private interest as defined by State law and set out below in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on any matters related to this interest.

Section 115.250. Substantial Or Private Interest.

[CC 1990 § 2-335; Ord. No. 605 § 3, 8-19-1991; Ord. No. 1869 § 1, 9-4-2002; Ord. No. 1953 § 1, 9-3-2003; Ord. No. 2122 § 1, 9-8-2004; Ord. No. 2193 § 1, 8-15-2005; Ord. No. 2294 §§ 1 — 2, 9-6-2006; Ord. No. 2381 § 1, 8-6-2007; Ord. No. 2470 §§ 1 — 2, 8-4-2008; Ord. No. 2562 §§ 1 — 2, 8-17-2009; Ord. No. 2617 §§ 1 — 2, 8-16-2010; Ord. No. 2666 §§ 1 — 2, 9-19-2011; Ord. No. 2713, 8-6-2012; Ord. No. 2752, 8-5-2013; Ord. No. 2806, 9-3-2014; Ord. No. 2858, 8-3-2015; Ord. No. 2906, 8-15-2016; Ord. No. 2968, 8-7-2017]

- A. Any member of the City Council as well as any appointed officials and employees shall have a substantial or private interest in any measure, bill or other ordinance proposed or

pending before the City if that interest is an ownership by the individual, his/her spouse or his/her dependent children, whether singularly or collectively, directly or indirectly of:

1. Ten percent (10%) or more of any business entity; or
2. An interest having a value of ten thousand dollars (\$10,000.00) or more; or
3. The receipt of a salary, gratuity or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any individual, partnership, organization or association within any calendar year.

Section 115.260. Disclosure Reports.

[CC 1990 § 2-336; Ord. No. 605 § 4, 8-19-1991; Ord. No. 1869 § 1, 9-4-2002; Ord. No. 1953 § 1, 9-3-2003; Ord. No. 2122 § 1, 9-8-2004; Ord. No. 2193 § 1, 8-15-2005; Ord. No. 2294 §§ 1 — 2, 9-6-2006; Ord. No. 2381 § 1, 8-6-2007; Ord. No. 2470 §§ 1 — 2, 8-4-2008; Ord. No. 2562 §§ 1 — 2, 8-17-2009; Ord. No. 2617 §§ 1 — 2, 8-16-2010; Ord. No. 2666 §§ 1 — 2, 9-19-2011; Ord. No. 2713, 8-6-2012; Ord. No. 2752, 8-5-2013; Ord. No. 2806, 9-3-2014; Ord. No. 2858, 8-3-2015; Ord. No. 2906, 8-15-2016; Ord. No. 2968, 8-7-2017]

- A. Each elected official, the City Administrator (as the Chief Administrative Officer) and the Director of Finance and Administration (as the Chief Purchasing Officer) and the general counsel (City Attorney) (if employed full-time) shall disclose in writing the following information by May 1 if any such transactions were engaged in during the previous calendar year:
 1. For such person and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that each person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and
 2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, other than transfers for no consideration to the political subdivision;
 3. The City Administrator as the Chief Administrative Officer and the Director of Finance and Administration as the Chief Purchasing Officer also shall disclose in writing by May 1 for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

- b. The name and address of each sole proprietorship that he/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
- c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 115.270. Filing Of Reports.¹

[CC 1990 § 2-337; Ord. No. 605 § 5, 8-19-1991; Ord. No. 1869 § 1, 9-4-2002; Ord. No. 1953 § 1, 9-3-2003; Ord. No. 2122 § 1, 9-8-2004; Ord. No. 2193 § 1, 8-15-2005; Ord. No. 2294 §§ 1 — 2, 9-6-2006; Ord. No. 2381 § 1, 8-6-2007; Ord. No. 2470 §§ 1 — 2, 8-4-2008; Ord. No. 2562 §§ 1 — 2, 8-17-2009; Ord. No. 2617 §§ 1 — 2, 8-16-2010; Ord. No. 2666 §§ 1 — 2, 9-19-2011; Ord. No. 2713, 8-6-2012; Ord. No. 2752, 8-5-2013; Ord. No. 2806, 9-3-2014; Ord. No. 2858, 8-3-2015; Ord. No. 2906, 8-15-2016; Ord. No. 2968, 8-7-2017]

The reports, in the attached format (see Exhibit A and B), shall be filed with the City Clerk and with the Secretary of State prior to January 1, 1993, and thereafter with the Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

Section 115.280. When Filed.

[CC 1990 § 2-338; Ord. No. 605 § 6, 8-19-1991; Ord. No. 1869 § 1, 9-4-2002; Ord. No. 1953 § 1, 9-3-2003; Ord. No. 2122 § 1, 9-8-2004; Ord. No. 2193 § 1, 8-15-2005; Ord. No. 2294 §§ 1 — 2, 9-6-2006; Ord. No. 2381 § 1, 8-6-2007; Ord. No. 2470 §§ 1 — 2, 8-4-2008; Ord. No. 2562 §§ 1 — 2, 8-17-2009; Ord. No. 2617 §§ 1 — 2, 8-16-2010; Ord. No. 2666 §§ 1 — 2, 9-19-2011; Ord. No. 2713, 8-6-2012; Ord. No. 2752, 8-5-2013; Ord. No. 2806, 9-3-2014; Ord. No. 2858, 8-3-2015; Ord. No. 2906, 8-15-2016; Ord. No. 2968, 8-7-2017]

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

1. Note: Exhibits A and B are not set out herein, but are on file and available for inspection in the office of the city clerk.

1. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment;
2. Every other 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 member of the City Council may supplement the 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.

Section 115.290. through Section 115.330. (Reserved)

Chapter 120

CITY DEPARTMENTS

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- Section 120.020. Functions.
- Section 120.030. Office Of Director Of
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- Section 120.040. Duties Of Director.
- Section 120.050. Payment Of Bills.
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- Section 120.090. through Section
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- Section 120.260. Established.
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- Section 120.300. Awards And Contracts.
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120.420. (Reserved)

ARTICLE I

Department Of Finance And Administration

Cross References: As to purchasing regulations, ch. 123; as to fiscal year and budget procedures, §§ 135.010 et seq.; as to county enforcement services, § 500.020; as to public utilities license tax, ch. 615.

State Law References: Fiscal administration and indebtedness in cities of third class, §§ 95.280 to 95.350, RSMo.

Section 120.010. Established.

[CC 1990 § 2-121; Ord. No. 15 § 1, 6-1-1988]

There is hereby established the Department of Finance and Administration which shall consist of the Director of Finance and Administration and such other employees as may be authorized from time to time by the City Council to provide for the necessary administrative support services required for all City operations.

Section 120.020. Functions.

[CC 1990 § 2-122; Ord. No. 15 § 2, 6-1-1988]

The Department of Finance and Administration shall have responsibility for the management and control of all monies coming to the City from any source. The department shall maintain such records and accounts as are required to properly document both the receipt and expenditure of all City funds. In addition, the department shall be responsible for such other functions as may from time to time be authorized by the City Administrator.

Section 120.030. Office Of Director Of Finance And Administration.

[CC 1990 § 2-123; Ord. No. 15 § 3, 6-1-1988]

- A. There is hereby created the office of Director of Finance and Administration. The Director of Finance and Administration shall be appointed by the City Administrator with the approval of the Council for an indefinite term. He/she shall be chosen on the basis of his/her administrative and financial qualifications, with special reference to his/her experience in or knowledge of accepted practice pertaining to the duties of his/her office as hereafter set forth. The Director may be removed from office by the City Administrator with approval of the Council.
- B. The City Administrator shall serve as ex officio Director until such position is filled by appointment.

Section 120.040. Duties Of Director.

[CC 1990 §§ 2-124, 2-346; Ord. No. 15 § 4, 6-1-1988; Ord. No. 492 § 6, 9-4-1990]

- A. Control. The Director of Finance and Administration, under the supervision of the City Administrator, shall exercise control and supervision over all employees assigned to the Department of Finance and Administration and to exercise general supervision over all

officers and employees of the City charged in any manner with the receipt, collection or disbursement of revenue or with the collection and return of the City revenue into the Treasury.

- B. Financial Records. The Director of Finance and Administration shall be charged with preparing and keeping all financial records of the City, which records shall be at all times subject to inspection by the City Administrator, the Mayor and any members of the City Council.
- C. Purchases. Subject to the supervision and approval of the City Administrator, the Director of Finance and Administration shall make all purchases of materials, supplies or equipment for the City in the manner provided by law and subject to the limitations imposed by law.
- D. Current Accounts. The Director of Finance and Administration shall keep a separate current account of each fund and appropriation, showing the debits and credits belonging to each such account and the unexpended balance for each account and shall keep all other accounts necessary to show at all times the fiscal condition of the City, including the current and anticipated revenues and expenses of all City funds and accounts.
- E. Annual Account. Within one hundred twenty (120) days of the end of the fiscal year, the Director of Finance and Administration shall prepare and file with the City Clerk an account of all monies received and expenditures incurred during the preceding fiscal year. Such account shall be in the form required by, and shall be subject to, all the provisions of, as from time to time amended, the Revised Statutes of Missouri.
- F. Register Of Warrants And Vouchers. The Director of Finance and Administration shall keep a register of all warrants, orders and vouchers filed with him/her or paid by him/her. The register shall describe each such item and shall show its date, amount and number, the fund from which paid, the name of the person to whom paid and the date when paid.
- G. Record Of Bonds. The Director of Finance and Administration shall keep in his/her office, in books used solely for that purpose, a correct list of all the outstanding bonds of the City, showing the number and amount of each and for and to whom the bonds were issued. When City bonds are purchased, paid or canceled, his/her books shall so indicate.
- H. Special Assessment Funds. All money received on any special assessment shall be held by the Director of Finance and Administration as a special fund, to be applied to the payment of the improvement for which the assessment was made and the money shall be used for no other purpose, except to reimburse the City for money expended for such improvement. The Director of Finance and Administration shall keep a separate account of funds applicable to each special assessment improvement.
- I. Deposit Of Funds. The Director of Finance and Administration shall keep, and shall from time to time deposit, all funds and money of the City in his/her possession which are not necessary for current operations in the depositories designated for such purpose from time to time by ordinance or resolution of the City Council. Such deposits and depositories shall be subject to the limitations and provisions of the Revised Statutes of Missouri, as from time to time amended.

- J. Personnel. The Director of Finance and Administration:
1. Administers the personnel program, under the direction of the City Administrator, as set forth in the City ordinances and the personnel rules and regulations.
 2. Performs all lawful and necessary duties required for the effective administration of the personnel system.
 3. Recommends to the City Administrator for consideration, rules, revisions and amendments to the personnel program.
 4. Recommends to the City Administrator a position classification plan for approval by the City Council and installs and maintains such plan.
 5. Prepares and recommends to the City Administrator a pay plan for all City employees for approval by the City Council, establishes and maintains a roster of all persons in the municipal service setting forth each officer and employee, class title of position, salary, any change in class title, status and such other data as may be desirable or useful.
 6. Develops and administers such recruiting and examining programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City.
 7. Authorizes all persons to be included on the payroll.
 8. Develops and coordinates training and educational programs for City employees.
 9. Investigates periodically the operation and effect of the personnel provisions of these rules and regulations and report such findings and recommendations to the City Administrator.
- K. Such other duties as may from time to time be prescribed by the City Administrator.

Section 120.050. Payment Of Bills.

[CC 1990 § 2-125; Ord. No. 15 § 5, 6-1-1988; Ord. No. 333 § 1, 8-21-1989]

The Director of Finance and Administration shall pay to any person designated and any warrant lawfully drawn upon the City the amount specified in such warrant or bill, but such amount shall be made only out of the funds in the possession of the Director of Finance and Administration and properly appropriated for such payment as approved by the City Administrator.

Section 120.060. Revenues.

[CC 1990 § 2-126; Ord. No. 15 § 6, 6-1-1988]

The Director of Finance and Administration shall receive all license fees, permit fees, charges for municipal services, charges for the use of City property or special services rendered by the City, sums due the City on any contracts and all other sums and monies due or belonging to the City either directly from the person paying the money or from the hands of such other officer or employee as may receive it. He/she shall give every person paying money to him/

her a receipt therefore specifying the amount paid, the date of payment and upon what account paid. It shall be the duty of the Director of Finance and Administration to keep the Council informed as to all sums due on taxes, accumulations in the motor fuel account to the credit of the City and all other revenues to which the City is entitled.

Section 120.070. Personal Use Of Funds.

[CC 1990 § 2-127; Ord. No. 15 § 7, 6-1-1988]

The Director of Finance and Administration shall keep all money belonging to the City in his/her custody separate and distinct from his/her own money and he/she shall not use, either directly or indirectly, the City's money or warrants in his/her custody for his/her own use and benefit or that of any other person.

Section 120.080. Bond.

[CC 1990 § 2-128; Ord. No. 15 § 8, 6-1-1988]

The Director of Finance and Administration shall give a bond before entering upon his/her duties in such sum as may be required by the City Council. This bond shall be conditioned upon the faithful performance by the Director of Finance and Administration of his/her duties and shall be conditioned to indemnify the City for any loss by reason of any neglect of duty or any act of the Director of Finance and Administration.

Section 120.090. through Section 120.130. (Reserved)

ARTICLE II

Department Of Law¹

Section 120.140. Created.

[CC 1990 § 2-151; Ord. No. 17 § 1, 6-1-1988]

There is hereby created the Department of Law which shall consist of the office of City Attorney and the office of City Prosecutor.

Section 120.150. Functions.

[CC 1990 § 2-152; Ord. No. 17 § 2, 6-1-1988]

It shall be the function of the Department of Law to prosecute or defend any and all suits or actions at law or equity to which the City may be a party or in which it may be interested, to provide legal advice and consultation to all elected and appointed City Officials and to prosecute all alleged violations of the traffic ordinances of the City and such other violations of the codes and ordinances of the City as the City Council may authorize.

1. Cross References: As to motor vehicles and traffic, Title III; as to municipal court, ch. 130; as to offenses and miscellaneous provisions, ch. 210.

Section 120.160. City Attorney And City Prosecutor — Appointment And Removal.**[CC 1990 § 2-153; Ord. No. 17 § 3, 6-1-1988]**

The offices of City Attorney and City Prosecutor shall be filled by appointment, made by the Mayor with the advice and consent of the Council, of persons competent to carry out the duties of said offices. Such appointments shall be for an indefinite term. The Attorney and the Prosecutor may be removed from office by the Mayor with the advice and consent of the Council or by a two-thirds (2/3) vote of all the members elected to the Council, independently of the Mayor's approval or recommendation. The Mayor, with the advice and consent of the City Council, may also retain special counsel to advise or represent the City on special matters.

Section 120.170. Duties Of City Attorney.²**[CC 1990 § 2-154; Ord. No. 17 § 4, 6-1-1988]**

- A. The City Attorney shall prosecute or defend any and all suits or actions at law or equity to which the City may be a party or in which it may be interested or which may be brought against or by any officer of the City on behalf of the City or in the capacity of such persons as an officer of the City; provided however, that the Prosecutor shall prosecute all violations of traffic ordinances of the City and such other violations of City ordinances as the Council may provide; and further provided, nothing contained in this Section shall be deemed to preclude the defense of actions seeking to assess a monetary liability against the City by counsel selected and retained by the insurance carrier of the City or to request that the City Attorney prosecute or defend any particular suit or action at law or in equity referred to in this Section.
1. Advice. The City Attorney shall be the principal legal advisor of the City and shall render advice on all legal questions affecting the City whenever requested to do so by any City Officer. Upon request by the Mayor and Council, he/she shall reduce any such opinion to writing.
 2. Judgments. It shall be the duty of the City Attorney to see to the full enforcement of all judgments or decrees entered in favor of the City and all similar interlocutory orders.
 3. Special Assessments. It shall be the duty of the City Attorney to see to the completion of all special assessment proceedings and condemnation proceedings.
 4. Legal Questions Affecting The City. It shall be the duty of the City Attorney to render advice on legal questions affecting the City and to prepare ordinances, resolutions and do legal instruments whenever requested and to provide such other legal counsel and services as the Mayor or Council may from time to time specify.
 5. Approval Of Legislation And Contracts As To Legal Form. The City Attorney shall approve all contracts, ordinances and resolutions as to legal form prior to their passage and approval.

2. Cross Reference: As to style and enactment of ordinances, § 100.050.

Section 120.180. Duties Of The Prosecutor.**[CC 1990 § 2-155; Ord. No. 17 § 5, 6-1-1988]**

It shall be the duty of the Prosecutor to prosecute all violations of the traffic ordinances of the City and such other violations of the codes and ordinances of the City as the Council may authorize or direct.

Section 120.190. Approval Of Surety Bonds.**[CC 1990 § 2-156; Ord. No. 17 § 6, 6-1-1988]**

All bonds required by law or ordinance to be submitted to and approved by the City Council shall first be submitted to the City Attorney who shall examine said bonds. If in his/her judgment the bonds are properly drawn and are legal and binding obligations, he/she shall endorse the same with his/her approval; if they are not, he/she shall endorse his/her disapproval thereon together with his/her reason therefor.

Section 120.200. Compensation.**[CC 1990 § 2-157; Ord. No. 17 § 7, 6-1-1988]**

The City Attorney and the City Prosecutor shall be compensated either on an annual-retainer basis or on a per hour of work basis, whichever is mutually agreed to by each officer and the City Council.

Section 120.210. through Section 120.250. (Reserved)

ARTICLE III

Department Of Planning, Public Works And Parks³**[Revised at time of 2012 codification]****Section 120.260. Established.**

There is hereby established a Department of Planning, Public Works and Parks, which shall have such other Sections or Divisions as from time to time may be authorized by the City Council and assigned to the Department of Planning, Public Works and Parks.

Section 120.270. Functions.

The Department of Planning, Public Works and Parks shall have responsibility in the areas of overall planning and development for the City including preparation and maintenance of the Zoning Map, official map of the City and the Comprehensive Plan, zoning and land use research and studies, flood plain administration, transportation issues, long range and current

3. Cross References: As to buildings and building regulations, ch. 500; as to designation of public works director as local administrator of floodplain regulations, § 415.210; as to duties and responsibilities of public works director with regard to floodplain regulations, § 415.220; as to parks and recreation, ch. 220; as to planning, ch. 400; as to streets and sidewalks, ch. 505.

planning matters. In addition, the Department is responsible for public works, including City engineering design and review functions, City streets and sewers, zoning and development code enforcement, inspection of building construction, parks, housing and neighborhood preservation, project coordination and such other duties related to overall community development as from time to time may be authorized by the City Council.

Section 120.280. Office Of Director Of Planning, Public Works And Parks.

- A. There is hereby established the Office of Director of Planning, Public Works and Parks. The Director shall be appointed by the City Administrator with the approval of the City Council for an indefinite term. The Director may be removed from office by the City Administrator with the approval of the City Council.
- B. The Director, under the City Administrator's supervision, shall have control and supervision over all employees assigned to the Department of Planning, Public Works and Parks.
- C. The City Administrator shall serve as the ex officio Director of Planning, Public Works and Parks until this position is filled by appointment.

Section 120.290. Duties Of Director.

- A. The Director of Planning, Public Works and Parks, subject to the approval of the City Council, shall, among other duties:
 - 1. Promulgate and enforce codes, specification, standards and regulations for building construction permits and inspection and for location and construction of highways, streets, roads, sidewalks and stormwater drainage.
 - 2. Solicit and recommend contracts for construction, for professional services including engineering, surveying, appraisal and title service and any other services required for operation of the Department as hereinafter outlined or as assigned by the City Administrator.
 - 3. Supervise, inspect and recommend payments for services or construction under its jurisdiction.

Section 120.300. Awards And Contracts.

In addition to the powers enumerated below, the Director of Planning, Public Works and Parks shall have the powers delegated to such position or subordinate positions by ordinance of the City, plus such other duties as may be prescribed from time to time by the City Administrator.

Section 120.310. Contracts For Activities.

The City may from time to time contract with consultants, contractors, other municipalities or other governmental agencies for activities assigned to the Department of Planning, Public

Works and Parks. Said contracts shall be administered by the Director of Planning, Public Works and Parks.

Section 120.320. Building And Construction Codes.⁴

The Planning and Development Services Director shall have the power to order all construction, alteration, or repair work to be stopped on any building, mechanical, plumbing, or electrical installation in the City when such work is being done in violation of any provision of any City ordinance or any national code adopted by the City by reference. Such stop orders may be given orally and may be enforced when so given, provided, however, that any oral stop orders will be followed by a written order within four (4) hours. Written stop orders may be served by any Police Officer or by any Department employee, and may be served by personal service or by posting on the premises affected. All work thus stopped shall be not resumed except upon the permission of the Planning and Development Services Director.

Section 120.330. Division Of Public Works Established.

- A. There is hereby established within the Department of Planning, Public Works and Parks a Division of Public Works. The Division shall be under the supervision of the Public Works Director. There is hereby established the office of Public Works Director who shall be appointed by the Director of Planning, Public Works and Parks with the approval of the City Administrator. The Public Works Director, under the supervision of the Director of Planning, Public Works and Parks, shall have charge of:
1. Construction, maintenance, care and repair of all City streets, alleys and driveways.
 2. Snow and ice removal on City streets.
 3. Tree trimming and grass cutting on City street rights-of-way.
 4. Storm sewer collection systems owned or maintained by the City.
 5. Lighting system of City streets and alleys which are owned by the City.
 6. Traffic control systems and devices on City streets and rights-of-way, including traffic signals, signs and street striping.
 7. The care and custody of all property of the City which is not assigned to the care or custody of any other Division or office.
 8. Interview and recommend hiring of new personnel for the Division of Public Works.
 9. Supervision of employees assigned to work with him or her in his or her performance of his or her duties.

4. Cross Reference: As to buildings and building regulations, ch. 500.

10. Such other duties as may be prescribed from time to time by its Director of Planning, Public Works and Parks.
- B. The Public Works Director may be removed from office by the Director of Planning, Public Works and Parks with the approval of the City Administrator.
- C. The Director of Planning, Public Works and Parks shall serve as ex officio Public Works Director until such position is filled.

Section 120.340. Division Of Engineering Established.⁵

- A. There is hereby established within the Department of Planning, Public Works and Parks a Division of Engineering. The Division shall be under the supervision of the City Engineer. The City Engineer, under the supervision of the Director of Planning, Public Works and Parks, shall have the following specific duties and powers:
 1. To Advise City Council. The City Engineer, when directed by the Director of Planning, Public Works and Parks, shall advise the City Council generally and specifically on engineering matters as the same pertains to the programs and problems of the City.
 2. Inspections And Permits. It shall be the duty of the City Engineer to inspect or to supervise the inspection of all public improvements within the City as frequently as may be necessary to ensure compliance with the applicable ordinances and codes of the City, and he or she shall have the authority to enforce all provisions of the City relating to improvements and the construction thereof. He or she shall also issue such permits as may be required from time to time by the ordinances and codes of the City.
 3. Stop Work Orders.
 - a. The City Engineer shall have the power to order all work stopped on the construction, alteration or repair of any streets or roads, storm sewers, storm swales, manholes and inlet structures, curbs and gutters, sidewalks, land clearance, trenching, excavating, pipe installation, cable installation, street and parking lot light pole installation, and similar improvements including the barricading of areas or streets, and the use of equipment which could cause damage to pavement and/or the surface or buried items or utilities in the City when such work is being done in violation of any provisions of the City ordinances or codes. Such stop orders shall be given in writing and may be enforced when served in the manner provided in this Section. All work thus stopped shall not be resumed except upon the written permission of the engineer. Stop orders may be served by any Police Officer or Department employee, and may be served by personal service on any person who is supervising or is responsible for the work affected by the order or by posting on the premises on which the work is taking place.
 - b. The City Engineer shall have the power to order all construction or repair work to be stopped on any project within the City right-of-way when such

5. Cross References: As to buildings and building regulations, ch. 500; as to streets and sidewalks, ch. 505.

work is being done in violation of the Municipal Code. Such stop orders shall be given in writing and may be enforced when served in the manner provided above. All work thus stopped shall not be resumed except upon the written permission of the City Engineer.

4. Entry Powers.
 - a. The City Engineer and his or her designees shall have the power make or cause to be made, at any reasonable hour, entry into any building site premises where the work of altering or construction any right-of-way improvement is going on for the purpose of making inspection.
 - b. The City Engineer may retain special engineers from time to time to advise and/or represent the City on special matters or to assist the Director, subject to the approval of the City Council.
- B. The City Engineer may be removed from office by the Director of Planning, Public Works and Parks with the approval of the City Administrator.
- C. The Director of Planning, Public Works and Parks shall serve as ex officio City Engineer until this position is filled.

Section 120.350. Division Of Parks And Recreation Established.⁶

- A. There is hereby established within the Department of Planning, Public Works and Parks a Division of Parks and Recreation. The Division shall be under the supervision of the Parks and Recreation Director. The Parks and Recreation Director, under the supervision of the Director of Planning, Public Works and Parks, shall have the following specific duties and powers:
 1. To Advise City Council. The Parks and Recreation Director, when directed by the Director of Planning, Public Works and Parks, shall advise the City Council generally and specifically on parks and recreation matters as the same pertains to the programs and problems of the City.
 2. The Division shall have charge of:
 - a. Parks development and maintenance.
 - b. Cycling, hiking and riding trails.
 - c. City participation in recreation and sports events.
 - d. Such other duties as may be prescribed from time to time by the Director of Planning, Public Works and Parks.
- B. The Parks and Recreation Director may be removed from office by the Director of Planning, Public Works and Parks with the approval of the City Administrator.
- C. The Director of Planning, Public Works and Parks shall serve as ex officio Parks and Recreation Director until such position is filled.

⁶ Cross Reference: As to parks and recreation, ch. 220.

Section 120.360. Division Of Planning And Development Services.

- A. There is hereby established within the Department of Planning, Public Works and Parks a Division of Planning and Development Services. The Division shall be under the supervision of the Planning and Development Services Director. The Planning and Development Services Director, under the supervision of the Director of Planning, Public Works and Parks, shall have the following specific duties and powers:
1. **Planning And Zoning.** It shall be the duty of the Planning and Development Services Director to oversee current and long-range planning and development within the City including the preparation and maintenance of the Zoning Map, Land Use Map, Comprehensive Plan, zoning and other development ordinances. Responsibilities also include the preparation of special studies and the provision of information on the physical, social, economic characteristics of the City; housing and neighborhood preservation, landmark and historic preservation of the City. The Division shall review all projects, plans, and applications to ensure compliance with all ordinances concerning zoning, subdivision, and development requirements; and such other duties as prescribed by the Director of Planning, Public Works and Parks.
 2. **Inspectors And Officers Authorized.** The Planning and Development Services Director shall review all plans for the construction, reconstruction, or alteration of any structure in the City, and shall inspect such construction to insure that all work is done in compliance with the City's building, plumbing, electrical, mechanical and such other codes or ordinances as may from time to time be approved by the City Council. The Division is also responsible for ensuring compliance with all codes or ordinances of the City of Chesterfield. The Planning and Development Services Director may employ and supervise building, plumbing, electrical, and mechanical inspectors and property maintenance code enforcement officers as may be authorized from time to time by the City Council. The employment of inspectors and officers shall be subject to the approval of the Director of Planning, Public Works and Parks.
 3. **Stop Work Orders — Zoning, Building And Development Codes.** The Planning and Development Services Director shall have the power to order all work to be stopped on any building or structure where such work is being done in violation of any provision of the City Zoning Ordinance, Subdivision Ordinance, Development Code, Building Code or any other applicable ordinance. Such stop work orders may be given orally and may be enforced when so given, provided, however, that any oral stop work order shall be followed by a written order within four (4) hours. All work that is stopped shall not be resumed except upon permission of the Planning and Development Services Director. Written stop orders may be served by any Police Officer or by any department employee and may be served by personal service or by posting on the premises affected.
 4. **Inspections And Permits.** It shall be the duty of the Planning and Development Services Director to inspect or to supervise the inspection of all subdivision and other development related improvements within the City as may be necessary to ensure compliance with the applicable codes and ordinances of the City, and shall have the authority to enforce all provisions of the City relating to construction

and development thereof. He/she shall also issue such permits as may be required including, but not limited to, re-occupancy permits, occupancy permits, special use permits, and municipal zoning applications.

5. Attestation To Site Plan Approvals For Recording.

- a. The Planning and Development Services Director is hereby authorized to execute on behalf of the City any form of documentation to be filed with the Recorder of Deeds of St. Louis County that will indicate for the purpose of recordation that the City has approved the site plan.
- b. Said attestation will not be authorized until the approval of the site plan by the Planning Commission and that said approval has been certified to the Planning and Development Services Director by the Chairperson of the Planning Commission.
- c. The attestation to be placed on the plat for recordation shall read substantially as follows:

This site plan was approved by the City of Chesterfield Planning Commission and duly verified on the ____ day of _____, 20____, by the Chairperson of said Commission, authorizing the recording of this site plan pursuant to Chesterfield Ordinance Number _____, as attested to by the Planning and Development Services Director.

Planning and Development Services
Director

City Clerk

Section 120.370. through Section 120.420. (Reserved)

Chapter 123

PURCHASING REGULATIONS

Section 123.010. Purchasing Rules.

Section 123.020. Bidding Procedures.

**Section 123.030. Determination Of
Lowest Responsible
Bidder.**

Section 123.040. Approval Of Purchases.

**Section 123.050. Miscellaneous
Purchasing
Requirements.**

Section 123.060. Conflicts Of Interest.

**Section 123.070. Inspections And
Testing.**

Section 123.080. Surplus Stock.

Section 123.010. Purchasing Rules.

[CC 1990 § 2-137; Ord. No. 16 § 2, 6-1-1988; Ord. No. 750 § 1, 1-4-1993; Ord. No. 928 § 2, 7-18-1994; Ord. No. 1409 § 1, 6-1-1998]

- A. No purchases or contracts for services or goods of any kind or description, payment of which is to be made from funds of the City, shall be made by the Purchasing Agent or any officer, employee or agent of the City except in the manner hereafter set forth.
 - 1. Purchases Under Two Thousand Five Hundred Dollars (\$2,500.00). Whenever any contemplated purchase or contract for goods or services is for the sum of less than two thousand five hundred dollars (\$2,500.00) inclusive, the Purchasing Agent may order the items as needed in accordance with the approved accounting system.
 - 2. Goods Or Services Costing Two Thousand Five Hundred Dollars (\$2,500.00) To Five Thousand Dollars (\$5,000.00) Inclusive. Whenever any contemplated purchase or contract is for goods or services costing from two thousand five hundred dollars (\$2,500.00) to five thousand dollars (\$5,000.00) inclusive, the Purchasing Agent shall obtain at least three (3) quotations from qualified vendors for the goods or services to be purchased. The quotations may be obtained orally and the award for purchase or contract given to the lower responsible bidder.
 - 3. Purchases Costing From Five Thousand Dollars (\$5,000.00) To Ten Thousand Dollars (\$10,000.00) Inclusive. Whenever any contemplated purchase or contract is for goods or services costing from five thousand dollars (\$5,000.00) to ten thousand dollars (\$10,000.00) inclusive, the Purchasing Agent shall solicit at least three (3) written quotations for the item or items to be purchased. The quotation shall be submitted in written form to the Purchasing Agent who shall award the purchase or contract to the lowest responsible bidder.
 - 4. Items Costing Over Ten Thousand Dollars (\$10,000.00). Whenever any contemplated purchase or contract for goods or services is for the sum of more than ten thousand dollars (\$10,000.00), the Purchasing Agent shall cause to be published in one (1) issue of a newspaper of general circulation in the City a

notice inviting bids, provided however, that the Purchasing Agent shall have the authority upon the recommendation of the department head to forego advertising in such cases where advertising would not be an appropriate method to seek bids. Said notice shall be published at least ten (10) business days prior to the date set for the receipt of the bids. The Purchasing Agent may allow more time for the preparation and submittal of bids whenever the contemplated purchase of goods or services indicates that a longer period of time will be required for vendors to complete and submit bids. The notice herein required shall include a general description of the articles to be purchased or services performed and the time and place for opening bids. In addition, the Purchasing Agent shall post a notice inviting bids in City Hall and may also mail to all responsible prospective suppliers of the items to be purchased or services performed a copy of the notice inserted in the newspapers hereinbefore required. Upon opening of the sealed bids, the Purchasing Agent shall review and investigate all bids received and shall then make a recommendation to the City Council based upon said investigation as to which bidder has submitted the lowest responsible bid.

5. Per Unit Purchasing.
 - a. The Purchasing Agent shall have the authority to purchase on a "per unit" basis those items which have been specifically identified on a list which is to be approved by the Finance and Administration Committee of the City Council of the City of Chesterfield for such purchases. Said list is to be prepared and reviewed on an annual basis by the Finance and Administration Committee and may be modified by the Finance and Administration Committee as it may deem appropriate. Any items which are contained on said list must be for the purchase of commodities only and each per unit dollar amount may not exceed a total of five hundred dollars (\$500.00) for each unit to be purchased and must already fall within the total amount budgeted by the City for the purchase of said commodity.
 - b. Insofar as staff has made every possible effort to obtain three (3) bids and has documented the same or where the actual cost exceeds the budgeted amount, but adequate funds exist within the department's budget to cover the cost of the item or items, the City Administrator is authorized to approve the purchase as long as the bid procedures have been carried out in accordance with the purchasing rules and regulations. The City Administrator shall be required to seek the approval of the City Council for purchases of commodities on a per unit basis whenever the low bidder is not chosen or the item is not on the Finance and Administration approved list.

Section 123.020. Bidding Procedures.

[CC 1990 § 2-138; Ord. No. 16 § 3, 6-1-1988]

- A. The Purchasing Agent and all parties contracting with the City shall follow the procedure hereinafter set forth in relation to all bids required above:
 1. All notices and solicitations of bids shall state the time and place for opening.

2. All bids shall be submitted sealed to the City Official designated in the bid packet and shall be identified as bids on the envelope.
3. All bids shall be opened in public at a time and place stated in the public notices.
4. A tabulation of all bids received shall be posted in the City Hall for public inspection.
5. The City Council shall have authority to reject any and all bids and parts of all bids and readvertise or re-solicit bids whenever it is deemed to be in the best interest of the City.

Section 123.030. Determination Of Lowest Responsible Bidder.

[CC 1990 § 2-139; Ord. No. 16 § 4, 6-1-1988]

- A. It is the responsibility of the Purchasing Agent to review and investigate all bids received and to make a recommendation thereon to the City Council regarding award to the lowest responsible bidder for the entire purchase or contract or for any part thereof. In determining the lowest responsible bidder, the Purchasing Agent shall consider:
1. The ability, capacity and skill of the bidder to perform the contract or provide the services required.
 2. Whether the bidder can perform the contract to provide the services promptly or within required time periods without delay or interference.
 3. The quality of performance of previous contracts or services.
 4. The previous and existing compliance by the bidder with laws and ordinances of the City.
 5. The financial resources and the ability of the bidder to perform the contract or provide the service.
 6. The quality, availability and adaptability of the supplies or services.

Section 123.040. Approval Of Purchases.

[CC 1990 § 2-140; Ord. No. 16 § 5, 6-1-1988; Ord. No. 750 § 2, 1-4-1993; Ord. No. 1409 § 2, 6-1-1998]

All purchase orders or contracts must be for goods or services covered by a category in the budget for the current fiscal year as approved by the City Council. Any purchaser of an item not provided for in the current fiscal year budget must receive the prior approval of the City Council. The agent is authorized to approve all purchases after complying with the competitive shopping requirements as specified above. The agent shall also be authorized to expend funds exceeding ten thousand dollars (\$10,000.00) for materials and supplies under blanket purchase order for a fixed period of time that was issued as a result of competitive bidding and City Council approval of the lowest responsible bidder, which shall include "per unit" purchases which may in the aggregate exceed ten thousand dollars (\$10,000.00) if purchase is made in accordance with Subsection (5) of Section 123.010.

Section 123.050. Miscellaneous Purchasing Requirements.

[CC 1990 § 2-141; Ord. No. 16 § 6, 6-1-1988; Ord. No. 202 §§ 1 — 2, 11-7-1988; Ord. No. 928 §§ 1 — 3, 7-18-1994]

- A. **Exclusive Service.** In the event that there is only one (1) firm or company or individual capable of providing a particular service or commodity and said services or commodities cannot be secured from other persons or companies, than the bidding requirements contained above shall not be applicable and the Purchasing Agent is authorized to proceed with the purchase of such services or commodities as are required by the City, but cannot be secured through the normal bidding process. Exclusive service purchases for amounts exceeding five thousand dollars (\$5,000.00) must be preapproved by the City Council.
- B. **Performance Bond.** The Purchasing Agent shall have the authority to require a performance bond in cash or otherwise for such amount that he/she may deem sufficient to secure the execution of the contract for furnishing goods or services for the best interests of the City.
- C. **Emergency Procedures.** In case of an emergency which requires immediate purchase of supplies or services and time is of the essence, the Director of Finance and Administration shall be empowered to authorize the purchase or to secure the services needed without complying with the procedures as set forth in this Article. This Section shall also apply to any natural disaster or civil emergency requiring immediate response on the part of the City. A full report in writing of the circumstances requiring emergency purchases shall be filed by the agent with the City Administrator within a reasonable period of time after the emergency. The City Administrator shall forward such information on to the Mayor and City Council for information.
- D. **Professional Services.**
1. **Generally.** The competitive bidding requirements of this Article shall not apply to professional services and the requirements herein shall not be required in the employment of professional services including, but not limited to, physicians, attorneys, certified public accountants or planners. The Purchasing Agent is authorized and encouraged, however, to require proposals from capable professionals within a required discipline, whenever time and/or circumstances warrant.
 2. **Exceptions.** The following shall be the policy and procedures for selecting architectural, engineering and land surveying services for the City.
 - a. **Definitions.** As used in this Section, the following terms shall have these prescribed meanings:

ARCHITECTURAL SERVICES — Those services within the scope of practice of architecture as defined by the laws of the State of Missouri, Section 327.091, RSMo., and to include landscape architects.

ENGINEERING SERVICES — Those services within the scope of practice of engineering as defined by the laws of the State of Missouri, Section 327.181, RSMo.

FIRM — Any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of architecture, engineering or land surveying or other professional services and provide said services.

LAND SURVEYING SERVICES — Those services as defined by the laws of the State of Missouri, Section 327.272, RSMo.

SELECTION COMMITTEE — The City Administrator, Director of Planning, Public Works and Parks and department head of the using department.

b. Roster Of Consultants.

(1) The City Administrator or designated staff will maintain a roster of qualified firms interested in performing professional services for the City. Names of firms will be placed on the roster upon their request, at the request of members of the Council or when recommended by City departments.

(2) Each firm meeting the following minimum qualifications shall be deemed to be a qualified firm and meeting the qualifications of the City:

(a) Duly authorized to conduct business in the State of Missouri in their particular profession.

(b) Professional registration by the State of Missouri.

(c) At least one (1) staff professional assigned to each project. Adequacy of personnel will be determined on a contract-by-contract basis against the City's estimate of manpower required to perform the work in the desired time frame.

(3) Resumes And Data. Each person or firm listed on the roster shall be responsible for maintaining with the City Administrator a current resume describing his/her or its qualifications and experience. Data which shall be included is as follows:

(a) Firm name, address, telephone numbers.

(b) Year established and former firm names.

(c) Types of services for which it is qualified.

(d) Names of principals of the firm and status in which they are registered.

(e) Names of key personnel with experience of each and length of time in the organization.

(f) Number of staff available for assignment.

c. General Procedures And Responsibilities.

- (1) Project Initiation. When a department of the City identifies a project for which architectural, engineering or land surveying services will be necessary, the department will draft a scope of services for the specific project. This scope of services will be submitted to the City Administrator for authorization to initiate the project. The department shall include in the scope of services the following:
 - (a) A description of the work required and its objectives.
 - (b) The nature of specific tasks and services to be accomplished.
 - (c) The type and amount of assistance to be given by the department involved.
 - (d) Required time frame.
 - (e) Financial conditions or limitations; grant program involved.
- (2) Expressions Of Interest. The using department will contact those firms on the roster for an expression of interest in the specific project. The request should invite comments as to the special experience in the project being considered, describe previous experience with similar projects and the availability of the firm to provide required service within any time limitations.
- (3) Initial Screening And Requests For Proposals.
 - (a) The expressions of interest will then be presented to the department requesting the services for initial screening. Factors to be determined in the initial screening will include:
 - (i) Specialized experience in the type of work required.
 - (ii) Record of the firm in accomplishing work on other projects in the required time.
 - (iii) Quality of work previously performed by the firm for the City.
 - (iv) Recent experience showing accuracy of cost estimates.
 - (v) Community relations including evidence of sensitivity to citizen concerns.
 - (vi) Geographic location of the principal officers of the firm.
 - (b) After the screening, detailed proposals will be requested from at least three (3) firms. Selection will then be made according to Subsection (D)(2)(e).
- d. Detailed Proposals. Firms submitting detailed proposals will provide the following information:
 - (1) Name of firm principal.

- (2) Name of project supervisor (licensed engineer, architect or land surveyor).
 - (3) Ability of firm to meet time schedules.
 - (4) Description of how project will be conducted.
 - (5) Cost of services.
 - (6) For various levels of the disciplines offered, the position, hourly rate, salary cost multiplier, overhead and profit multiplier.
 - (7) Outside consultants and associates usually retained.
 - (8) List of completed projects on which the firm was principal engineer.
 - (9) Current projects under way and estimated cost of each.
 - (10) Data gathering methods (if appropriate).
 - (11) Evaluation techniques (if appropriate).
- e. Selection.
- (1) Three (3) written proposals should be secured when possible. Proposals may be solicited by mail or telephone. The selection committee will review the proposals, interview the prospective consultant, if desirable, and make a recommendation or selection in accordance with Subsection (D)(2)(e)(2) below.
 - (2) Class Of Service. Projects will be divided into two (2) classes as follows:
 - (a) Class A. Services for projects where fees will exceed five thousand dollars (\$5,000.00). The selection committee's recommendation shall be presented to the City Council for approval or rejection. The Council has the right to approve or reject any and all proposals.
 - (b) Class B. Services for projects which are provided for in the approved City budget and where fees will be less than five thousand dollars (\$5,000.00). The selection committee will have full authority to select the consultant.
- f. Prohibition Against Contingent Fees.
- (1) Each contract entered into by the City Council for professional services shall contain a prohibition against contingent fees as follows:

"The architect, engineer or land surveyor (as applicable) warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the architect, engineer or land surveyor, to solicit or secure any fees, commission, percentage, gift or any other consideration, contingent upon or resulting from the award or making of this agreement."

- (2) For the breach or violation of the foregoing provision, the City Council shall have the right to terminate the agreement without liability and at its discretion to deduct from the contract price or otherwise recover the full amount of such fee, commission, percentage, gift or consideration.
- g. Authority Of City Council To Waive Procedural Requirements. The City Council in its sole and absolute discretion may waive any and all aforementioned procedural requirements.
- E. Cooperative Purchasing. This Article and the requirements herein shall not apply to purchases made through or with the State of Missouri, or any other governmental jurisdiction which operates a cooperative procurement program, and will allow the City to purchase goods or services that the jurisdiction has made available following the completion of its own internal purchasing procedures. Insofar as the City Council has adopted an ordinance or resolution authorizing the City to participate in a cooperative purchasing agreement with another jurisdiction, the City Administrator has the authority to approve such purchases without seeking separate, formal City Council approval on each item.
- F. Subdividing Prohibited. No contractor purchase shall be subdivided to avoid the requirements of this Section.

Section 123.060. Conflicts Of Interest.

[CC 1990 § 2-142; Ord. No. 16 § 7, 6-1-1988]

- A. Any purchase order or contract within the purview of this Article in which the Purchasing Agent or any officer or employee of the City is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract, the City Council shall have the authority to waive compliance with this Section when it finds such action to be in the best interests of the City.
- B. The agent and every officer and employee of the City shall not directly or indirectly solicit any gift or accept or receive any gift, whether in the form of money, services, loans, promises or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence them, or could reasonably be expected to influence them, in the performance of their official duties or was intended as a reward for any official action on their part.

Section 123.070. Inspections And Testing.

[CC 1990 § 2-143; Ord. No. 16 § 8, 6-1-1988]

- A. Inspections. The Purchasing Agent shall inspect or cause the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract therefor.
- B. Tests. The agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to

determine their quality and conformity with the specifications. In the performance of such tests, the agent shall have the authority to make use of any outside laboratory.

Section 123.080. Surplus Stock.

[CC 1990 § 2-144; Ord. No. 16 § 9, 6-1-1988; Ord. No. 928 § 4, 7-18-1994]

- A. Generally. All departments shall submit to the Purchasing Agent, at such time and in such form as the agent shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.
- B. Transfers. The agent is hereby authorized to transfer surplus stock to other departments.
- C. Sales. The City Administrator is authorized to sell all supplies having an estimated value of less than five thousand dollars (\$5,000.00) which have become unsuitable for public use or to exchange the same for or trade in the same on new supplies. Sales shall be made to the highest possible bidder.

Chapter 125

BOARDS, COMMISSIONS, COMMITTEES, ETC.

**ARTICLE I
Generally**

Section 125.010. Failure To Attend Statutory Committee Meetings.

Section 125.020. Statutory Committees.

Section 125.030. Failure To Attend Non-Statutory Committee Meetings.

Section 125.040. Effect Of Terms And Conditions.

Section 125.050. through Section 125.090. (Reserved)

**ARTICLE II
Board Of Adjustment**

Section 125.060. Created — Membership — Term — Alternate Members — Removal From Office — Chairman.

Section 125.070. Rules Of Procedure.

Section 125.080. Meetings.

Section 125.090. Minutes — Records.

Section 125.100. Technical Services, Advice, Etc., From The Planning And Development Services Director.

Section 125.110. Powers Of The Board.

Section 125.120. Quorum.

Section 125.130. Hearings.

Section 125.140. Duration Of Variance.

Section 125.150. Compliance With Zoning Code.

Section 125.160. Appointment Of Members.

Section 125.170. Fee Increases For Sign Variances, Non-Sign Variances, Special Use Permits And Grading Permits And Project Inspection.

Section 125.180. Fees For Copies Of Zoning And Subdivision Ordinances.

Cross References: As to standing committees of the city council, § 110.420; as to commission on human rights, §§ 230.030 et seq.; as to emergency management agency, § 225.040; as to violations bureau, § 130.060; as to planning and zoning commission, §§ 400.100 et seq.; as to police personnel board, §§ 200.100 et seq.

**ARTICLE I
Generally**

Section 125.010. Failure To Attend Statutory Committee Meetings.

[CC 1990 § 2-201; Ord. No. 684 § 1, 6-15-1992]

Any person appointed to a statutory committee established by City Council shall be required, as a condition of appointment, to attend at a minimum fifty percent (50%) of all regularly

scheduled meetings. Failure to attend at least fifty percent (50%) of such meetings shall be prima facie evidence of "good cause" shown for removal from such appointed position.

Section 125.020. Statutory Committees.

[CC 1990 § 2-202; Ord. No. 684 § 2, 6-15-1992; Ord. No. 1883 § 1, 10-21-2002; Ord. No. 2994 § 1, 3-5-2018]

- A. The statutory committees shall include the following plus any other committees hereafter created by ordinance or required by State Statute. The statutory committees shall include:
1. Board of Adjustment;
 2. Police Personnel Board;
 3. Human Rights Commission;
 4. Planning Commission.

Section 125.030. Failure To Attend Non-Statutory Committee Meetings.

[CC 1990 § 2-203; Ord. No. 684 § 3, 6-15-1992]

Any person appointed to a non-statutory committee established by the City Council as of this date or hereafter created shall be required as a condition of their continued appointment to attend at a minimum fifty percent (50%) of all regularly scheduled meetings. Failure to attend at least fifty percent (50%) of such meetings shall be prima facie evidence of "good cause" shown for removal from such appointed position.

Section 125.040. Effect Of Terms And Conditions.

[CC 1990 § 2-204; Ord. No. 684 § 4, 6-15-1992]

The terms and conditions of Sections 125.010 through 125.030 shall not be in lieu of any other statutory or ordinances requirements, but shall be in addition to the same.

Section 125.050. through Section 125.090. (Reserved)

**ARTICLE II
Board Of Adjustment'**

1. Cross Reference: As to board of adjustment to hear and decide appeals and requests for variances with regard to floodplain regulations, § 415.230.

Section 125.060. Created — Membership — Term — Alternate Members — Removal From Office — Chairman.

[CC 1990 § 2-211; Ord. No. 454 § 1, 6-4-1990; Ord. No. 603 § 1, 8-19-1991; Ord. No. 673 § 1, 4-6-1992; Ord. No. 834 § 1, 9-7-1993]

Pursuant to Section 89.080, RSMo., as amended, there is created a Board of Adjustment. The Board of Adjustment shall consist of five (5) members who shall be residents of the City of Chesterfield except as provided in Section 305.410, RSMo. The membership of the first (1st) Board appointed shall serve respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. Thereafter, members shall be appointed for terms of five (5) years. Three (3) alternate members may be appointed to serve in the absence or the disqualification of the regular members. All members and alternates shall be removable for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant. The Board shall elect its own Chairman who shall serve for one (1) year. All current members of the Board, as of the date of this Section, shall remain in their appointed position and shall serve the term in accordance with the dates of their appointment.

Section 125.070. Rules Of Procedure.

[CC 1990 § 2-212; Ord. No. 454 § 2, 6-4-1990; Ord. No. 603 § 2, 8-19-1991; Ord. No. 834 § 1, 9-7-1993]

The Board is hereby empowered to adopt rules of procedure and from time to time amend and supplement its rules of procedure not inconsistent with the provisions of this Chapter or of any ordinance adopted pursuant to Sections 89.010 to 89.140, RSMo., as amended.

Section 125.080. Meetings.

[CC 1990 § 2-213; Ord. No. 454 § 3, 6-4-1990; Ord. No. 603 § 3, 8-19-1991; Ord. No. 834 § 1, 9-7-1993]

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 the witnesses. All meetings of the Board shall be open to the public.

Section 125.090. Minutes — Records.

[CC 1990 § 2-214; Ord. No. 454 § 4, 6-4-1990; Ord. No. 603 § 4, 8-19-1991; Ord. No. 834 § 1, 9-7-1993]

The Board shall keep minutes of its proceedings showing the vote of each member upon question, or if absent or failing to vote indicate such fact, and shall keep records of its examinations and other official actions. All of the above records shall be immediately filed with the Division of Planning and Development Services and shall be on public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for that purpose.

Section 125.100. Technical Services, Advice, Etc., From The Planning And Development Services Director.

[CC 1990 § 2-215; Ord. No. 454 § 5, 6-4-1990; Ord. No. 603 § 5, 8-19-1991; Ord. No. 664 § 1, 3-16-1992; Ord. No. 834 § 1, 9-7-1993]

For assistance in reaching its decisions relative to any appeal or other matter under consideration by the Board, the Planning and Development Services Director shall furnish technical services, advice, data or factual evidence requested by the Board.

Section 125.110. Powers Of The Board.

[CC 1990 § 2-216; Ord. No. 454 § 6, 6-4-1990; Ord. No. 603 § 6, 8-19-1991; Ord. No. 664 § 1, 3-16-1992; Ord. No. 834 § 1, 9-7-1993]

A. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of these Subsections or of any ordinance adopted pursuant thereto;
2. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance;
3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done;
4. To permit a variation in the yard requirements of any zoning district or the building or setback lines from major highways as provided by law where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare of the public;
5. To permit a variation in the sign requirements of any zoning district of up to fifty percent (50%) increase in sign area and up to fifty percent (50%) increase in height and width where petitioner files a plot plan and scale layout design in duplicate and demonstrates that otherwise there would be a hardship to the public seeing its particular commodity or service and where petitioner demonstrates that the increased sign area, height and width would not be injurious to the neighborhood or otherwise detrimental to the public welfare. When a petition for a variance to sign regulations has been filed with the Board of Adjustment, the Division of Planning and Development Services shall review said petition and file a report thereon containing conditions which the department recommends that the Board consider placing upon the sign variance if granted. In making its decision, the Board must be satisfied that the granting of such variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty which is unique to the petitioner in his/her use, so

great as to warrant a variation from the sign regulations as established by the City of Chesterfield Zoning Code or any zoning ordinance enacted by the City of Chesterfield and at the same time place conditions upon said variance, if necessary, so that the surrounding property will be properly protected.

6. Permit reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God or public enemy to the extent of more than sixty percent (60%) of its reasonable value, where the Board finds some compelling public necessity requiring a continuance of a non-conforming use and the primary purpose of continuing the non-conformity use is not to continue a monopoly.
- B. In exercising the above mentioned powers, such Board may, in conformity with the provisions of Sections 89.010 to 89.140, RSMo., reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made to that end and shall have all the powers of the officer from whom the appeal is taken.

Section 125.120. Quorum.

[CC 1990 § 2-217; Ord. No. 454 § 7, 6-4-1990; Ord. No. 603 § 7, 8-19-1991; Ord. No. 834 § 1, 9-7-1993]

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any manner upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

Section 125.130. Hearings.

[CC 1990 § 2-218; Ord. No. 454 § 8, 6-4-1990; Ord. No. 603 § 8, 8-19-1991; Ord. No. 664 § 1, 3-16-1992; Ord. No. 834 § 1, 9-7-1993]

- A. The following procedures shall govern the hearings of the Board:
1. Before making its decision on any appeal or other matter within the Board's purview, the Board shall hold a public hearing thereon.
 2. At least five (5) days' notice of the time and place of said public hearing shall be sent by registered mail to the appellant. The Board may, in its discretion, send notices of hearing to other interested persons, organizations or agencies.
 3. The public notice shall contain the name of the appellant, the date, time and place fixed for the hearing; and a brief statement of the error alleged by the appellant or the variance or other question which is the subject of the appeal.
 4. Hearings may be adjourned from time to time and the time and place of the continued hearing be publicly announced at the time of adjournment. No further notice of such continued hearing shall be required; otherwise, notice thereof shall be given as in the case of an original hearing.
 5. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment,

after the notice of appeal shall have been filed with the Division of Planning and Development Services, that by reason of fact stated in the certificate a stay would, in his/her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed, otherwise than by restraining order, which may be granted by the Board of Adjustment or by a court of record or upon application or notice to the officer from whom the appeal is taken and on due cause shown.

6. Upon the hearing of any matter, any party may appear in person or by agent or by attorney.

Section 125.140. Duration Of Variance.

[CC 1990 § 2-219; Ord. No. 454 § 9, 6-4-1990; Ord. No. 603 § 9, 8-19-1991; Ord. No. 834 § 1, 9-7-1993]

A decision of the Board granting a variance that permits the erection or alteration of a building shall be valid for a period of six (6) months, unless a building permit for such erection or alteration is obtained within this period and the erection or alteration is started and proceeds to completion in accordance with the terms of the decision.

Section 125.150. Compliance With Zoning Code.

[CC 1990 § 2-220; Ord. No. 454 § 10, 6-4-1990; Ord. No. 603 § 10, 8-19-1991; Ord. No. 834 § 1, 9-7-1993]

Nothing contained in this Article shall be deemed to authorize the Board to reverse or modify any refusal of a permit or any other order, requirement, decision or determination which conforms to the provisions of the City of Chesterfield Zoning Code or any zoning ordinance passed or enacted by the City of Chesterfield and which, therefore, is not erroneous; nor to authorize the Board to validate, ratify or legalize any violation of law or any of the regulations of the City of Chesterfield Zoning Code or zoning ordinances which may be passed or enacted by the City Council of the City of Chesterfield.

Section 125.160. Appointment Of Members.

[CC 1990 § 2-220.1; Ord. No. 454 § 11, 6-4-1990; Ord. No. 603 § 11, 8-19-1991; Ord. No. 834 § 1, 9-7-1993]

Members of the Board of Adjustment shall be appointed by the Mayor with the approval of the City Council.

Section 125.170. Fee Increases For Sign Variances, Non-Sign Variances, Special Use Permits And Grading Permits And Project Inspection.

[CC 1990 § 2-220.2; Ord. No. 438 § 1, 4-2-1990]

- A. The City hereby increases the fees on the following:

Section 125.170 BOARDS, COMMISSIONS, COMMITTEES, ETC. Section 125.180

1. The application fee for sign variances shall be seventy-five dollars (\$75.00) per variance.
2. The application fee for non-sign variances shall be thirty-five dollars (\$35.00).
3. Special use permits shall be sixty dollars (\$60.00).
4. Grading permits and project inspection shall be thirty dollars (\$30.00) per inspection hours.

Section 125.180. Fees For Copies Of Zoning And Subdivision Ordinances.

[CC 1990 § 2-220.3; Ord. No. 438 § 2, 4-2-1990]

The City shall collect a fee for a copy of the zoning ordinances of the City in the sum of ten dollars (\$10.00) per copy and the subdivision ordinances of the City in the sum of five dollars (\$5.00) per copy.

Chapter 130

MUNICIPAL COURT

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| <p>Section 130.010. Established — Composition.</p> <p>Section 130.020. Functions.</p> <p>Section 130.030. Duties And Powers Of Municipal Judge.</p> <p>Section 130.040. When Court Convened.</p> <p>Section 130.050. Court Administrator — Appointment — Duties — Compensation — Assistants — When City Clerk To Perform Duties — Deputy Clerk, Etc.</p> <p>Section 130.060. Violations Bureau — Establishment — Functions.</p> <p>Section 130.070. Court Costs And Fees.</p> | <p>Section 130.075. Reimbursement Of Costs For Alcohol- And Drug-Related Traffic Offenses.</p> <p>Section 130.080. Additional Costs — Work Zone.</p> <p>Section 130.085. Failure To Appear Before The Court.</p> <p>Section 130.090. Prosecution Of The Same Offense Where Different Penalties Exist.</p> <p>Section 130.100. Alternative Community Service.</p> <p>Section 130.110. Victim's Bill Of Rights.</p> |
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Cross References: As to administration, ch. 110; as to department of law, §§ 120.140 et seq.; as to department of law to prosecute or defend any and all suits or actions at law or equity to which the city may be a party, § 120.150; as to discrimination and human rights, ch. 230; as to elections, ch. 105; as to motor vehicles and traffic, title III; as to nuisances, ch. 215; as to prosecution of persons refusing to remove or abate nuisances, §§ 215.050 and 215.080; as to offenses and miscellaneous provisions, ch. 210; as to attempting to commit an offense, § 210.060; as to police, ch. 200.

State Law References: Municipal courts, §§ 479.010 et seq., RSMo.

Section 130.010. Established — Composition.

[CC 1990 § 19-1; Ord. No. 93 § 1, 6-1-1988]

There is hereby established a Municipal Court which shall consist of a Municipal Judge, Court Administrator and such other non-judicial personnel as may be required for the proper functioning of the Municipal Division and the City shall provide a suitable courtroom in which to hold Court.

Section 130.020. Functions.**[CC 1990 § 19-2; Ord. No. 93 § 2, 6-1-1988]**

The Municipal Court shall be responsible for the regular hearing and determination of municipal ordinance violation cases of the City of Chesterfield and shall be operated in accordance with rules of the Supreme Court and rules of the Circuit Court.

Section 130.030. Duties And Powers Of Municipal Judge.**[CC 1990 § 19-3; Ord. No. 93 § 3, 6-1-1988]**

- A. The Municipal Judge shall be a conservator of the peace. The Judge shall keep a docket in which he/she shall enter every case commenced before him/her and the proceeding therein and he/she shall keep such other records as required. Such docket and records shall be records of the Circuit Court.
- B. The Municipal Judge shall have the power to administer oaths and enforce due obedience to all orders, rules and judgments made by him/her and may fine or imprison for contempt committed before such Judge while holding Court, in the same manner and to the same extent as a Circuit Judge.

Section 130.040. When Court Convened.**[CC 1990 § 19-4; Ord. No. 93 § 4, 6-1-1988]**

The Municipal Court shall be convened at least two (2) times each month and at such other times as the Municipal Judge may direct.

Section 130.050. Court Administrator — Appointment — Duties — Compensation — Assistants — When City Clerk To Perform Duties — Deputy Clerk, Etc.¹**[CC 1990 § 19-5; Ord. No. 95 §§ 1 — 8, 6-1-1988]**

- A. Court Administrator — Appointment. The City Administrator, with the consent of the City Council, shall appoint a Municipal Court Administrator. The term of the Municipal Court Administrator shall continue from the date of appointment for an indefinite period of time or until his/her employment is terminated by the City Administrator with the approval and consent of the City Council.
- B. Court Administrator Duties.
 1. The Municipal Court Administrator shall, among other duties, prepare and post or supervise the preparation of the permanent docket book for all traffic and other misdemeanors handled in the Municipal Court. He/she shall safely and properly keep all journals, records, books and documents belonging or pertaining to the Municipal Court.
 2. The Municipal Court Administrator shall attend Court sessions to record events, receive monies and schedule reappearances and accept affidavits and appeal

1. State Law Reference: Clerks of court, § 483.241, RSMo.

bonds for cases appealed from Municipal Court. He/she shall, whenever required, receive and issue receipts for all monies paid to the Municipal Court and transmit all monies to the City of Chesterfield.

3. The Municipal Court Administrator shall have custody of Missouri uniform traffic and illegal parking tickets and shall issue to Police Officers and maintain records of the same. He/she shall receive traffic tickets issued by Police Officers, record and process same for the Municipal Court and, when required, collect fines and report convictions to the State of Missouri.
- C. Compensation Of Court Administrator. Compensation for the Municipal Court Administrator shall be determined by his/her initial placement in the City's Compensation Classification Pay Plan and subsequently by annual performance evaluations.
 - D. Assistants. The City Administrator may appoint clerical assistants for the Court Administrator; such positions shall be authorized by the City Council.
 - E. Duration Of Appointments. The duration of appointments shall be for an appropriate period of time for the performance and function of each office.
 - F. Appointments To Come From Existing Employees — Compensation. The appointment shall come from existing City employees and no additional compensation shall result from the appointment unless authorized by the City Council.

Section 130.060. Violations Bureau — Establishment — Functions.²

[CC 1990 § 19-6; Ord. No. 35 § 2, 6-1-1988]

- A. The Municipal Court shall establish 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 Municipal Judge may designate.
- B. The Judge of the Municipal Court who hears traffic cases shall designate the specified offenses under this law or under the traffic ordinances of the City and State traffic laws in accordance with Supreme Court Rule in respect to which payments of fines may be accepted by the Violations Bureau in satisfaction thereof and shall specify suitable schedules for the amount of such fines for first (1st), second (2nd) and subsequent offenses, provided such fines are within the limits declared by law or ordinance and shall further specify what number of such offenses shall require appearance before the Court.

² Cross Reference: As to motor vehicles and traffic, Title III.

Section 130.070. Court Costs And Fees.

[CC 1990 §§ 19-7, 19-13, 19-14; Ord. No. 96 §§ 1 — 2, 6-1-1988; Ord. No. 1043 §§ 1 — 2, 6-19-1995; Ord. No. 1111 § 1, 11-20-1995; Ord. No. 1295 § 1, 8-18-1997; Ord. No. 1573 § 1, 11-15-1999; Ord. No. 1809 § 3, 1-7-2001; Ord. No. 2474 §§ 1 — 2, 8-4-2008]

- A. The City shall collect Court costs for all matters in the Municipal Court in the amount of twelve dollars (\$12.00).
- B. 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.
1. 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.
 2. 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.
- C. An additional two dollar (\$2.00) surcharge shall be assessed and added to the basic Court costs in this Section for the Inmate Security Fund. Such surcharge collected shall be transmitted to the City Treasurer for deposit into the "Inmate Security Fund" which is hereby created. No such surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the Court or when costs are to be paid by the State, County or City. Funds deposited shall be utilized to develop a biometric verification system as provided by Section 488.5026, RSMo. Upon the installation of the biometric verification system, funds in the Inmate Security Fund may be used for the maintenance of the biometric verification system and to pay for any expenses related to the custody, housing or other expenses of prisoners.
- D. The Municipal Court is hereby authorized, pursuant to Section 479.261, RSMo., to assess an additional Court cost for each municipal violation filed before the Municipal Division of the City of Chesterfield of an amount not to exceed two dollars (\$2.00) per case. Such additional costs may be waived by the Municipal Court if the Judge finds the defendant indigent and unable to pay such cost. The cost as assessed herein shall be collected by the Clerk of Court and disbursed by the City Council for the purpose of operating expenses for shelters for battered persons located in St. Louis County in accordance with the directions of the City Council per resolution.
- E. Costs Enumerated. Specifically and without limiting any other fine that may be imposed by the Municipal Judge of the City of Chesterfield, there shall be assessed as Court costs the following:
1. There shall be assessed to each defendant who pleads guilty or is found guilty, in each case filed in the City of Chesterfield Municipal Court, for violation of any ordinance of this City an additional surcharge for the Crime Victims'

Compensation Fund in the amount of seven dollars fifty cents (\$7.50) provided that no such fee shall be collected in any proceeding when the proceeding or the defendant has been dismissed by this Court. Such surcharge shall be collected by the Clerk of Court. All sums collected pursuant to this Subsection shall be distributed as follows:

- a. Ninety-five percent (95%) of such sums shall be forwarded to the State of Missouri for deposit to the Crime Victims' Compensation Fund as provided in Section 595.045, RSMo.
- b. Five percent (5%) of such sums shall be paid to the City Treasury.

Section 130.075. Reimbursement Of Costs For Alcohol- And Drug-Related Traffic Offenses.

[CC 1990 § 18-28.1; Ord. No. 720 §§ 1 — 4, 10-5-1992]

- A. Upon a plea of guilty, finding of guilty or conviction for violation of Section 342.010 or violation of Section 342.020 which are alcohol- or drug-related traffic offenses, the court may, in addition to the imposition of any penalties provided by law, order the person to reimburse law enforcement authorities for the costs associated with such arrest.
- B. Such costs shall include the reasonable costs of making the arrest, including the cost of any chemical test to determine the alcohol or drug content of the person's blood, and the cost of processing, charging, booking and holding such person in custody.
- C. Law enforcement authorities of the City are to establish a schedule of such costs for submission to the court; however, the court may order the costs reduced if it determines that the scheduled costs are excessive given the circumstances of the case or for good cause shown.
- D. These fees shall be calculated as additional costs for the Municipal Court and shall be collected by the court in the same manner as other costs and fees are collected and remitted to the City.

Section 130.080. Additional Costs — Work Zone.

[CC 1990 § 19-15; Ord. No. 2655 §§ 1 — 5, 6-20-2011]

- A. Definitions. As used in this Code, the term "construction zone" or "work zone" means the area upon or around a public right-of-way, highway, street, or road within the City of Chesterfield which is visibly marked by the Missouri Department of Transportation (MODOT), St. Louis County, and/or the City of Chesterfield, or a contractor working for MODOT, St. Louis County, and/or the City of Chesterfield as an area where construction, maintenance, or other work is temporarily occurring. The limits of a "construction zone" or "work zone" shall extend from the first (1st) warning sign, cone, barricade, or high intensity rotating, flashing or strobe light on a vehicle to the last warning device in place beyond where the work is occurring. The term "construction zone" or "work zone" also includes the lanes of a roadway leading up to the area upon which an activity described in this Subsection is being performed, beginning at the

point where appropriate signs directing motor vehicles to merge from one (1) lane into another lane are posted.

- B. **Compliance With Work Zone Speed Limit.** The driver of a motor vehicle shall comply with all permanent and temporary traffic control devices and may not exceed a posted "construction zone" or "work zone" speed limit while traveling within a "construction zone" or "work zone".
- C. **No Passing In Multi-Lane Work Zone.** The driver of a motor vehicle may not overtake or pass another motor vehicle within a "construction zone" or "work zone". This Section applies to a "construction zone" or "work zone" located upon a highway divided into two (2) or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one (1) lane into another lane by an appropriate sign erected by MODOT, St. Louis County, and/or the City of Chesterfield, or a contractor performing work for MODOT, St. Louis County, and/or the City of Chesterfield. Violation of this Section is a misdemeanor.
- D. **Increased Penalty For A Moving Traffic Violation.** Upon a conviction or a plea of guilty by any person for any moving traffic violation established by the City of Chesterfield Code of Ordinances, the court shall assess a fine of thirty-five dollars (\$35.00) in addition to any other fine authorized to be imposed by law, if the offense occurred within a "construction zone" or "work zone".
- E. **Increased Penalty For Speeding Or Passing In A Work Zone.** Upon a conviction or plea of guilty by any person for a speeding violation pursuant to Section (B), or a passing violation pursuant to Section (C), the court shall assess a fine of two hundred fifty dollars (\$250.00) in addition to any other fine authorized by law, if the offense occurred within a "construction zone" or a "work zone" and at the time the speeding or passing violation occurred there was any person in such zone who was there to perform duties related to the reason for which the area was designated a "construction zone" or "work zone". However, no person assessed an additional fine pursuant to this Section shall also be assessed an additional fine pursuant to Section (D), and no person shall be assessed an additional fine pursuant to this Section if no signs have been posted pursuant to Section (F).
- F. **Two Hundred Fifty Dollars (\$250.00) Fine Warning Sign Required.** The penalty authorized by Section (E) shall only be assessed by the court if MODOT, St. Louis County, and/or the City of Chesterfield, or a contractor performing work for MODOT, St. Louis County, and/or the City of Chesterfield has erected signs upon or around a "construction zone" or "work zone" which are clearly visible from the highway and which state substantially the following message: "Warning: two hundred fifty dollars (\$250.00) fine for speeding or passing in this work zone when workers are present".

Section 130.085. Failure To Appear Before The Court.

[CC 1990 § 19-8; Ord. No. 97 § 1, 6-1-1988]

It shall be unlawful for any person to fail to appear at the proper time and plea or answer a charge against him/her in the Municipal Court upon being first duly summoned.

Section 130.090. Prosecution Of The Same Offense Where Different Penalties Exist.³**[CC 1990 § 19-9; Ord. No. 98 § 1, 6-1-1988]**

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

Section 130.100. Alternative Community Service.**[CC 1990 § 19-10; Ord. No. 238, §§ 1 — 4, 2-6-1989; Ord. No. 283 § 2 — 5, 5-1-1989; Ord. No. 2870 §§ 1 — 6, 10-19-2015]**

- A. The Municipal Judge for the City of Chesterfield or the person performing the duties of the Municipal Judge may order any person who (a) has been convicted, or (b) has received a suspended imposition of sentence for violating an ordinance of the City of Chesterfield, whether the original punishment be by fine or imprisonment or both, to perform alternative community service, as defined in this ordinance, as a condition of probation or in lieu of a fine or imprisonment or both.
- B. Alternative community service may consist of:
 - 1. Service on the public streets, highways and alleys or other public works or buildings or public grounds of the City of Chesterfield, and/or
 - 2. Such other service for a charitable, religious or educational organization or entity as may be approved and authorized by the Municipal Judge for the City of Chesterfield or authorized by resolution of the City Council.
 - 3. The service performed pursuant to A. and/or B. herein above shall be performed without compensation to the defendant for such service.
- C. If the alternative community service determined by the Municipal Judge for the City of Chesterfield is pursuant to A. herein above, the Chief of Police, City Engineer, Street Commissioner or other officer of the City of Chesterfield, as may be authorized by resolution of the City Council, is hereby authorized, empowered and directed to assign work to and supervise all persons ordered to perform alternative community service by the Municipal Judge.
- D. The Municipal Judge may determine the number of hours of alternative community service that a person shall perform under this ordinance.
- E. The authority granted in this ordinance shall be subject to the provisions of Section 559.021 of the Revised Statutes of the State of Missouri.

3. Cross Reference: As to general penalty, § 100.080.

Section 130.110. Victim's Bill Of Rights.**[CC 1990 § 19-16; Ord. No. 2984, § I, 2-21-2018]**

A. The ordinance provisions established in this and the following sections shall constitute and be designated as the Victim's Bill of Rights of the City of Chesterfield, Missouri, and may be so cited. In order to ensure the fair and compassionate treatment of victims of violations of the ordinances of the City of Chesterfield and to increase the effectiveness of the justice system of the City of Chesterfield, said victims as defined by law shall be entitled to certain basic rights to the extent that these rights do not interfere with the constitutional rights of the accused.

1. No part of this or any following sections shall be construed as creating a cause of action for monetary damages against the State, the City of Chesterfield, or any of the agencies, instrumentalities, or employees thereof.
2. No part of this or any following sections shall be construed to authorize a court to set aside or void a finding of guilt or innocence or an acceptance of a plea of guilty or to set aside any sentence imposed in any criminal case.

B. Definitions. As used in this Section, the following terms have the meanings indicated:

DEFENDANT — A person charged with or convicted of violation the ordinances of the City of Chesterfield.

PROSECUTING ATTORNEY — The Prosecuting Attorney, an Assistant Prosecuting Attorney, or a Special Prosecuting Attorney for the City of Chesterfield.

PUBLIC COURT PROCEEDING — Any court proceeding or administrative hearing which is open to the public and shall include but not be limited to:

1. Judicial pre-trial conference;
2. Trial;
3. Sentencing;
4. Sentencing modification; and
5. Probation revocation hearings.

VICTIM —

1. In General.
 - a. As used in this section, "victim" shall mean a natural person, or legally recognized entity that suffers direct, proximate or threatened physical, emotional or financial harm as the result of the commission or attempted commission of an ordinance violation.
 - b. If a victim is physically or emotionally unable to exercise the privileges and rights under this provision, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, grandparent; or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The

victim shall provide the Prosecuting Attorney with the name of the person who is to act in his or her place. During the physical or emotional disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

2. Minors And Certain Other Victims. As used in this Section, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the term "victim" also includes the legal guardians of the victim or the representatives of the victim's estate, family members, or any other persons appointed as suitable by the Court, may assume the victim's right under this Section, but in no event shall the defendant be named as such guardian or representative.

VIOLATION — Any violation of a City ordinance committed against another individual or their property.

C. Victim's rights:

1. To be reasonably protected from the accused;
2. To be treated with courtesy, compassion and with respect for their dignity and privacy, suffering the minimum of necessary inconvenience from their involvement with the municipal court system;
3. Upon request of the victim, to receive a summary explanation by the Prosecuting Attorney regarding due process and justice system procedures;
4. Upon request of the victim, to receive an unredacted copy of the information and all reports and/ or video alleging the violation;
5. Upon request of the victim, to be provided reasonable, accurate, and timely notice of any public court proceeding, unless in the determination of the Court the interests of justice require otherwise;
6. Upon request of the victim, to be present at public court proceedings;
7. Upon request of the victim, to be reasonably heard at any public court proceeding involving release, plea sentencing, or any probation revocation hearing, unless in the determination of the Court the interests of justice require otherwise;
8. Upon written request of the victim and accompanied by supporting documentation, to receive restitution from the defendant for the harm which they have suffered, unless in the determination of the Prosecuting Attorney or Court the interest of justice requires otherwise; and
9. Upon request of the victim, to request that the Prosecuting Attorney seek a speedy disposition of a case.

D. Bonds. Subject to the statutory limitations imposed upon the City of Chesterfield's Municipal Court regarding bond and bail for ordinance violations, the Court may require a bond and impose special bond conditions upon showing that a defendant poses a danger to a victim, the community or any other person.

E. Procedures Of The Prosecuting Attorney. The Office of the Prosecuting Attorney may adopt policies and procedures consistent with this ordinance.

Chapter 135

FISCAL YEAR AND BUDGET PROCEDURES

Section 135.010. Fiscal Year Established.	Section 135.060. Budget Transfers Within Department.
Section 135.020. Budget Procedure For First Year.	Section 135.070. Transfers Between Departments.
Section 135.030. Computation Of Annual Budget.	Section 135.080. Transfers From Contingencies.
Section 135.040. Public Inspection — Notice And Hearing On Budget.	Section 135.090. Budget Report.
Section 135.050. Revision Of Annual Budget.	Section 135.100. Audit.

Cross References: As to department of finance and administration, §§ 120.010 et seq.

Section 135.010. Fiscal Year Established.

[CC 1990 § 2-241; Ord. No. 10 § 1, 6-1-1988; Ord. No. 201 § 1, 11-7-1988]

The fiscal year of the City of Chesterfield shall begin on the first (1st) day of January of each year. The City's accounting records and its annual budget shall be based on such fiscal year.

Section 135.020. Budget Procedure For First Year.

[CC 1990 § 2-242; Ord. No. 10 § 2, 6-1-1988]

The procedures attained in Sections 135.030 and 135.040 below shall be in effect except in the first (1st) year of the City's operation. During the first (1st) year, a proposed budget shall be adopted at the first (1st) meeting of the City Council.

Section 135.030. Computation Of Annual Budget.

[CC 1990 § 2-243; Ord. No. 10 § 3, 6-1-1988; Ord. No. 201 § 2, 11-7-1988]

The City Administrator shall compile a budget containing estimates of the revenues available before the beginning of the fiscal year to which it applies together with recommended expenditures for the municipality and all of its boards, commissions and departments. Said budget shall be submitted to the City Council which shall adopt a budget prior to January first (1st) of each year.

Section 135.040. Public Inspection — Notice And Hearing On Budget.**[CC 1990 § 2-244; Ord. No. 10 § 4, 6-1-1988]**

Copies of the proposed annual budget shall be made available for public inspection in printed or typewritten form in the office of the Clerk for at least ten (10) days prior to the passage of the annual budget. Not less than one (1) week after the budget is available for inspection and prior to final action on the budget, at least one (1) public hearing shall be held on the budget by the City Council. Notice of this hearing shall be given by publication in a newspaper having general circulation in the City at least one (1) week prior to the time of hearing.

Section 135.050. Revision Of Annual Budget.**[CC 1990 § 2-245; Ord. No. 10 § 5, 6-1-1988; Ord. No. 799 § 1, 6-21-1993]**

The City Council may delegate authority to heads of municipal departments, boards or commissions to delete, add to or change items previously budgeted to the department, board or commission, subject to such limitation or requirement for prior approval by the City Administrator as the City Council upon a majority vote of the members may establish. The annual budget may be revised by a majority vote of the City Council by deleting, adding to or changing budgeted items. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision.

Section 135.060. Budget Transfers Within Department.**[CC 1990 § 2-246; Ord. No. 10 § 6, 6-1-1988; Ord. No. 325 § 1, 8-7-1989; Ord. No. 799 § 2, 6-21-1993; Ord. No. 1539 § 1(6), 8-2-1999; Ord. No. 2180 § 1, 7-18-2005]**

A. Budget transfers within a department shall follow the following procedure:

1. Heads of departments may make transfers within their departmental budget up to twenty-five hundred dollars (\$2,500.00) with prior approval by the Director of Finance and Administration.
2. Heads of departments may make transfers within their departmental budget from twenty-five hundred dollars (\$2,500.00) up to five thousand dollars (\$5,000.00) with prior approval by the Director of Finance and Administration and City Administrator.
3. Transfers within departmental budgets over five thousand dollars (\$5,000.00) may be made only with prior approval of a majority of the City Council.
4. The level of legal authority for the City budget shall be the division level of each department.

Section 135.070. Transfers Between Departments.**[CC 1990 § 2-247; Ord. No. 10 § 7, 6-1-1988; Ord. No. 799 § 3, 6-21-1993]**

Any and all transfers between departments shall be approved prior thereto by a majority of the members of the City Council.

Section 135.080. Transfers From Contingencies.

[CC 1990 § 2-248; Ord. No. 10 § 8, 6-1-1988; Ord. No. 799 § 4, 6-21-1993]

Any and all transfers from contingency accounts shall be approved prior thereto by a majority of the members of the City Council.

Section 135.090. Budget Report.

[CC 1990 § 2-249; Ord. No. 10 § 9, 6-1-1988]

It shall be the responsibility of the Director of Finance and Administration to prepare a budget report, said budget report to contain revenues, expenditures, transfers within departments and from contingencies; said budget report shall be submitted to the City Council at least quarterly.

Section 135.100. Audit.

[CC 1990 § 2-250; Ord. No. 10 § 10, 6-1-1988]

As soon as practical after the close of each fiscal year and no later than six (6) months thereafter, there shall be an audit of all accounts of the City, made by a public accountant certified by the State of Missouri and approved by the City Council. Copies of such audit shall be filed with the City Clerk and in such other places as may be required by law.

Chapter 140

DISPOSAL OF UNCLAIMED PROPERTY AND EVIDENCE

<p>Section 140.010. Marking And Cataloging Of Unclaimed Property.</p> <p>Section 140.020. Sale And Disposal Of Unclaimed Property.</p> <p>Section 140.030. Disposal Of Alcoholic Beverages.</p> <p>Section 140.040. Perishable Property — Donation To Certain Organizations.</p>	<p>Section 140.050. Destruction Of Controlled Substances.</p> <p>Section 140.060. Disposition Of Cash.</p> <p>Section 140.070. Disposition Of Firearms And Weapons.</p> <p>Section 140.080. Cash Found By A Citizen.</p> <p>Section 140.090. Employees Of The City Receiving Property At Auction.</p>
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Section 140.010. Marking And Cataloging Of Unclaimed Property.

[CC 1990 § 2-361; Ord. No. 667 § 1, 4-6-1992]

All unclaimed property, other than money or cash, coming into the possession of the Police Department from any source whatsoever and having any value shall be properly marked and cataloged so as to show its source and the date of its receipt and shall be kept and disposed of as hereinafter provided.

Section 140.020. Sale And Disposal Of Unclaimed Property.

[CC 1990 § 2-362; Ord. No. 667 § 2, 4-6-1992]

On such day or days of each year as shall be designated by the City Administrator, all such property which has a value which has remained unclaimed for more than six (6) months and/or the owner of which is unknown, which is no longer required in a criminal proceeding, shall be sold at public auction at the direction of the Chief of Police at a suitable place designated by the City Administrator after such destruction and/or sale is approved by the Municipal Judge of the City of Chesterfield. Ten (10) days' notice of such sale shall be published in a newspaper of general circulation in the City, such notice to be published not more than three (3) weeks prior to the date of such sale. Monies derived from the sale of stolen property or property acquired in any other manner declared an offense by Chapters 569 and 570, RSMo., less necessary expenses of preservation and sale, shall be paid into the County Treasury pursuant to Section 542.301.1(5), RSMo. All monies received from the sale of any other property shall be turned over to the Director of Finance and Administration to be deposited in the General Revenue Fund of the City of Chesterfield. All property for which no bid is received at such sale shall be destroyed or thrown away (or given away to a not-for-profit agency or non-profit agency if appropriate) at the direction of the Chief of Police and/or shall be discarded in the presence of at least two (2) officers of the Police Department. Such officers shall sign a certificate of destruction, copies of which shall be maintained by the Police Department.

Section 140.030. Disposal Of Alcoholic Beverages.**[CC 1990 § 2-363; Ord. No. 667 § 3, 4-6-1992]**

Property which is determined to have no evidentiary or monetary value, including alcoholic beverages of any type, shall be disposed of by destruction, being discarded and/or by emptying out the alcohol.

Section 140.040. Perishable Property — Donation To Certain Organizations.**[CC 1990 § 2-364; Ord. No. 667 § 4, 4-6-1992]**

Property which is determined to be perishable or which would otherwise be impractical to store or keep for an extended period of time such as fresh produce, animals, livestock or frozen foods shall be disposed of within a reasonable time as determined by the Chief of Police with the approval of the Municipal Judge. Such items may be destroyed or disposed of in such a manner as would benefit those in need. Disposal of produce and other perishable items may be made to charitable non-profit or not-for-profit organizations where appropriate. Further, other hard items such as bicycles, etc., which are to be disposed of under the terms of this Article, may, upon the written approval of the Municipal Judge and/or City Administrator, be donated to charitable organizations, not-profit or not-for-profit organizations as deemed appropriate.

Section 140.050. Destruction Of Controlled Substances.**[CC 1990 § 2-365; Ord. No. 667 § 5, 4-6-1992]**

All controlled substances, imitation controlled substances or drug paraphernalia for the administration, use or manufacture of controlled substances or imitation controlled substances which have come into the custody of a Police Officer of the City of Chesterfield or officers or agents acting on behalf of the City of Chesterfield, the lawful possession of which is not established or the title to which cannot be ascertained, shall be disposed of after it is determined that the item is not needed as evidence upon order of the Municipal Judge of the City of Chesterfield. A record of the place where such controlled substances, imitation controlled substances or drug paraphernalia were seized, of the kinds and quantities of the controlled substances, imitation controlled substances or drug paraphernalia so destroyed and at the time, place and manner of destruction shall be kept by the City of Chesterfield in accordance with the laws of the State of Missouri.

Section 140.060. Disposition Of Cash.**[CC 1990 § 2-366; Ord. No. 667 § 6, 4-6-1992]**

All money or cash coming into the possession of the Police Department of the City of Chesterfield from any source whatsoever, except as set out in Section 140.080 herein, which has remained unclaimed, the owner being unknown for a period of at least one (1) year shall be turned over to the Director of Finance and Administration and a record thereof shall be kept by the Director. Such money shall go into the general revenues of the City of Chesterfield. Should the ownership of such money or cash be established within a period of three (3) years from the date of its receipt, the Director of Finance and Administration shall be empowered to turn the same over to the owner. After a period of three (3) years, it shall

become part of the General Revenue Fund of the City of Chesterfield and shall not be entitled to be returned, except by order of the City Council.

Section 140.070. Disposition Of Firearms And Weapons.

[CC 1990 § 2-367; Ord. No. 667 § 7, 4-6-1992]

Weapons, tools, devices and substances other than lawfully possessed weapons seized by an officer incident to an arrest, which for any reason are not subject to forfeiture to the State pursuant to Section 542.301.2(1), RSMo., shall be destroyed or rendered permanently inoperable, firearms shall be melted, upon written order by the appropriate Judge after having determined the item possess no evidentiary value.

Section 140.080. Cash Found By A Citizen.

[CC 1990 § 2-368; Ord. No. 667 § 8, 4-6-1992]

All money, cash or legal tender which is equivalent to cash which is found by a citizen and turned over to the Police Department of the City of Chesterfield may, upon the approval of the City Administrator, be returned to the finder of such property in the event that the original owner cannot be located after a period of one (1) year. If such monies are not so returned, the monies shall be turned over to the Director of Finance and Administration as set out in Section 140.060 above.

Section 140.090. Employees Of The City Receiving Property At Auction.

[CC 1990 § 2-369; Ord. No. 667 § 9, 4-6-1992]

In any auction of the goods being presented under this Chapter or any other disposition of such property, the employees of the City and their families are prohibited from participating in such auction and otherwise buying or receiving evidence or found property which had previously been held by the Police Department.

Chapter 145

GREEN COMMUNITY AND CLEAN ENERGY

ARTICLE I Green Community Program

Section 145.010. Establishment.

Section 145.020. Future Additions To Program.

ARTICLE II Missouri Clean Energy District

Section 145.030. City Participation.

ARTICLE III Show Me Property Assessed Clean Energy

Section 145.040. City Participation In Show Me PACE Program.

ARTICLE I Green Community Program

Section 145.010. Establishment.

[CC 1990 § 14-1; Ord. No. 2846 § 1, 5-4-2015]

- A. The City hereby establishes the Chesterfield, Missouri, Green Community Program (the "Program") as a Green Community Program within the meaning of Section 54D.¹ The Program shall include, but not be limited to, the projects and programs listed below:
 - 1. Area Of Operation. The Program shall operate exclusively within Chesterfield, Missouri, the entirety of which is hereby designated the "Chesterfield, Missouri, Green Community."
 - 2. Energy Efficiency Improvements. Any acquisition, installation, or modification on or of publicly or privately owned property designed to reduce the energy consumption of such property, including but not limited to:
 - a. Insulation in walls, roofs, attics, floors, foundations, and heating and cooling distribution systems;
 - b. Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective windows and doors, and other window and door improvements designed to reduce energy consumption;
 - c. Automatic energy control systems;
 - d. Heating, ventilating, or air-conditioning distribution system modifications and replacements;

¹ Editor's Note: See Section 54D of the Internal Revenue Code of 1986.

- e. Caulking and weatherstripping;
 - f. Replacement or modification of lighting fixtures to increase energy efficiency of the lighting system without increasing the overall illumination of the building unless the increase in illumination is necessary to conform to applicable State or local building codes;
 - g. Energy recovery systems; and
 - h. Daylighting systems;
3. Renewable Energy Improvements. Any acquisition and installation of a fixture, product, system, device, or combination thereof on publicly or privately owned property that produces energy from renewable resources, including, but not limited to, photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems.
 4. Funding For Energy Efficiency Improvements And Renewable Energy Improvements To Privately Owned Properties. Financing of loans and grants to owners of residential, commercial and other properties located in the City for energy efficiency and renewable energy improvements to such properties.
 5. Additional Projects And Programs. Any other project or program not included in the foregoing which is now or hereafter permitted to be financed with proceeds of QECBs.
 6. Approvals Required. All projects and programs proposed to be financed with proceeds of QECBs pursuant to this chapter must be approved by the District prior to the use or disbursement of bond proceeds on such project or program.

Section 145.020. Future Additions To Program.

[CC 1990 § 14-2; Ord. No. 2846 § 2, 5-4-2015]

The projects and programs listed in Section 145.010 hereof are not intended to represent an exhaustive description of the potential projects and programs to be included in the Program. The City Council intends and expects that additional projects and programs will be added to the Program by future ordinances as such projects and programs are developed.

ARTICLE II

Missouri Clean Energy District

Section 145.030. City Participation.

[CC 1990 § 14-3; Ord. No. 2829 § 2, 1-21-2015]

- A. Title And Definitions.
 1. Title. This Section shall be known and may be cited as "The City of Chesterfield, Missouri Property Assessed Clean Energy (PACE) Ordinance."

2. Definitions. Except as specifically defined below, word and phrases used in this Section shall have their customary meanings. Words and phrases defined in Section 67.2800.2 of the Missouri Revised Statutes (2000), as amended, shall have their defined meanings when used in this Section. As used in this Section, the following words and phrases shall have the meanings indicated.

MISSOURI CLEAN ENERGY DISTRICT or DISTRICT — The Missouri Clean Energy District.

PACE ASSESSMENT — A special assessment made against qualifying property in consideration of PACE funding.

PACE FUNDING — Funds provided to the owner(s) of qualified property by the District for an energy efficiency improvement.

QUALIFYING PROPERTY — Real property located in The City of Chesterfield, Missouri.

- B. Program Administration. The Missouri Clean Energy District shall administer the functions of the PACE Program within the City by:
 1. Providing property owners with an application in order to apply for PACE Funds;
 2. Developing standards for the approval of projects submitted by property owners;
 3. Reviewing applications and select qualified projects;
 4. Entering into assessment contracts with property owners;
 5. Providing a copy of each executed notice of assessment to the County Assessor and causing a copy of each such notice of assessment to be recorded in the real estate records of the Recorder of Deeds for the County;
 6. Authorizing and disbursing the PACE Funds to the property owners;
 7. Receiving the PACE Assessment from the County Collector; and
 8. Recording any lien, if needed, due to nonpayment of a PACE Assessment.
- C. Liability Of City Officials; Liability Of City. Notwithstanding any other provision of law to the contrary, officers and other officials of the City, the District and the County in which the City is located, including, without limitation, tax assessors and tax collectors, shall not be personally liable to any person for claims of whatever kind of nature, under or related to the City's PACE Program, including, without limitation, claims for or related to uncollected PACE Assessments. The City has no liability to a property owner for or related to energy savings improvements funded under a PACE Program. The District shall for all purposes be considered an independent entity and shall not be considered a subdivision of the City of Chesterfield.
- D. Existing Laws Not Superseded. Any project or improvement, however denominated, at any qualifying property which is funded in whole or in part by PACE Funding shall be subject to all ordinances, rules and regulations in effect at that time.

- E. City As A Non-Party. The City shall not be a party to any PACE Funding agreement, loan, or other commitment, however denominated, executed between the District and the owners(s) (or their representatives, together with any successors and assigns) of any qualifying property.

ARTICLE III

Show Me Property Assessed Clean Energy**Section 145.040. City Participation In Show Me PACE Program.**

[CC 1990 § 14-4; Ord. No. 2860 § 1, 8-3-2015]

A. Title And Definitions.

1. Title. This Section shall be known and may be cited as "The City of Chesterfield, Missouri Show Me Property Assessed Clean Energy Ordinance."
2. Definitions. Except as specifically provided below, words and phrases used in this Section shall have their customary meanings. Words and phrases defined in Section 67.2800.2 of the Missouri Revised Statutes, as amended, shall have those defined meanings when used in this Section. As used in this Section, the following words and phrases shall have the meanings indicated.

SHOW ME PACE or DISTRICT — The Show Me PACE District.

PACE ASSESSMENT — A special assessment made against qualifying property in consideration of PACE Funding.

PACE FUNDING — Funds provided to the owner(s) of qualifying property by the District for an energy efficiency or renewable energy improvement.

QUALIFYING PROPERTY — Real property located in the City of Chesterfield, Missouri that satisfies the criteria set forth in the PACE Act.

B. Program Administration. Show Me PACE shall administer the functions of a PACE Program within the City by:

1. Providing property owners with an application to apply for PACE Funding;
2. Developing standards for the approval of projects submitted by qualifying property owners;
3. Reviewing applications and selecting qualified projects;
4. Entering into assessment contracts with qualifying property owners;
5. Providing a copy of each executed notice of assessment to the County Assessor and causing a copy of each such notice of assessment to be recorded in the real estate records of the Recorder of Deeds for the County;
6. Authorizing and disbursing PACE Funding to the qualifying property owners;
7. Receiving the PACE Assessment from the County Collector;

8. Recording any lien, if needed, due to non-payment of a PACE Assessment; and
 9. Exercising all powers granted by Section 67.2810.2 of the Missouri Revised Statutes, as amended, including, but not limited to, the power to levy and collect the PACE Assessment pursuant to an Assessment Contract with a Qualifying Property owner.
- C. **Liability Of City Officials; Liability Of City.** Notwithstanding any other provision of law to the contrary, officers and other officials of the City of Chesterfield, Missouri shall not be personally liable to any person for claims, of whatever kind or nature, under or related to the City's participation in the PACE Program, including, without limitation, claims for or related to uncollected PACE Assessments. The City of Chesterfield, Missouri has no liability to a property owner for or related to energy savings improvements funded under a PACE Program. The District shall for all purposes be considered an independent entity and shall not be considered a political subdivision of the City of Chesterfield, Missouri.
- D. **Existing Laws Not Superseded.** Any project or improvement at any qualifying property which is funded in whole or in part of PACE Funding shall be subject to all ordinances, rules and regulations in effect at that time.
- E. **City As A Non-Party.** The City of Chesterfield, Missouri shall not be a party to any PACE Funding agreement, loan, or other commitment, however denominated, executed between the District and the owner(s) (or their representatives, together with any successors and assigns) of any qualifying property.

Chapter 200

POLICE

**ARTICLE I
In General**

- Section 200.010. Police Department Fees.**
- Section 200.020. Rules And Regulations/
Policy Manual Adopted.**
- Section 200.030. Contract With County
For Coordinated
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- Section 200.040. Administrative Search
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- Section 200.050. through Section
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**ARTICLE II
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- Section 200.240. Hearing Upon
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- Section 200.410. Form Of Papers.**
- Section 200.420. Findings And Order.**
- Section 200.430. Decision Of Board
Final.**
- Section 200.440. Subpoenas And Service
Of Papers.**
- Section 200.450. through Section
200.490. (Reserved)**

CHESTERFIELD CITY CODE

ARTICLE III
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- Section 200.500. Police Department Established.
- Section 200.510. Merit System Adopted.
- Section 200.520. Members Of Police Department.
- Section 200.530. Personnel Board.
- Section 200.540. Appointments Or Promotions To Be From List Of Eligibles.
- Section 200.550. Persons Entitled To Hold Office During Good Behavior And Efficient Service.
- Section 200.560. Public Hearing Before Personnel Board For Suspension, Demotion, Etc.
- Section 200.570. Police Chief — Office Created — Appointment — Removal From Office — Duties Generally.
- Section 200.580. Police Chief — Subject To Orders Of Mayor Only.

- Section 200.590. Power To Make Arrests.
- Section 200.600. Duties Of Police Department Generally.
- Section 200.610. Power To Serve Warrants, Subpoenas, Writs, Etc.
- Section 200.620. through Section 200.700. (Reserved)

ARTICLE IV
Reserve Force

- Section 200.710. Established.
- Section 200.720. Appointment Of Members — Compensation.
- Section 200.730. Supervision Of Members — Rules And Regulations Generally.
- Section 200.740. Qualifications.
- Section 200.750. Uniforms — When Work.
- Section 200.760. through Section 200.800. (Reserved)

Cross References: As to alarm systems, ch. 610; as to alcoholic beverages, ch. 600; as to animal restraint regulations not applicable to animals for tracking in conjunction with police activities, § 205.130(2); as to animal restraint regulations not applicable to canine corps of police force, § 205.130(3); as to emergency management, ch. 225; as to fire prevention and protection, ch. 203; as to obedience to officers directing traffic, § 310.025; as to abandoned, wrecked or inoperable vehicles, §§ 385.010 et seq.; as to false reports, § 210.020; as to resisting or interfering with arrest, § 210.030; as to impersonating a police officer, § 210.040; as to fleeing or attempting to elude a police officer, § 210.050; as to attempting to commit an offense, § 210.060; as to parades not to interfere with police protection, § 375.040(4).

State Law References: Police department in cities of third class, §§ 85.541 — 85.571, RSMo.

ARTICLE I
In General

Section 200.010. Police Department Fees.

[CC 1990 § 24-1; Ord. No. 114 § 1, 6-6-1988; Ord. No. 434 § 1, 4-2-1990; Ord. No. 435 § 1, 4-2-1990]

- A. The City of Chesterfield Police Department or its subcontractors shall collect the following fees:
1. Record search where subject has no record of conviction: one dollar (\$1.00).
 2. Where copy of record made of conviction: five dollars (\$5.00).
 3. First (1st) page of police report photo copy: six dollars (\$6.00).
 4. Each page thereafter: two dollars (\$2.00).
 5. Rolling fingerprints at ID section: five dollars (\$5.00).
 6. Classifying and searching fingerprints at ID section: five dollars (\$5.00).
 7. Rolling fingerprints in the field: ten dollars (\$10.00).
 8. Photographing individuals: fifteen dollars (\$5.00).

Section 200.020. Rules And Regulations/Policy Manual Adopted.

[CC 1990 § 24-2; Res. No. 41, 11-21-1988]

The Rules and Regulations/Policy Manual for the Police Department of the City is hereby adopted by reference as if set out fully herein. Said manual is on file and available for inspection in the office of the City Clerk.

Section 200.030. Contract With County For Coordinated Communications Services For Police Services.¹

[CC 1990 § 24-4; Ord. No. 294, 5-15-1989]

The City, by Ordinance No. 294, adopted May 15, 1989, has contracted with St. Louis County for coordinated communications services for police service. Said contract is not set out herein, but is on file and available for inspection in the office of the City Clerk.

Section 200.040. Administrative Search Warrants.

[CC 1990 § 24-5; Ord. No. 1330 § 1, 10-21-1997; Ord. No. 2202, 9-19-2005]

- A. The Municipal Judge for the City of Chesterfield shall have the authority to issue search warrants for searches or inspections to determine the existence of Municipal Code violations and to authorize entry onto private property for enforcement purposes,

1. Cross Reference: As to alarm systems, ch. 610.

both inspection and abatement, involving the condition, use or occupancy of any property or structure.

- B. Before the issuance of a search warrant, the Police Officer, City Attorney or Prosecuting Attorney requesting the warrant must first seek consent. Only after refusal of entry may a warrant be issued.
- C. Warrants and searches or inspections made pursuant thereto shall conform to and be governed by the following provisions:
1. Any Police Officer, City Attorney, Prosecuting Attorney of the City of Chesterfield or Zoning Enforcement Officer may make application for the issuance of a search warrant.
 2. The application shall:
 - a. Be in writing;
 - b. State the time and date of the making of the application;
 - c. Identify the property or places to be searched in sufficient detail and particularly that the officer executing the warrant can readily ascertain it;
 - d. State facts detailing the actual or suspected property conditions, either applicable to the specific property or the general area, that would justify entry and show probable cause for the issuance of a search warrant to search for Municipal Code violations involving the condition, use or occupancy of any property or structure. Probable cause does not require individualized suspicion and may be based on factors including, but not limited to, the passage of time since the last inspection, the nature of the building in question and the condition of the entire area to be searched;
 - e. Be verified by the oath for affirmation of the applicant;
 - f. State that entry onto property was requested and the owner or occupant refused entry; and
 - g. Be filed with the Municipal Court of the City of Chesterfield, Missouri.
 3. The application shall be supplemented by written affidavits verified by oath or affirmation. Such affidavits shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or places to be searched. Oral testimony shall not be considered.
 4. The judge shall hold a non-adversary hearing to determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavits that there is probable cause to inspect or search for violations of any specified provision of the ordinances of the City of Chesterfield, a search warrant shall immediately be issued to search for such violations. The warrant shall be issued in the form of an original and two (2) copies.

5. The applications and any supporting affidavits and a copy of the warrant shall be retained in the records of the court.
6. The search warrant shall:
 - a. Be in writing and in the name of the issuing authority;
 - b. Be directed to any City of Chesterfield Police Officer;
 - c. State the time and date the warrant is issued;
 - d. Identify the specific property to be searched in sufficient detail and particularly that the officer executing the warrant can readily ascertain it;
 - e. Provide directions for recording or seizing appropriate property as evidence and/or abating existing nuisances;
 - f. Command that the described property or places be searched and that any photographs of violations found thereof or therein be brought, within ten (10) days during daylight hours, after filing of the application, to the judge who issued the warrant, to be dealt with according to law; and
 - g. Be signed by the judge, with his/her title of office indicated.
7. A search warrant issued under this Section may be executed only by a Police Officer. The warrant shall be executed by conducting the search commanded and inspecting the property for Code violations, recording or seizing appropriate property as evidence and/or abating existing nuisances as directed by the terms of the search warrant.
8. A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten (10) days after the date of the making of the application.
9. After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution, include copies of receipts for any property seized as well as the seized property and provide the name of the possessor and of the owner of the property or places searched, when he/she is not the same person, if known.
10. The officer executing the warrant must leave copies of the warrant and any receipts for property seizure with the property owner or occupant or, if no one is available, in a conspicuous place on the property.
11. A search warrant shall be deemed invalid:
 - a. If it was not issued by a judge of the City of Chesterfield; or
 - b. If it was issued without a written application having been filed and verified;
or
 - c. If it was issued without probable cause; or

- d. If it was not issued with respect to property or places within the jurisdiction of the Chapter on which the ordinance violation was based; or
 - e. If it does not describe the property or places to be searched with sufficient certainty; or
 - f. If it is not signed by the judge who issued it; or
 - g. If it was not executed within ten (10) days after the date upon which the application therefore was made.
12. Nothing herein is intended to preclude the validity of a warrantless inspection in the following circumstances:
- a. The entry does not include on the constitutionally recognized expectations of privacy;
 - b. Emergency situations;
 - c. Express or implied consent to the inspection; or
 - d. Any condition requiring immediate abatement for the health, safety and welfare of the public.
13. Warrantless, non-exigent, non-consensual administrative inspections of commercial premises may be allowed in limited circumstances. A closely regulated business may be inspected without a warrant provided that:
- a. The purpose of the warrantless search is to protect the health, safety and welfare of the public; and
 - b. The warrantless inspection is necessary to further the regulatory scheme and there is a significant possibility that the subject of the search could conceal violations without the surprise element that the warrantless search would allow; and
 - c. The requirement of a warrant would seriously frustrate the important governmental purpose behind the inspection; and
 - d. Those executing the warrantless search follow the guidelines in Subsection (C)(14); and
 - e. All those businesses that are considered closely regulated businesses have been informed of their status and the possibility of unannounced, warrantless, administrative searches.
14. Any warrantless entry authorized in Subsection (C)(13) must abide by the following guidelines:
- a. A Police Officer must be present for any warrantless search;
 - b. The search must occur between the hours of 9:00 A.M. and 5:00 P.M. Monday — Friday or within the normal operating hours of the business;

- c. Those executing the search must reasonably believe that all the elements of Subsection (C)(13) are satisfied; and
- d. The scope of the search is limited to those elements relevant to the business occurring and possible violations of Municipal Code ordinances.

Section 200.050. through Section 200.090. (Reserved)

ARTICLE II

Police Personnel Board²

Section 200.100. Members.

[CC 1990 § 24-16; Ord. No. 137 § 1, 7-18-1988; Ord. No. 328 § 1, 8-7-1989; Ord. No. 534 § 1, 12-17-1990; Ord. No. 1226 § 1, 2-3-1997]

There is hereby established a Police Personnel Board which shall consist of six (6) members. Said members are to be residents of the City, appointed by the Mayor with the approval of the Council. The term for each member shall be for three (3) years except initially two (2) members shall be appointed for one (1) year, two (2) members shall be appointed for two (2) years and two (2) members shall be appointed for three (3) years. Members appointed will serve their terms or until their successors shall be appointed, subject to resignation or removal for cause.

Section 200.110. Appointment.³

[CC 1990 § 24-17; Ord. No. 137 § 2, 7-18-1988; Ord. No. 328 § 2, 8-7-1989; Ord. No. 534 § 2, 12-17-1990; Ord. No. 1226 § 2, 2-3-1997; Ord. No. 1336 § 1, 11-3-1997]

The Police Personnel Board is appointed pursuant to Ordinance No. 135 (Article III of this Chapter) as passed and approved by the City. Allegiance to a particular political party shall no longer be required as of the date of the passage of this Article. Any vacancy in the membership of the Board shall be filled by appointment for the unexpired term, using the same procedures as appointments for new members.

Section 200.120. Chairman And Secretary.

[CC 1990 § 24-18; Ord. No. 137 § 3, 7-18-1988; Ord. No. 328 § 3, 8-7-1989; Ord. No. 534 § 3, 12-17-1990]

The Board shall annually elect a Chairman and Secretary. They shall hold office for one (1) year or until their successors are duly elected and qualified. The Chairman shall be the Presiding Officer at all meetings. The Secretary shall keep the minutes of all meetings in a permanent record book and shall be the custodian of all forms, papers, books, records and completed examinations by the Board.

2. Cross References: As to boards, commissions, committees, etc., §§ 125.010 et seq.

3. Cross Reference: As to board of police commissioners to serve as personnel board, § 200.530.

Section 200.130. Duties.

[CC 1990 §§ 24-19, 24-65, 24-76; Ord. No. 135 § 6, 7-18-1988; Ord. No. 137 § 4, 7-18-1988; Ord. No. 328 § 4, 8-7-1989; Ord. No. 534 § 4, 12-17-1990; Ord. No. 1226 §§ 3, 16, 18, 2-3-1997; Ord. No. 1883 § 6, 10-21-2002]

- A. The duties of the Board shall be to hear appeals from disciplinary action from sworn members of the Police Department as hereinafter provided; and to assist in selecting candidates for appointments as sworn members of the Police Department as hereinafter provided.
- B. The duties of the Police Personnel Board shall be to give examinations to candidates for appointment or promotion and certify lists of eligibles to the Mayor or other appointing authority.
- C. The Board shall formulate and adopt all necessary requirements, rules and regulations reasonably necessary for the efficient operation of the merit system and appointment of members of the Department in accordance with State Statutes. The rules approved by the Board shall then be submitted to the City Council and shall become effective when approved by the City Council by resolution.
- D. The Board shall, on request, advise the City Council on questions relating to Police Department organization, policy and procedures for which their opinions are sought by the Council. Such reports shall not include confidential investigations or disciplinary matters. Copies of any such reports shall be given to the Mayor, the Chief and the City Administrator.
- E. The Police Personnel Board shall be required to meet with the appropriate City Officials to discuss issues as determined by the City upon notice by the City Administrator.

Section 200.140. Meetings.

[CC 1990 § 24-20; Ord. No. 137 § 5, 7-18-1988; Ord. No. 328 § 5, 8-7-1989; Ord. No. 534 § 5, 12-17-1990; Ord. No. 909 § 1, 5-16-1994; Ord. No. 1226 § 4, 2-3-1997]

- A. The Police Personnel Board shall meet from time to time as necessary to carry out their duties as outlined in Section 200.130 herein.
- B. Special meetings may be called by any three (3) members of the Board upon written notification stating the purpose of such special meeting to the other members of the Board. Such notice shall be given at least twenty-four (24) hours in advance of the special meeting.

Section 200.150. Quorum.

[CC 1990 § 24-21; Ord. No. 137 § 6, 7-18-1988; Ord. No. 328 § 6, 8-7-1989; Ord. No. 534 § 6, 12-17-1990]

Four (4) members of the Board shall constitute a quorum for the transaction of all business at any regular or special meeting.

Section 200.160. Order Of Business.

[CC 1990 § 24-22; Ord. No. 137 § 7, 7-18-1988; Ord. No. 328 § 7, 8-7-1989; Ord. No. 534 § 7, 12-17-1990; Ord. No. 1226 § 5, 2-3-1997]

- A. The order of business at any meeting shall be as follows:
1. Approval of minutes from previous meeting;
 2. Communications, including a report from the Chief on the status of the Department on matters pertaining to the responsibilities of the Board;
 3. Unfinished business;
 4. New business; and
 5. Adjournment.

Section 200.170. Procedure.

[CC 1990 § 24-23; Ord. No. 137 § 8, 7-18-1988; Ord. No. 328 § 8, 8-7-1989; Ord. No. 534 § 8, 12-17-1990]

Where this Article is silent, the parliamentary procedure prescribed in Robert's Rules of Order, Revised, shall be followed as far as applicable.

Section 200.180. Motions.

[CC 1990 § 24-24; Ord. No. 137 § 9, 7-18-1988; Ord. No. 328 § 9, 8-7-1989; Ord. No. 534 § 9, 12-17-1990]

Motions may be made orally by any member of the Board and shall be recorded in the minutes together with action taken thereon.

Section 200.190. Annual Report.

[CC 1990 § 24-25; Ord. No. 137 § 10, 7-18-1988; Ord. No. 328 § 10, 8-7-1989; Ord. No. 534 § 10, 12-17-1990; Ord. No. 1226 § 6, 2-3-1997; Ord. No. 1883 § 2, 10-21-2002]

The Board shall submit an annual report to the Mayor and to the City Council. Such report shall be submitted within sixty (60) days after the end of the City's fiscal year.

Section 200.200. Severability.

[CC 1990 § 24-26; Ord. No. 137 § 11, 7-18-1988; Ord. No. 328 § 11, 8-7-1989; Ord. No. 534 § 11, 12-17-1990]

If any provisions of this Article shall be found to be invalid, such finding shall not affect the continued validity of any other provision of this Article.

Section 200.210. Application For Employment By Police Department.

[CC 1990 § 24-27; Ord. No. 137 § 12, 7-18-1988; Ord. No. 328 § 13, 8-7-1989; Ord. No. 534 § 12, 12-17-1990; Ord. No. 1226 § 7, 2-3-1997]

Application for employment by the Police Department shall be on forms approved by the Police Personnel Board and shall be addressed to the Board and filed under oath with the Board Secretary.

Section 200.220. Residency Requirements.

[CC 1990 § 24-28; Ord. No. 137 § 13, 7-18-1988; Ord. No. 534 § 13, 12-17-1990; Ord. No. 1883 § 3, 10-21-2002]

From and after the passage of this Article, all sworn in and commissioned personnel of the department shall be citizens of the United States and live within the State of Missouri during employment with the City police force.

Section 200.230. General Disqualifications For Employment By Department.

[CC 1990 § 24-29; Ord. No. 137 § 14, 7-18-1988; Ord. No. 328 § 14, 8-7-1989; Ord. No. 534 § 14, 12-17-1990; Ord. No. 763 § 1, 2-16-1993]

- A. The Board may refuse to consider an applicant or, after consideration, to refuse to certify him/her as eligible if:
1. The applicant is found to be lacking in any of the preliminary requirements established for the position;
 2. The applicant is disabled or inhibited to an extent which would render the individual unfit and unable to perform the bona fide occupational requirements of the position; but only then if no reasonable accommodations can be made which would assist the applicant to a point where the disability was no longer a deterrent to employment;
 3. The applicant has been found to have conflicting interests which may impair or compromise total effectiveness in a given classification including criminal background, business interests and/or related areas;
 4. The applicant has made any false statement on the application;
 5. The applicant had used or attempted to use political pressure or bribery to secure an advantage in the screening or appointment procedure;
 6. The applicant has previously been dismissed for just cause or has had a previous unsatisfactory service record with the City or another employer;
 7. The applicant has presented an application beyond the formal deadline or has failed to sign the application form;
 8. The applicant requests such an action;
 9. An ample number of better qualified candidates are available for the position.

Section 200.240. Hearing Upon Disqualification.

[CC 1990 § 24-30; Ord. No. 137 § 15, 7-18-1988; Ord. No. 328 § 15, 8-7-1989; Ord. No. 534 § 15, 12-17-1990]

Any applicant who shall be disqualified from consideration for a position in the Department shall be notified in writing by the Board and, upon receipt of such written notice, shall be given the opportunity to be heard with regard to such disqualification.

Section 200.250. Examination Of Candidates For Appointment.

[CC 1990 § 24-31; Ord. No. 137 § 16, 7-18-1988; Ord. No. 534 § 16, 12-17-1990; Ord. No. 763 § 1, 2-16-1993]

- A. The Board shall establish procedures for examination of candidates for appointment to the department. These procedures shall be submitted to the City Council for approval. Such procedures shall include, but not be limited to, tests for physical agility; psychological evaluation; a written examination; a drug screen, credit check, background investigation to determine the individuals suitability and personal fitness for the position sought; and an oral examination to enable the Board to properly evaluate and grade the applicant on suitability for the position. Following an offer of employment, the candidate may be required to submit to a medical exam to determine if the individual can meet the bona fide physical requirements of the position and a Workers' Compensation record check to determine if the individual presents a hazard to himself/herself or others. For promotional appointments, performance ratings shall also be considered.
- B. For positions higher than the rank of Sergeant, the Chief shall notify the Board as to vacancies that are or are likely to be available. The Board shall advertise for candidates and, after an appropriate time to allow applications to be received, shall examine the candidates and certify each candidate who applies as qualified or not. The Chief of Police, with the approval of the City Administrator, will select from the qualified candidates to fill vacancies. The Chief shall give preference to candidates from within the department, but shall not be required to promote from within.
- C. For positions at the rank of Sergeant and lower, the Board shall maintain lists of candidates who have passed the examinations for each rank. These lists shall be in order of merit, based on examination scores and preference points as described hereinafter. The lists shall be kept current using procedures as determined by the Board and approved by the City Council. Whenever vacancies exist for a rank, the Chief, with the approval of the City Administrator, shall select from the top portion of the list. For single vacancies, the top portion of the list shall be the top three (3) names. For multiple vacancies, the top portion shall be as determined by the Board, but it shall not be less than two (2) more than the number of vacancies nor more than three (3) times the number of vacancies.
- D. Preference points shall be assigned to the overall examination score of each candidate based upon the following criteria:
 1. A certified Police Officer as defined in Ch. 590, RSMo., as amended: three (3) points.

2. Educational degrees:
 - a. A holder of an Associate Arts Degree of sixty (60) college semester hours and eligible for junior status: one (1) point.
 - b. A holder of a Bachelor of Arts or Science degree: two (2) points.
 - c. A holder of a Masters Degree: three (3) points.
3. Preference points for academic degrees are not cumulative and shall be assigned exclusively for the highest degree earned.

Section 200.260. Background Investigation And Fingerprint Check.

[CC 1990 § 24-32; Ord. No. 137 § 17, 7-18-1988; Ord. No. 328 § 17, 8-7-1989; Ord. No. 534 § 17, 12-17-1990; Ord. No. 1883 § 4, 10-21-2002]

The department shall conduct or arrange for background investigations of all applicants. Applicants who have been investigated by other police agencies may be subject to less thorough investigations than other candidates. Each eligible applicant must submit to fingerprinting by the department and be subsequently cleared by a check with the Federal Bureau of Investigation, Missouri State Highway Patrol, St. Louis County Police Department and the Chesterfield Police Department immediately prior to certification of appointment.

Section 200.270. Appointments — Probationary Period.

[CC 1990 § 24-33; Ord. No. 137 § 18, 7-18-1988; Ord. No. 328 § 18, 8-7-1989; Ord. No. 534 § 18, 12-17-1990; Ord. No. 763 § 1, 2-16-1993; Ord. No. 1226 § 8, 2-3-1997]

- A. All appointments to the department shall be for an initial review period of twelve (12) months during which the performance of the appointee shall be monitored and evaluated by the Chief of Police. The review periods may be extended by the City Administrator upon the recommendation of the Chief. Such an extension of review for a period of not more than ninety (90) days is at the discretion of the Chief.
- B. At any time during the initial review period, the Chief, with the approval of the City Administrator, may dismiss an employee, with or without cause. An employee dismissed during the review period cannot appeal such action to the Board. The City Administrator may also, with or without the recommendation of the Chief, dismiss a new employee with or without cause during the review period.

Section 200.280. Oath Of Office And Bond.

[CC 1990 § 24-34; Ord. No. 137 § 19, 7-18-1988; Ord. No. 328 § 19, 8-7-1989; Ord. No. 534 § 19, 12-17-1990]

Before entering upon his/her duty, any person about to become a member of the Police Department shall take such oath and enter into such bond as prescribed by the ordinances of the City.

Section 200.290. Temporary Appointments.

[CC 1990 § 24-35; Ord. No. 137 § 20, 7-18-1988; Ord. No. 328 § 20, 8-7-1989; Ord. No. 534 § 20, 12-17-1990]

In the event of unusual need, the Chief is authorized to make such temporary appointments as necessary, to remain in force until the Board or the City Administrator determines the unusual need is no longer in effect.

Section 200.300. Reinstatement Of Officers.

[CC 1990 § 24-36; Ord. No. 137 § 21, 7-18-1988; Ord. No. 328 § 21, 8-7-1989; Ord. No. 534 § 21, 12-17-1990; Ord. No. 1226 § 9, 2-3-1997]

The Police Chief may, with the approval of the City Administrator, reinstate a Police Officer according to the appropriate provisions of the City of Chesterfield Personnel Rules and Regulations.

Section 200.310. Leave Of Absence.

[CC 1990 § 24-37; Ord. No. 137 § 22, 7-18-1988; Ord. No. 328 § 22, 8-7-1989; Ord. No. 534 § 22, 12-17-1990]

The Police Chief may approve leaves of absence for Police Officers according to the appropriate provisions of the City of Chesterfield Personnel Rules and Regulations.

Section 200.320. Grievances.

[CC 1990 § 24-38; Ord. No. 534 § 23, 12-17-1990; Ord. No. 1226 § 10, 2-3-1997]

A "grievance" as defined in the City Personnel Rules and Regulations Manual for all matters except disciplinary matters affecting employment with the City shall be covered by the procedures outlined in the City Personnel Rules and Regulations Manual. For Police Officers, all matters regarding discipline shall be appealed pursuant to the Police Personnel Board as set out below.

Section 200.330. Administration Of Discipline In Police Department.

[CC 1990 § 24-39; Ord. No. 137 § 23, 7-18-1988; Ord. No. 328 § 24, 8-7-1989; Ord. No. 534 § 24, 12-17-1990]

- A. The administration of discipline in the department is vested in the Chief. Discipline shall be in accordance with the rules and regulations of the department. It includes removal, suspension, demotion and discharge of members of the department. The procedural and substantive requirements relating to removal, suspension, demotion and discharge, as provided herein and in the rules of the department, shall be governed by the provisions of Missouri State Statutes as now existing or hereinafter amended to the extent applicable.

- B. Any violation of the rules and regulations of the department or any violation of the ordinances of the City or any State or Federal law, by any Police Officer, shall be cause for the filing of charges against the officer.
- C. Except as otherwise provided in this Article, no officer shall be removed, suspended, demoted or discharged except for cause, upon written charges and after an opportunity to be heard in his/her own defense.
- D. The "cause" required for disciplinary action is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service or, for violation of City ordinances or rules and regulations of the department, an action which the law and sound public opinion recognize as cause for the officer being disciplined. The complainant in any proceedings hereunder has the burden of proof to establish that such cause exists by a preponderance of the evidence.

Section 200.340. Suspensions.

[CC 1990 § 24-40; Ord. No. 137 § 24, 7-18-1988; Ord. No. 328 § 24, 8-7-1989; Ord. No. 534 § 25, 12-17-1990; Ord. No. 1226 § 11, 2-3-1997]

When appropriate, an employee may be suspended. The Chief of Police shall record in writing the date and time of the rule infraction, prior record of any similar infractions and efforts made to correct the problem. A suspension may be with or without pay and involves the removal of an employee or barring of an employee from the City premises for a temporary period. The Chief of Police may suspend any employee for a maximum of five (5) days. Any recommendation exceeding five (5) days shall require the approval of the City Administrator who may suspend an employee for a maximum of thirty (30) days. A suspension becomes a permanent part of an employee's personnel record.

Section 200.350. Demotions.

[CC 1990 § 24-41; Ord. No. 137 § 25, 7-18-1988; Ord. No. 328 § 25, 8-7-1989; Ord. No. 534 § 26, 12-17-1990; Ord. No. 1226 § 12, 2-3-1997]

As deemed appropriate, an employee may receive a demotion. The Chief of Police shall record in writing the date and time of the rule infraction, prior record of any similar infractions and efforts made to correct the problem. A demotion is the involuntary assignment of an employee from one position to another having a lower maximum salary. The Chief of Police shall recommend such demotion which must be approved by the City Administrator. A demotion becomes a permanent part of the employee's personnel record.

Section 200.360. Dismissals.

[CC 1990 § 24-42; Ord. No. 137 § 26, 7-18-1988; Ord. No. 328 § 26, 8-7-1989; Ord. No. 534 § 27, 12-17-1990; Ord. No. 1226 § 13, 2-3-1997]

- A. When appropriate, an employee may be dismissed which involves the permanent removal of that employee from the payroll. The Chief shall record in writing the date and time of the rule infraction, prior record of any similar infractions and efforts made

to correct the problem. The Chief shall recommend dismissal which must be approved by the City Administrator. Notification of dismissal may be made by the Chief or appointed authority by delivering a written statement to the employee. If the Chief, based on the reason for discharge, desires to make an immediate separation from the City service, a suspension with or without pay pending discharge may be utilized with approval by the City Administrator. Prior to the final decision to dismiss any employee, the employee will be given:

1. Written notice of the charges; and
 2. An explanation of the basis of the City's charges; and
 3. An opportunity to present his/her explanation of the matter.
- B. At any time during the probationary period, the City Administrator, with or without the recommendation of the Chief of Police, may dismiss an employee with or without cause.

Section 200.370. Appeal Of Discipline.

[CC 1990 § 24-43; Ord. No. 137 § 27, 7-18-1988; Ord. No. 328 § 27, 8-7-1989; Ord. No. 534 § 28, 12-17-1990; Ord. No. 2040 § 1, 10-7-1996; Ord. No. 1226 § 14, 2-3-1997]

- A. All officers other than probationary officers may appeal discipline greater than a written reprimand to the Board. Appeals must be in writing and submitted to the Secretary of the Board within seventy-two (72) hours of the effective date of the administration of discipline.
- B. Upon receipt of an appeal, the Secretary shall notify the Chief within five (5) days of the need for a hearing on the charge(s).

Section 200.380. Notice Of Hearing.

[CC 1990 § 24-44; Ord. No. 137 § 28, 7-18-1988; Ord. No. 328 § 28, 8-7-1989; Ord. No. 534 § 29, 12-17-1990]

Upon receipt of an appeal of discipline, the Board shall set a date for a hearing, which date shall be no more than thirty (30) days following the filing of the appeal.

Section 200.390. Hearing Procedure.

[CC 1990 § 24-45; Ord. No. 137 § 29, 7-18-1988; Ord. No. 328 § 29, 8-7-1989; Ord. No. 534 § 30, 12-17-1990]

- A. Proceedings on any hearing of an appeal of discipline shall commence with a written complaint, made by the Chief, which shall set forth a plain and concise statement of the facts giving rise to the complaint.
- B. All parties to a hearing shall have a right to be represented by counsel at their own expense.

- C. All proceedings hereunder shall be tape recorded by the Secretary of the Board or recorded by a court reporter employed by the Board, but shall be transcribed only at the request of the Board or a party to the hearing. All tapes and records shall be retained for a five-year period. Transcripts of the hearing shall be prepared at the requesting party's expense.
- D. All Witnesses Shall Be Sworn Before Testifying. Witnesses for the complainant shall be heard first, followed by witnesses for the accused Police Officer. Each party shall have the right to cross-examine witnesses of every other party.
- E. The Board shall consider only evidence presented at the hearing.
- F. The hearing may be continued from time to time at the motion of the Board or at the motion of any party upon cause being shown to the satisfaction of the Board. Before continuance will be granted at the request of an accused Police Officer who has been suspended pending the hearing, he/she shall execute a release of any claim he/she might then or thereafter have for compensation during the period of such continuance.

Section 200.400. Filing Of Papers.

[CC 1990 24-46; Ord. No. 137 § 30, 7-18-1988; Ord. No. 328 § 30, 8-7-1989; Ord. No. 534 § 31, 12-17-1990]

All papers may be filed with the Board by mailing them personally to the Secretary of the Board at the Government Center. The filing date of any paper shall be the date it was received by the Secretary, in the event the paper is delivered personally. In the event a paper is filed by mail, then the filing date shall be the date which is postmarked on the mailing envelope.

Section 200.410. Form Of Papers.

[CC 1990 § 24-47; Ord. No. 137 § 31, 7-18-1988; Ord. No. 328 § 31, 8-7-1989; Ord. No. 534 § 32, 12-17-1990]

- A. All papers filed in any proceeding hereunder shall be typewritten or hand printed and shall be on one (1) side of the paper only. If typewritten, the lines shall be double-spaced except that long quotations may be single-spaced and indented.
- B. All papers shall not be larger than eight and one-half (8 1/2) inches wide by eleven (11) inches long and shall have four (4) outside margins of not less than one (1) inch.
- C. All papers filed shall be signed in ink by the party filing the paper or by an officer, agent or attorney. His/her name and address shall appear thereon.

Section 200.420. Findings And Order.

[CC 1990 § 24-48; Ord. No. 137 § 32, 7-18-1988; Ord. No. 328 § 32, 8-7-1989; Ord. No. 534 § 33, 12-17-1990; Ord. No. 1235 § 1, 3-3-1997]

- A. Within fifteen (15) days following the conclusion of any hearing hereunder, the Board shall enter its findings by delivery of the written findings to the accused Police Officer

or by delivering in the U.S. mail a copy of said written findings to be mailed no later than the fifteenth (15th) day by certified mail to the Police Officer at his/her last known address. At the next regularly called meeting of the Board, the findings shall be entered on the record of the Board.

- B. On the findings of the Board, the Board may sustain the action of the Chief or reverse the actions of the Chief with instructions for a greater or lesser form of discipline which may exceed thirty (30) days or the Board may order the Police Officer dismissed.
- C. Included in the authority of the Board as noted above is the authority to order the demotion of an officer to a lower rank, which may include to probationary status, with or without a reduction in pay to the pay of a Probationary Officer. Reduction to probationary status shall be for such period of time as shall be directed by the Board not to exceed one (1) year. The Board shall have the power and authority to order the Police Officer to meet specific conditions as part of said probation.

Section 200.430. Decision Of Board Final.

[CC 1990 § 24-49; Ord. No. 137 § 33, 7-18-1988; Ord. No. 328 § 33, 8-7-1989; Ord. No. 534 § 34, 12-17-1990]

Subject to the right of judicial review, the Board shall be the final judge of what constitutes cause for disciplinary action and of whether the evidence adequately establishes such cause; and no rehearing, reconsideration, modification, vacation or alteration of a decision of the Board shall be allowed.

Section 200.440. Subpoenas And Service Of Papers.

[CC 1990 § 24-50; Ord. No. 137 § 34, 7-18-1988; Ord. No. 328 § 34, 8-7-1989; Ord. No. 534 § 35, 12-17-1990]

- A. Either the complainant or the accused Police Officer may, at any time, before the hearing hereunder, file with the Board a written request for subpoena for any individual to appear for a hearing or to produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the approval of the Board of such request, subpoenas will be issued for the named persons. Subpoenas may be served by any person twenty-one (21) years of age or older designated by the party requesting the subpoenas. Requests for subpoenas shall contain the names and addresses of the individuals to be subpoenaed and the identity of any documents to be produced.
- B. All papers required to be served shall be delivered personally to the party designated or mailed to the designated party at his/her last known residence by United States certified mail, return receipt requested, in an envelope properly addressed with postage prepaid. Proof of service of any paper may be made by the certification of any person delivering the same to the designated party personally or by filing a return receipt showing that a paper was mailed by certified mail, return receipt requested, to the designated party's address where it was received by such party.

Section 200.450. through Section 200.490. (Reserved)**ARTICLE III
Merit System****Section 200.500. Police Department Established.****[CC 1990 § 24-61; Ord. No. 135 § 2, 7-18-1988]**

There is hereby established the Police Department of the City which shall consist of the Chief of Police and such other officers and members as may be provided from time to time by the City Council.

Section 200.510. Merit System Adopted.**[CC 1990 § 24-62; Ord. No. 135 § 3, 7-18-1988]**

Pursuant to Section 85.541, RSMo., as amended, a Merit System Police Department for the Third Class City of Chesterfield is adopted.

Section 200.520. Members Of Police Department.**[CC 1990 § 24-63; Ord. No. 135 § 4, 7-18-1988]**

An ordinance shall be adopted including provisions for the appointment, promotion, suspension, demotion and discharge of members of the Police Department (see Article II).

Section 200.530. Personnel Board.⁴**[CC 1990 § 24-64; Ord. No. 135 § 5, 7-18-1988; Ord. No. 1226 § 15, 2-3-1997; Ord. No. 1883 § 5, 10-21-2002]**

Members of the Personnel Board shall not hold any other political office while serving as members of the Board.

Section 200.540. Appointments Or Promotions To Be From List Of Eligibles.**[CC 1990 § 24-66; Ord. No. 135 § 7, 7-18-1988]**

The Mayor or other appointing authority shall be required to appoint or promote from the list of eligibles so certified.

4. Cross References: As to board of police commissioners established — members, § 200.100; as to appointment, § 200.110.

Section 200.550. Persons Entitled To Hold Office During Good Behavior And Efficient Service.**[CC 1990 § 24-67; Ord. No. 135 § 8, 7-18-1988]**

All persons so appointed or promoted shall be entitled to hold office during good behavior and efficient service.

Section 200.560. Public Hearing Before Personnel Board For Suspension, Demotion, Etc.⁵**[CC 1990 § 24-68; Ord. No. 135 § 9, 7-18-1988; Ord. No. 1226 § 17, 2-3-1997]**

Any person suspended, demoted or discharged for misbehavior or inefficiency shall, upon his/her application and pursuant to ordinance, be granted a public hearing before the Police Personnel Board.

Section 200.570. Police Chief — Office Created — Appointment — Removal From Office — Duties Generally.**[CC 1990 § 24-69; Ord. No. 135 § 10, 7-18-1988]**

- A. There is hereby created the office of Police Chief who shall be appointed by the Mayor with the advice and consent of the City Council. The Chief may be removed from office by the Mayor with the consent of the City Council or by the City Council by a two-thirds (2/3) vote without the concurrence of the Mayor, at any time upon the following of due process. The Police Chief need not be a member of the Police Department at the time of his/her appointment.
- B. The Police Chief shall, pursuant to Section 77.042, RSMo., as amended, report to the City Administrator. The City Administrator shall be responsible for budgetary control of the Police Department and for the performance evaluation of the Police Chief. The Police Chief shall, under the supervision of the City Administrator, organize the department in such manner as he/she may deem necessary to efficiently and properly conduct duties and responsibilities prescribed by law. He/she shall prescribe and enforce such administrative rules and regulations as may be necessary to carry out provisions of the ordinances of the City and any other law, the enforcement and administration of which is vested in the department.

Section 200.580. Police Chief — Subject To Orders Of Mayor Only.**[CC 1990 § 24-70; Ord. No. 135 § 11, 7-18-1988]**

The Police Chief shall, in the discharge of his/her law enforcement duties, be subject to the orders of the Mayor pursuant to Section 85.561, RSMo., as amended. All other members of the department shall, in the discharge of their law enforcement duties, but subject to the orders of their superiors in the department and the Mayor only.

5. Cross Reference: As to hearing procedure, § 200.390.

Section 200.590. Power To Make Arrests.**[CC 1990 § 24-73; Ord. No. 135 § 14, 7-18-1988]**

Every officer of the Police Department shall have the power at all times to make or order an arrest with proper process for any offense against the laws of the City and to keep the peace.

Section 200.600. Duties Of Police Department Generally.**[CC 1990 § 24-74; Ord. No. 135 § 15, 7-18-1988]**

The Police Department shall suppress crime, protect life and property; preserve law and order; enforce the criminal and traffic laws of the State of Missouri and the criminal and traffic laws of the City; detect and apprehend criminal and traffic offenders; recover stolen property and such other duties and responsibilities as may from time to time be imposed by law or ordinance.

Section 200.610. Power To Serve Warrants, Subpoenas, Writs, Etc.**[CC 1990 § 24-75; Ord. No. 135 § 16, 7-18-1988]**

Every officer of the Police Department is empowered to serve and execute all warrants, subpoenas, writs or other process issued by the judge hearing and determining municipal ordinance violation cases in the City at any place within the City limits within the County in which the City is located.

Section 200.620. through Section 200.700. (Reserved)**ARTICLE IV
Reserve Force****Section 200.710. Established.****[CC 1990 § 24-86; Ord. No. 136 § 1, 7-18-1988]**

The Police Department may establish a Police Reserve Force for the City of Chesterfield.

Section 200.720. Appointment Of Members — Compensation.**[CC 1990 § 24-87; Ord. No. 136 § 2, 7-18-1988]**

The members of the Police Reserve Force shall be appointed by the Chief of Police, with the approval of the City Administrator, or the appropriate officer of any contractor providing police protection for the City and shall serve without compensation.

Section 200.730. Supervision Of Members — Rules And Regulations Generally.**[CC 1990 § 24-88; Ord. No. 136 § 3, 7-18-1988]**

The Police Reserve Force of the City shall be under the direct control and supervision of the Chief of Police of the City, who shall have the authority, with the approval of the City Administrator, to remove, suspend or discharge with or without cause, any member of the Police Reserve Force of the City. The Police Reserve Force will be governed by the rules and regulations of the Police Department.

Section 200.740. Qualifications.**[CC 1990 § 24-89; Ord. No. 136 § 4, 7-18-1988]**

Only persons of good character and health, over the age of twenty-one (21) years, who have successfully completed such medical, physical, mental and other requirements as may be prescribed by the Chief of Police and the Board of Police Commissioners shall be appointed to the Police Reserve Force of the City.

Section 200.750. Uniforms — When Work.**[CC 1990 § 24-90; Ord. No. 136 § 5, 7-18-1988]**

Members of the Police Reserve Force shall wear identifying uniforms and emblems when carrying out any duty, task or assignment, unless otherwise directed by their supervisors.

Section 200.760. through Section 200.800. (Reserved)

Chapter 203

FIRE PREVENTION AND PROTECTION

**ARTICLE I
Fireworks**

**Section 203.030. Explosion, Ignition,
Discharge Unlawful.**

Section 203.010. Definitions.

**Section 203.040. through Section
203.090. (Reserved)**

**Section 203.020. Manufacture, Sale,
Shipment Unlawful —
Exception.**

Cross References: As to alarm systems, ch. 610; as to buildings and building regulations, ch. 500; as to emergency management, ch. 225; as to health and sanitation, ch. 240; as to obedience to officers directing traffic, § 310.025; as to following emergency vehicle prohibited, § 340.010; as to fire lanes, § 355.170; as to property damage by negligent burning or exploding, § 210.560; as to police, ch. 200; as to parades not to interfere with proper fire protection or movement of firefighting equipment, § 375.040(4 — 5).

State Law Reference: Authority of city to regulate and control certain fire hazards, § 77.500, RSMo.

**ARTICLE I
Fireworks**

Section 203.010. Definitions.¹

[CC 1990 § 13-21; Ord. No. 88 § 1, 6-1-1988]

As used in this Article, unless clearly indicated otherwise, the following terms means:

CONSUMER FIREWORKS — Explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, 1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation.

DISPLAY FIREWORKS — Explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UNO335, 1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation.

1. Cross Reference: As to definitions and rules of construction, § 100.020.

PERSON — Any corporation, association, partnership or individual or group thereof.

SALE — An exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, co-partnership or one (1) or more individuals.

Section 203.020. Manufacture, Sale, Shipment Unlawful — Exception.

[CC 1990 § 13-22; Ord. No. 88 § 2, 6-1-1988; Ord. No. 686 § 1, 6-15-1992]

- A. It is unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into the corporate limits of the City of Chesterfield any item of fireworks. This Section applies to nonresidents as well as residents of the City.
- B. Any person possessing or transporting special fireworks into the corporate limits of the City of Chesterfield for the purpose of conducting a special fireworks display shall be licensed by the State Fire Marshal as a distributor in accordance with Section 320.126, RSMo., as amended.
- C. Before any permit for a special fireworks display shall be issued by the City Administrator, the fair association, amusement park, organization, firm or corporation making the application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof.

Section 203.030. Explosion, Ignition, Discharge Unlawful.

[CC 1990 § 13-23; Ord. No. 88 § 3, 6-1-1988]

It is unlawful for any person to explode, ignite or discharge any articles of fireworks within the corporate limits of the City.

Section 203.040. through Section 203.090. (Reserved)

Chapter 205

ANIMALS AND FOWL

ARTICLE I In General

- Section 205.010. **Illegal Hunting Or Taking Of Game.**
- Section 205.020. **Dogs, Cats And Other Animals Creating A Nuisance.**
- Section 205.030. **Feeding Wildlife.**
- Section 205.040. **Accumulation Of Animal Waste On Property.**
- Section 205.050. **Animals Prohibited Within City Buildings.**
- Section 205.060. **Number Of Animals Kept Or Maintained Limited.**
- Section 205.070. **through Section 205.100. (Reserved)**

ARTICLE II Animals At Large

- Section 205.110. **Scope.**
- Section 205.120. **At Large Defined.**
- Section 205.130. **Exceptions.**
- Section 205.140. **Definitions.**
- Section 205.150. **Keeping, Raising, Harboring, Selling Of Farm Or Wild Animals.**
- Section 205.160. **through Section 205.210. (Reserved)**

ARTICLE III Abuse And Neglect Of Animals

- Section 205.220. **Definitions.**
- Section 205.230. **Animal Neglect Or Abandonment.**

- Section 205.240. **Animal Abuse.**
- Section 205.250. **through Section 205.290. (Reserved)**

ARTICLE IV Dangerous Animals

- Section 205.300. **Classification.**
- Section 205.310. **Notice.**
- Section 205.320. **Appeal And Hearing.**
- Section 205.330. **Exemptions To Dangerous Animal Classification.**
- Section 205.340. **Actions To Be Taken For Dangerous Animals Causing Severe Or Fatal Injuries.**
- Section 205.350. **Owners' Responsibilities.**
- Section 205.360. **through Section 205.400. (Reserved)**

ARTICLE V Deer Control Policy And Hunting Regulations

- Section 205.410. **Definitions.**
- Section 205.420. **Hunting Regulations Within The City Limits.**
- Section 205.430. **Specific Actions Prohibited/Required.**
- Section 205.440. **Deer Retrieval.**
- Section 205.450. **Field Cleaning.**
- Section 205.460. **Penalty For Violation.**
- Section 205.470. **through Section 205.510. (Reserved)**
- Suggested Actions for Property Owner Authorizing a Deer**

**Hunt on Their
Property
Notification of Intent to
Hunt**

**Procedural List for
Hunting Season
Neighborhood Policy,
Deer Hunting,
Contiguous Neighbor
Notification**

Cross References: As to health and sanitation, ch. 240; as to contract with county for health department services to include dog-catching and rabies control services, § 240.010; as to leaving animals in vehicles, § 340.150; as to taillight on horse-drawn vehicle, § 370.130; as to nuisances, ch. 215; as to carcasses of dead animals, when nuisance, § 215.030(B)(4); as to keeping of animals under certain conditions declared nuisance, § 215.030(B)(5); as to parks and recreation, ch. 220.

State Law Reference: Protection against rabies, § 322.010, RSMo.

**ARTICLE I
In General**

Section 205.010. Illegal Hunting Or Taking Of Game.¹

[CC 1990 § 5-1; Ord. No. 372 § 1, 11-6-1989]

No wildlife or game shall be pursued, taken, killed, possessed or disposed of except in the manner, to the extent and at the time or times permitted by such rules and regulations of the State of Missouri; and any pursuit, taking, killing, possession or disposition thereof, except as permitted by such rules and regulations, are hereby prohibited.

Section 205.020. Dogs, Cats And Other Animals Creating A Nuisance.

[CC 1990 § 5-2; Ord. No. 149 §§ 1 — 3, 8-15-1988; Ord. No. 2167 §§ 1 — 2, 5-2-2005]

- A. Scope. Every person responsible for a dog, cat, puppy, kitten or other animal shall keep it from creating a nuisance.
- B. Animal Nuisance Defined. A dog, cat, puppy, kitten or other animal creates a nuisance if it:
 - 1. Soils, defiles or defecates on public property or public easement, or private property other than property of a person responsible for the animal unless such waste is removed by a person responsible for the animal and deposited in a waste container or disposed of in the sanitary sewer system or buried at least six (6) inches deep on ground where the person responsible for the animal has permission or the right to bury it.

1. Cross References: As to offenses against property, §§ 210.500 et seq.; as to parks and recreation, ch. 220.

2. Damages public property or property belonging to a person other than a person responsible for the animal.
3. Causes unsanitary or dangerous conditions.
4. Causes a disturbance by excessive barking, howling, meowing or other noisemaking.
5. Chases vehicles, including bicycles.
6. Molests, attacks, bites or interferes with persons or other animals on public property or property not belonging to a person responsible for the animal.
7. Impedes refuse collection, mail delivery, meter reading or other public service activities by annoying persons responsible for such activities.
8. Tips, rummages through or damages a refuse container.

Section 205.030. Feeding Wildlife.

[CC 1990 § 5-3; Ord. No. 2158 §§ 1 — 4, 3-21-2005; Ord. No. 2766, 11-4-2013]

- A. The feeding of white-tailed deer, other wild mammals, Canada Geese and/or pigeons within the City limits, which feeding results in the deposit of refuse, debris, fecal matter or other offensive substance or in the attraction of wildlife, creating the prejudice or annoyance of any person, unless otherwise permitted by law, is prohibited.
- B. No person shall deposit, place, distribute or leave any food, of any kind or nature, with the intent to feed white-tailed deer, other wild mammals, Canada geese and/or pigeons on public or private lands, within the City.
- C. This section shall not apply to any resident or agent of the City authorized to implement a wildlife management program and who possesses the necessary permits from the Missouri Department of Conservation, nor shall it apply to any public officer or public employee in the performance of his or her duties. The provisions of this section shall not apply to the feeding of domestic animals.
- D. Any person who shall violate or fail to comply with the provisions of this section may, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00) or confinement not to exceed ninety (90) days, or both. Each act in which a person violates this section shall be considered a separate incident and may be punished as a separate occurrence.

Section 205.040. Accumulation Of Animal Waste On Property.

[CC 1990 § 5-4; Ord. No. 2167 § 3, 5-2-2005]

It is unlawful for a person responsible for the animal to allow animal waste to accumulate on their property in such a manner that would cause the waste to run off onto adjacent property during a rain event or run off into a pond, lake, river, creek, stream, drainage ditch or swale, storm sewer inlet or manhole or into any storm sewer system or body of water.

Section 205.050. Animals Prohibited Within City Buildings.**[CC 1990 § 5-5; Ord. No. 2199 §§ 1 — 2, 9-19-2005]**

- A. No live birds or animals shall be allowed within buildings owned and/or maintained by the City of Chesterfield.
- B. Exemptions.
 - 1. Nothing herein shall be construed to prohibit guide animals from entering any and all buildings within Chesterfield.
 - 2. Animals utilized within an educational context are also exempt from this prohibition found in Subsection (A).

Section 205.060. Number Of Animals Kept Or Maintained Limited.**[CC 1990 §§ 5-41 — 5-43; Ord. No. 2823, 12-1-2014]**

- A. **Maintaining And Keeping Dogs Or Cats Prohibited, When.** It shall be unlawful for any person to own, harbor, shelter, keep, control, maintain or possess in or on his/her residential property more than four (4) dogs or six (6) cats or a combination of six (6) dogs and cats provided there are no more than four dogs.
- B. **Exceptions.** Following the birth of a litter of puppies or kittens it shall be permissible to allow such litter in or on the residential premises for a period of four (4) months without violating the limitations of this Ordinance.
- C. **Kennels.** The restrictions of this ordinance shall not apply to the operation of a pet shop, pet spa, veterinarian's office or kennel engaged in the boarding of dogs and/or cats if such pet shop, pet spa, veterinarian's office or kennel has been properly licensed and approved by the City of Chesterfield.
- D. Violation of this section shall be a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed three (3) months or by both such fine and imprisonment.

Section 205.070. through Section 205.100. (Reserved)

ARTICLE II
Animals At Large

Section 205.110. Scope.²

[CC 1990 § 5-16; Ord. No. 148 § 1, 8-15-1988]

Every person responsible for a dog, cat or other animal shall keep it from being at large as defined in Section 205.120 of this Article.

Section 205.120. At Large Defined.³

[CC 1990 § 5-17; Ord. No. 148 § 2, 8-15-1988]

- A. A dog or puppy is at large when it is outside a cage or building from which it cannot escape unless:
1. It is attached to a leash held by a person that is capable of and is in fact controlling the dog or puppy in question.
 2. It is within a vehicle from which the animal cannot escape while the vehicle is being driven, is parked or stopped.
 3. It is not more than fifty (50) feet from a person to whose commands the dog or puppy is obedient if such dog or puppy is not annoying any human or domestic animal or trespassing on private property or in public area where dogs or puppies are forbidden.
 4. It is on the real property of a person responsible for it.
- B. A dog or cat is at large if it is not kept securely confined while in heat or estrus. A dog or cat in heat or estrus is confined within the meaning of this paragraph only if:
1. It is kept in the residence of a person responsible for it and it can neither escape nor be reached by animals outside the residence; or
 2. It is on a leash on the premises of a person responsible for it and is supervised by a person responsible for it.
- C. Any animal other than a dog or cat is at large if it is not in a cage which restrains it from interfering with any person while it is in a place of public assembly or public commerce.

Section 205.130. Exceptions.

[CC 1990 § 5-18; Ord. No. 148 § 3, 8-15-1988]

- A. Section 205.110 of this Article does not apply to animals:

2. Cross References: As to offenses against property, §§ 210.500 et seq.

State Law Reference: Municipal control of animals running at large, § 77.510, RSMo.

3. Cross References: As to definitions and rules of construction, § 100.020; as to leaving animals in vehicles, § 340.150.

1. While being used in hunting, field trails and dog shows while on public land set aside for those purposes.
2. Used for tracking in conjunction with police activities.
3. Of the canine corps of any police force of the City of Chesterfield, St. Louis County, the Missouri State Highway Patrol, any Federal Law Enforcement Agency or the Armed Forces of the United States while being used to conduct official business or being used for official purposes.
4. While are trained to assist persons with impaired sight, hearing or other disability and are not at large when accompanying the person they are trained to assist. Full and equal access to all public facilities and transportation shall be allowed to such animals accompanying disabled persons.

Section 205.140. Definitions.

[CC 1990 § 5-20; Ord. No. 2509 § 1, 2-7-2009]

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

FARM ANIMAL — An animal that would normally be located on a farm and includes, but is not limited to, horses, donkeys, mules, cows, pigs (including potbellied pigs), chickens and other fowl and poultry.

WILD ANIMAL — Any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, captive-bred species of common, caged birds, fish, rodents or reptiles.

Section 205.150. Keeping, Raising, Harboring, Selling Of Farm Or Wild Animals.

[CC 1990 § 5-21; Ord. No. 2509 §§ 2 — 4, 2-7-2009]

- A. Except for dogs, cats and non-domestic animals which are otherwise provided for in this Code and except for traditional household pets such as caged birds and other similar caged animals and aquarium animals, no person shall keep, raise, harbor or offer for sale any farm animal or wild animal including, but not limited to, cattle, cow, bull, hog, horse, donkey, sheep, pig, goat, chicken, goose, duck, turkey, skunk or raccoon within the City, unless such animal is kept in an enclosed area on a tract of land on property of at least two (2) acres or more in size. Persons keeping farm animals, including horses, donkeys, mules, cows, pigs (including potbellied pigs), chicken hens and other fowl and poultry on property less than two (2) acres, but more than one (1) acre, as of February 2, 2009 shall be permitted to keep raising said farm animals on their property that is greater than one (1) acre in size. All persons who begin to raise or keep said farm animals after February 2, 2009 shall do so exclusively on property of at least two (2) acres in size.
- B. No person shall own, possess or have custody on his/her premises any wild animal for display, training or exhibition purposes whether gratuitously or for a fee.
- C. No person shall keep or permit to be kept any wild animal as a pet.

Section 205.160. through Section 205.210. (Reserved)

ARTICLE III

Abuse And Neglect Of Animals⁴**Section 205.220. Definitions.**

[CC 1990 § 5-31; Ord. No. 373 § 1, 11-6-1989]

As used in this Section, the following terms mean:

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

ADEQUATE CONTROL — To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

ANIMAL — Every living vertebrate except a human being.

HUMANE KILLING — The destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173; 59-72, 1978) or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed.

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

PERSON — Any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

Section 205.230. 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

4. Cross Reference: As to leaving animals in vehicles, § 340.150.

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 205.240. Animal Abuse.⁵

- 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 205.250. through Section 205.290. (Reserved)

ARTICLE IV
Dangerous Animals

Section 205.300. Classification.

[CC 1990 § 5-52; Ord. No. 2198 § 1 (1), 9-19-2005]

- A. The Chief of Police or his/her designated representative shall classify any animal with the following characteristics as a dangerous animal for purposes of this Article:
1. Any animal that has inflicted a severe or fatal injury on a human on public or private property. The term "severe injury" means any physical injury resulting directly from an animal's bite or attack, which results in broken bones or lacerations requiring stitches or hospitalization. The victim receiving severe

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

injuries as defined above must provide the Police Chief with a signed physician's statement documenting the injury and the treatment qualifying such as a severe injury or sign an authorization for the release of such statement.

2. Any animal which has attacked or bitten a human being or domestic animal, without provocation, on public or private property other than the property of the owner.
3. Any animal which, while on the owner's property, has attacked or bitten, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept or domestic animal.
4. Any animal that, while off the owner's property, has killed a domestic animal, livestock or poultry without provocation.
5. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.
6. Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds or private property, other than that property of the owner, in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by said animal.
7. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings or domestic animals.⁶

Section 205.310. Notice.

[CC 1990 § 5-53; Ord. No. 2198 § 1(2), 9-19-2005]

Within five (5) working days after classifying an animal as a dangerous animal, the Chief of Police or his/her designated representative shall notify the animal's owner of such classification in writing. The notice shall identify the requirements and conditions for maintaining a dangerous animal as set forth in this Section and Section 205.350. If the owner cannot be located, the animal may be immediately impounded and notice shall be posted at the owner's last known address.

Section 205.320. Appeal And Hearing.

[CC 1990 § 5-54; Ord. No. 2198 § 1(3), 9-19-2005]

- A. If the circumstances surrounding the classification as a dangerous animal under any of the definitions listed in Section 205.300 of the Article are in dispute or if the animal owner contests the classification, then the owner has the option of submitting, within five (5) working days of notice of said classification, a written request to the Chief of Police for a hearing to contest the dangerous animal classification.

6. Editor's Note: Original CC 1990 § 5-52(8), which listed certain dog breeds as presumed dangerous animals, and which immediately followed this Subsection, was repealed 12-3-2012 by Ord. No. 2728, effective 1-7-2013.

1. The City Administrator shall, within ten (10) working days after receipt of a bona fide written request, designate a hearing officer to conduct the hearing and render a decision.
2. Pending the outcome of such a hearing, the animal must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.
3. The hearing officer shall determine whether to declare the animal to be a dangerous animal based upon evidence and testimony presented at the time of the hearing, in addition to witnesses, animal control personnel, police or any other person possessing information pertinent to such determination. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.
4. The hearing officer shall issue a decision after the close of the hearing and notify the owner in writing of the decision. The owner or possessor of the animal found to be a dangerous animal shall be required to maintain the animal as herein provided in this Code.
5. Any person aggrieved by the determination of the hearing officer may appeal the decision to the Circuit Court of St. Louis County pursuant to the provisions of Chapter 536, RSMo.; provided however, that any appeal must be filed with the Circuit Court within five (5) days of the date of the hearing officer's decision.

Section 205.330. Exemptions To Dangerous Animal Classification.

[CC 1990 § 5-55; Ord. No. 2198 § 1(4), 9-19-2005]

- A. The Chief of Police may, because of extenuating circumstances, determine from the investigation of an incident that an animal is not dangerous. Extenuating circumstance include, but are not limited to, if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal or was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime. However, the owner, being responsible for said animal, shall be warned of the animal's tendencies and shall take appropriate action to prevent subsequent incidences. A determination that the animal is not dangerous does not exempt the owner from being cited for other animal control ordinance violations.
- B. Animals owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt.
- C. Determinations that an animal is not dangerous are not binding and upon further information or future incidents the Chief of Police may revise his/her previous decision and declare an animal dangerous.

Section 205.340. Actions To Be Taken For Dangerous Animals Causing Severe Or Fatal Injuries.**[CC 1990 § 5-56; Ord. No. 2198 § 1(5), 9-19-2005]**

- A. An animal responsible for an unprovoked severe or fatal attack shall be humanely destroyed.
- B. An animal responsible for a provoked severe or fatal attack should be maintained as a dangerous animal pursuant to other provisions of this Chapter.

Section 205.350. Owners' Responsibilities.**[CC 1990 § 5-57; Ord. No. 2198 § 2, 9-19-2005]**

- A. From and after July 13, 2005, owners or keepers of an animal that has been declared a dangerous animal may maintain the dangerous animal only subject to the following limitations, requirements and conditions:
 - 1. Registration. Not later than August 1, 2005 or immediately upon the acquisition of a dangerous animal thereafter, every owner or keeper of a dangerous animal in the City shall register said animal with the Chief of Police of the City on the dangerous animal registry. Failure to so register shall constitute a violation of this Section. Notice of this requirement shall be given by posting a copy of this Section in City Hall.
 - 2. Rabies Quarantine Impoundment. Any dangerous animal which bites or scratches a human or any animal which is determined to be dangerous because of such biting or scratching of a human shall be impounded for a ten-day rabies quarantine in accordance with the other provisions of these ordinances.
 - 3. Any dangerous animal shall wear at all times a bright orange collar with a large brightly colored metal tag attached to the collar so the animal can readily be identified as a dangerous animal.
 - 4. Loose, Unconfined Or Missing Dangerous Animal. The owner or keeper shall notify the Police Department immediately if a dangerous animal is loose, unconfined or missing, has attacked another animal or has attacked a human being.
 - 5. Reporting Requirements. The owner or keeper shall notify the Police Department within twenty-four (24) hours of the following events:
 - a. Death Or Transfer Of Ownership. If a dangerous animal has been sold, given away or otherwise transferred in ownership or possession, the owner or keeper shall provide the Police Department with the name, address and telephone number of the new owner or keeper and, if the animal is kept within the City limits of Chesterfield, the new owner or keeper must comply with the requirements of this Chapter. If a dangerous animal has died, the owner shall notify the Police Department of that fact so the animal can be removed from the dangerous animal registry.

- b. (Reserved)⁷
 - c. New Address. Should the owner or keeper move from one address within the corporate City limits to another address within the corporate City limits, the owner or keeper shall provide notice of the new address where the dangerous animal is being kept.
6. Confinement.
- a. All dangerous animals must be securely confined indoors or in a securely enclosed and locked pen, kennel or other structure, except when leashed and muzzled as provided herein. The pen, kennel or other structure must be suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, kennel or other structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and secure top attached to all sides. The pen, kennel or other structure must be locked with a key or combination lock when dangerous animals are confined within. The pen, kennel or other structure must have a secured bottom or floor attached to all sides; however, if it has no bottom secured to the sides, the sides must be embedded in the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the animal.
 - b. The enclosure, when occupied by a dangerous animal, shall not be occupied by any other animal. If the dangerous animal is a female with offspring under three (3) months of age, the offspring may occupy the same enclosure as the mother.
 - c. All structures erected to house dangerous animals must comply with all zoning and building regulations of the City. All such structures must be adequately lifted and ventilated and kept in a clean and sanitary condition.
 - d. No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal 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 animal from exiting the structure.
7. Signs. The owner or keeper shall display a sign on his/her premises that there is a dangerous animal on the property and which bears a symbol warning children of the presence of a dangerous animal. This sign shall be visible and capable of being read from the roadway from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.
8. Leash And Muzzle. A dangerous animal may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must not

7. Editor's Note: Original CC 1990 § 12-57(5)(b), regarding requirements for the offspring born of dangerous animals, was repealed 12-3-2012 by Ord. No. 2728, effective 1-7-2013.

cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.

9. Insurance. The owner or keeper of a dangerous animal shall present to the Police Department proof that the owner or keeper has procured liability insurance in a single incident amount of at least two hundred thousand dollars (\$200,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal covering the twelve-month period during which licensing is sought. An effective insurance policy with the coverage and in the amounts specified herein must be maintained by the owner or keeper at all times. This policy shall contain a provision requiring the City of Chesterfield receive ten (10) days' written notice by the insurance company prior to any cancellation, termination or expiration of the policy.
10. Photographs. All owners or keepers of dangerous animals must, within ten (10) days of such classification, provide the Police Department with two (2) color photographs (one (1) showing the left profile and the other showing the right profile) of the animal, clearly showing the color, distinguishing markings and approximate size of the animal.
11. Compliance, Violations And Penalties.
 - a. It shall be unlawful for the owner or keeper of a dangerous animal within the City of Chesterfield to fail to comply with requirements and conditions set forth in this Section. Any animal found to be in violation of Sections 205.300 through 205.340 or this Section may be, in addition to other penalties provided by the Municipal Code, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this Section, whichever is shorter.
 - b. Any person found guilty of violation of any provision of this Section shall be, for each offense, fined not more than one thousand dollars (\$1,000.00) or be punished by imprisonment in jail not to exceed twelve (12) months or be punished by both fine and imprisonment.
 - c. In addition to any penalty as provided above, the court shall order the registration of the subject dangerous animal revoked and the animal removed from the City. Should the defendant refuse to remove the animal from the City, the Municipal Court Judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Section shall pay all expenses, including shelter, food, handling, veterinary care and testimony, necessitated by the enforcement of this Section.

Section 205.360. through Section 205.400. (Reserved)

ARTICLE V

Deer Control Policy And Hunting Regulations**Section 205.410. Definitions.**

[CC 1990 § 5-76; Ord. No. 2217 § 1(1), 11-21-2005; Ord. No. 2952, 6-5-2017]

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

ARCHERY DEVICE — Any longbow or compound bow.

CROSSBOW — A device for discharging quarrels, bolts, or arrows, formed of a bow set cross-wise on a stock, usually drawn by means of a mechanism and discharged by the release of a trigger.

FIREARM —

1. The term "firearm" as is used in this Ordinance means any rifle, shotgun, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles through a gun barrel, tube, pipe, cylinder or similar device by the action of any explosive. The term "firearm" shall not apply to devices used exclusively for commercial, industrial or vocational purposes.
2. The term "projectile weapon" means 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.

UNDER THE INFLUENCE — Under the influence shall be defined by the state regulation applied to motor vehicle operation.

Section 205.420. Hunting Regulations Within The City Limits.

[CC 1990 § 5-77; Ord. No. 2217 § 2, 11-21-2005; Ord. No. 2952, 6-5-2017]

- A. Regulation of hunting within the corporate limits of the City of Chesterfield during deer hunting season set by the Department of Conservation or such other specific time authorized by the City of Chesterfield.
 1. Discharging or releasing arrows from Archery Devices, or crossbows, within the city limits is limited to hunting permitted under this Ordinance.
 2. Prior to any hunting activity under this section, the property owner shall notify the Chesterfield Police Department of his or her intent to hunt on his or her property. The notification shall include the names of all property owners, the address of the proposed hunt property, the dates of the proposed hunt, and the names of all proposed hunters. In addition to the foregoing, the property owner shall complete a Notification of Intent to Hunt form and return said form to the Police Department prior to engaging in or permitting any hunting activity on his or her property.
 3. Prior to the engagement of any hunting activity, the property owner shall provide to the Police Department, a certificate of insurance or indemnity bond providing evidence of a policy of liability insurance and/or indemnity bond in an amount

not less than one million dollars (\$1,000,000.00) per occurrence insuring or bonding the property owner and/or the designated hunter. The indemnity of the property owner and the hunter may be combined to reach the minimum limits mandated by this sub-paragraph. Said liability insurance and/or indemnity bond shall provide insurance coverage and/or indemnity for all claims for damages resulting from any act of negligence of the designated hunter or by any agent, assign, employee, independent contractors, or licensee of the designated hunter.

4. All current laws of the State of Missouri as regards to the regulations of hunting shall be obeyed within the corporate limits of Chesterfield.
5. The hunt shall conform to all state regulations as defined by the Missouri Department of Conservation.
6. **Permission To Hunt.**
 - a. It shall be unlawful for any person carrying an archery device of any type, to knowingly enter into the premises of another, or to discharge any of the aforesaid devices while on the premises or property of another without first having obtained permission in writing from the owner, lessee, or person in charge of such premises or property. The duly obtained written permission shall be carried on the person of the hunter requesting and receiving such permission. This Section shall not apply to a person carrying, or discharging such a device while in the immediate presence of the owner, lessee, or person in-charge of said premises or property.
 - b. In addition to the requirements set forth herein, it shall be at the discretion of the owner, lessee, or person in-charge of any premises or property to set the parameters under which any person may hunt upon any such premises or property under the control of the owner, lessee, or person in-charge.
 - c. The hunter on any property upon which the permission to hunt has been granted, shall be held responsible for the actions of those persons to whom such permission has been granted by the landowner, lessee, or person in-charge.
 - d. No person without lawful authority, or without the expressed or implied consent of the owner, lessee or his agent, shall enter any building or enter upon any enclosed or improved real estate, lot or parcel of ground in the City of Chesterfield; or being upon the property of another, shall fail or refuse to leave such property when requested to do so by owner, lessee, or person in-charge of said property.
 - e. Contiguous neighbors must be notified in writing by the property owner and the property owner must be able to show the appropriate documentation of receipt of the notification of the approximate date and time period of the hunt. For purposes of this sub-section, contiguous shall mean any adjoining property that shares a common property line (or point) with the lot on which the proposed hunt shall occur. Lots separated by streets, common areas, or other public thoroughfares shall not be considered contiguous.

7. In addition to any requirements imposed by Missouri Department of Conservation regulations, any individual who successfully harvests a deer during a hunt must report the hunter's name, sex of the deer, and the location of the harvest within two (2) business days by calling Chesterfield Police Department during normal business hours or by delivering written notification to the Police Department.
8. Prior to discharging an archery device intended to be used for hunting, it shall be the hunter's responsibility to permanently mark each arrow or other projectile with his or her Missouri Department of Conservation identification number.
9. Nothing in this Deer Control Policy shall authorize the parking or standing of vehicles on private property without the consent of the property owner or to park a vehicle in any manner otherwise prohibited by the City Code. All hunters shall park their vehicles on the same property on which they are hunting.
10. Prior to hunting within the city limits of Chesterfield, every individual seeking to hunt shall provide a certificate of completion of an archery device hunter safety course as approved or provided by the Missouri Department of Conservation.

Section 205.430. Specific Actions Prohibited/Required.

[CC 1990 § 5-78; Ord. No. 2217 § 3, 11-21-2005; Ord. No. 2952, 6-5-2017]

- A. It shall be unlawful for any person to discharge any archery device across any street, sidewalk, road, highway or playground.
- B. It shall be unlawful for any person to discharge an archery projectile, at or in the direction of any person, vehicle, dwelling, house, church, school, playground or building.
- C. It shall be unlawful any person to discharge an archery device within one hundred fifty (150) yards of any church, school, or playground. It shall be unlawful for any person to discharge an archery device within thirty (30) yards of any dwelling, building, structure, or vehicle, unless the hunter has previously received express authority to discharge the archery device within thirty (30) yards from the owner of the dwelling, building, structure, or vehicle.
- D. No arrow or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land on public or private property other than the property on which the hunt has been authorized.
- E. No arrow or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land within seventy-five (75) feet of any front-yard property line.
- F. No arrow or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land within fifty (50) feet of any street or public-right of way.
- G. All hunting shall be conducted from an elevated position that is at least ten (10) feet in height and faces the interior of the property. The elevated position (deer stand) shall be located in such a way as to direct arrows towards the interior of the property and to

prevent any arrow from landing any closer than twenty-five (25) feet from any side or rear property line. No arrow shall be shot from a distance greater than twenty (20) yards.

- H. No hunting is authorized on tracts of land under one half (1/2) acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Sections (e) and (g) herein. All other provisions of the Deer Control Policy shall apply to combined lots.
- I. It shall be unlawful for any person under the age of eighteen (18) years old to hunt deer within the city limits of Chesterfield.
- J. No person shall possess, consume or be under the influence of alcohol or any other controlled substance while engaged in hunting activities within the city limits of Chesterfield.

Section 205.440. Deer Retrieval.

[CC 1990 § 5-79; Ord. No. 2217 § 4, 11-21-2005; Ord. No. 2952, 6-5-2017]

- A. Any person who kills or injures any deer while hunting shall make a reasonable search to retrieve the deer and take it into his or her possession.
- B. This section does not authorize the act of trespass.
- C. It shall be the hunter's responsibility to immediately notify any property owner, other than the specific property owner who previously authorized the hunt, of the fact that an injured or dead deer is located on his or her property.
- D. It shall be the hunter's responsibility to obtain the permission of any property owner upon which an injured or dead deer is located prior to engaging in a reasonable search and retrieval of the deer.
- E. In the event that a hunter cannot obtain the permission of a property owner to conduct a reasonable search and retrieval of an injured or dead deer, the hunter shall immediately notify the Missouri Department of Conservation.

Section 205.450. Field Cleaning.

[CC 1990 § 5-80; Ord. No. 2217 § 5, 11-21-2005; Ord. No. 2952, 6-5-2017]

- A. Any person who kills any deer while hunting shall follow all Missouri Department of Conservation guidelines regarding field dressing and processing of the animal.
- B. Any person who kills any deer while hunting shall take all precautionary measures to avoid field dressing the deer in a public or conspicuous location.
- C. Any person who field dresses or otherwise processes a deer shall properly dispose of the discarded organs and/or body parts in plastic bags in private trash depositories, or by other appropriate means. Nothing contained herein shall authorize the illegal dumping of solid waste or authorize the illegal dumping of bio-hazardous waste.

Section 205.460. Penalty For Violation.**[CC 1990 § 5-81, Ord. No. 2952, 6-5-2017]**

- A. Any person, entity, or group of individuals who shall perform an act in violation of this section, or who shall fail to follow the rules and/or regulations contained in this section, shall be deemed to have committed a misdemeanor.
- B. The penalty for violating any provision of this section shall be the assessment of a fine up to one thousand dollars (\$1,000.00) per violation. In addition to any fine imposed herein, the Municipal Court shall have authority to issue a sentence of confinement in jail up to a period of ninety (90) days per violation. Each individual violation may be punishable separately as determined by the Municipal Judge.

Section 205.470. through Section 205.510. (Reserved)

ANIMALS AND FOWL

205 Attachment 1

City of Chesterfield

Suggested Actions for Property Owner Authorizing a Deer Hunt on Their Property

- 1) Contract with an experienced archery hunter aged eighteen (18) or older (as directed by City Ordinance).
- 2) Obtain a commitment from the hunter of his/her willingness to harvest does.
- 3) Verify the hunter's liability insurance.
- 4) Verify your liability insurance [as directed by City Ordinance, i.e., the insurance requirement of one million dollars (\$1,000,000.00) can be a combination of five hundred thousand dollars (\$500,000.00) held by the hunter and five hundred thousand dollars (\$500,000.00) by the property owner].
- 5) Review with hunter the tree stand location to ensure it will provide for shooting down only (as directed by City Ordinance).
- 6) Determine how close the deer are to be before an arrow is released. Remind hunters the maximum distance is twenty (20) yards.
- 7) Have the hunter sign a liability release for any damage that might occur to him/her while on your property. Review with the hunter any hazards on your property, i.e. sink holes, etc. including walking path easements. A map with these areas indicated may be appropriate.
- 8) Notification of neighbors (as directed by City Ordinance).
- 9) Verify hunter has a state license.
- 10) Hunter must at all times carry written permission from landowner to hunt.
- 11) Hunter's vehicle is to be parked on landowners' property (refer to City Ordinance for details).
- 12) It is suggested only one (1) hunter be on your property at any given time.
- 13) Be sure the hunter knows and understands your boundary lines.
- 14) Reach understanding on what disposition will be made of any wayward arrows. Verify the hunter's arrows are identified with his/her nine-digit Missouri Department of Conservation identification number (refer to City Ordinance for details).
- 15) Get a commitment for disposition of harvested deer, i.e., will the hunter assume all responsibility including costs? (refer to City Ordinance for details).
- 16) Suggested questions to ask hunters:
 - Verify hunter has received a copy of the City Ordinance.
 - How long have you been hunting deer?
 - Have you harvested deer in the past?
 - Have you completed a hunter safety course?
 - Do you possess the proper permits?
 - How many deer did you harvest last year? How many were does?
 - How many deer are you willing to take?
 - Are you willing to take antlerless deer?
 - When will you be hunting? What dates? Morning? Evening? Weekday? Weekend?
 - Are you going to call before hunting?
 - Will you be bringing anyone with you?
 - Who should I call in case of emergency?
 - What kind of car do you drive?

ANIMALS AND FOWL

205 Attachment 2

City of Chesterfield

Notification of Intent to Hunt

The undersigned property owner, after having the opportunity to fully read and understand the City of Chesterfield Deer Control Policy, hereby notifies the City of Chesterfield Police Department of his/her intent to permit archery hunting on the following property:

Owner's Name(s) _____ Phone # _____

Hunter Name(s) _____ Phone # _____

Address(es) _____

Address(es) of Property to be hunted _____

Dates of Proposed Hunt _____

The Property owner(s) further certifies the following:	YES	NO
I (We) have provided a certificate of insurance in the aggregate amount of one million dollars (\$1,000,000.00) to the Police Department which provides liability coverage for the hunting activity?	_____	_____
I (We) have reviewed and understand the regulations of the Deer Control Policy	_____	_____
I (We) have provided a certificate of completion of an archery device hunter safety course as approved or provided by the Missouri Department of Conservation.	_____	_____
I (We) have received a copy of "Suggested Actions for Property Owners".	_____	_____
All hunters on my property shall be at least eighteen (18) years of age.	_____	_____
The property on which the hunt shall occur consists of at least one-half (1/2) acre or a combination of more than one (1) property owner.	_____	_____
I (We) shall notify all contiguous property owners of the hunt.	_____	_____
I (We) or my designated agent (i.e., hunter), shall notify the Chesterfield Police Department within two (2) business days of any deer harvested.	_____	_____

If more than one property is involved in a combined hunt, all property owners must sign the indemnity clause and waiver below.

INDEMNITY CLAUSE AND WAIVER

I/We, _____, and my heirs, successors and assigns, in consideration of being authorized to hunt within the corporate limits of the City of Chesterfield, agree to abide by the terms and conditions of the Deer Control Policy, as well as all State regulations concerning deer hunting, and I further agree to indemnify and hold harmless the City of Chesterfield, for any and all claims which may arise from the hunting activity on my property, whether such claim is based on property damage or personal injury, or whether or not the claim is based on my activity, the activity of my agents or assigns, or if the claim arises on property other than my own, including acts of negligence, and I further agree that this indemnity clause includes the reimbursement to the City of Chesterfield for any and all costs of defense, including court costs and attorney fees, in the event that the City is named as a defendant.

Signature

Date

Signature

Date

ANIMALS AND FOWL

205 Attachment 3

City of Chesterfield

**Procedural List For Hunting Season
(For Police Department Use Only)**

- Accept from homeowner only - signed/dated *Notification of Intent to Hunt* form confirming that all questions asked were checked affirmatively.
- Ask the person submitting *Notification of Intent to Hunt* if the homeowner and/or they are familiar with all requirements of the Chesterfield Ordinance.
- Confirm that included in the submittals or previous submittals is sufficient insurance coverage.
- Confirm that included in the submittals or previous submittals is information regarding the hunter, i.e. name; address; make, model and year of their automobile that might be parked at the authorizing party's home; bowhunter's certification. The certification number is not to be published. This information is to be provided to the Captain of Police Operations.
- If a request is made for information about the hunter, only the name and address will be provided.
- If someone calls to complain about someone hunting on property adjacent to their property and they were not notified of this intent to hunt, have them fill out the Deer Hunt Complaint Form. An investigation will be made regarding the complaint by the appropriate authority, i.e. police, City Attorney, Department of Conservation, etc.

ANIMALS AND FOWL

205 Attachment 4

City of Chesterfield

**Neighborhood Policy
Deer Hunting**

Contiguous Neighbor Notification

I have been notified in writing by:

(Name)

(Address)

That they plan to bow hunt on their property during archery season September 15, 20____ -
January 15, 20____.

The hunter(s) having permission to hunt in accordance with Chesterfield Ordinance 2217.

() May

() May Not

Enter my property for the sole purpose of deer retrieval.

Name

Address

Date

Chapter 210**OFFENSES****ARTICLE I
In General**

- Section 210.010. Use Of Skateboards, Roller Blades And In-Line Skates On Private Property.**
- Section 210.020. False Reports.**
- Section 210.030. Resisting Or Interfering With Arrest, Detention Or Stop.**
- Section 210.040. False Impersonation.**
- Section 210.050. Fleeing Or Attempting To Elude A Police Officer.**
- Section 210.060. Attempting To Commit An Offense.**
- Section 210.070. Passing Bad Checks.**
- Section 210.080. through Section 210.160. (Reserved)**

**ARTICLE II
Minors****Division 1
Generally**

- Section 210.170. Curfew — Established — Exceptions.**
- Section 210.180. Curfew — Violation.**
- Section 210.190. Curfew — Responsibility Of Parent, Guardian, Etc.**
- Section 210.200. through Section 210.250. (Reserved)**

**Division 2
Endangering The Welfare Of A Child**

- Section 210.260. Endangering The Welfare Of A Child.**

Section 210.270. Failure To Exercise Authority Over Child.

Section 210.280. through Section 210.340. (Reserved)

**ARTICLE III
Offenses Against Morals**

- Section 210.350. Indecent Exposure.**
- Section 210.360. Public Display Of Obscene Material Or An Obscene Performance.**
- Section 210.370. through Section 210.400. (Reserved)**

**ARTICLE IV
Offenses Against Persons**

- Section 210.410. Assault.**
- Section 210.420. Harassment.**
- Section 210.430. Arrest For Violation Of Order — Penalties — Good Faith Immunity For Law Enforcement Officials.**
- Section 210.440. Stalking — Definitions.**
- Section 210.450. through Section 210.490. (Reserved)**

**ARTICLE V
Offenses Against Property**

- Section 210.500. Stealing.**
- Section 210.510. Trespassing.**
- Section 210.520. Property Damage.**
- Section 210.530. Vandalism.**
- Section 210.540. Destruction Of City Property.**
- Section 210.550. Failure To Return Rented Personal**

CHESTERFIELD CITY CODE

- Property —
Enforcement
Procedure —
Penalty — Venue.
- Section 210.560. Property Damage By
Negligent Burning Or
Exploding.
- Section 210.570. Receiving Stolen
Property.
- Section 210.580. Littering.
- Section 210.590. Vandalizing Public,
Private And
Abandoned Family
Cemeteries.
- Section 210.600. Vandalizing Local,
State And/Or Federally
Designated Historical
Site(s).
- Section 210.610. Possession Of
Prohibited Theft
Devices.
- Section 210.620. Tampering.
- Section 210.630. Unlawful Use Of A
Credit Card Or Debit
Card.
- Section 210.640. through Section
210.680. (Reserved)

ARTICLE VI

Offenses Against Public Peace

- Section 210.690. Disturbing The Peace.
- Section 210.700. Unlawful Assembly Or
Refusal To Disperse.
- Section 210.710. Unnecessary Noise —
Unlawful.
- Section 210.720. Unnecessary Noise —
Permit For Outdoor
Events.
- Section 210.730. through Section
210.790. (Reserved)

ARTICLE VII

Offenses Concerning Drugs

- Section 210.800. Possession Of
Marijuana.

- Section 210.810. Possession Or Control
Of A Controlled
Substance.
- Section 210.820. Limitations On The
Retail Sale Of
Methamphetamine
Precursor Drugs.
- Section 210.830. Unlawful Use Of Drug
Paraphernalia.
- Section 210.840. Inhalation Or Inducing
Others To Inhale
Solvent Fumes To
Cause Certain
Reactions,
Prohibited —
Exceptions.
- Section 210.850. Inducing, Or Possession
With Intent To Induce,
Symptoms By Use Of
Solvents And Other
Substances, Prohibited.
- Section 210.860. Possession Or Purchase
Of Solvents To Aid
Others In Violations,
Prohibited —
Violations Of Sections
210.840 To 210.850 —
Penalty.
- Section 210.870. through Section
210.920. (Reserved)

ARTICLE VIII

Offenses Concerning Weapons And
Firearms

- Section 210.930. Definitions.
- Section 210.940. Weapons — Carrying
Concealed — Other
Unlawful Use.
- Section 210.950. Possession,
Manufacture,
Transport, Repair, Sale
Of Certain Weapons.
- Section 210.960. Defacing Firearm.
- Section 210.970. Unlawful Transfer Of
Weapons.

OFFENSES

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Section 210.1420. Prostitution.

Section 210.1430. through Section 210.1650. (Reserved)

Cross References: As to department of law to prosecute violations of codes and ordinances of the city, § 120.150; as to solicitors to obey "no trespassing or soliciting allowed" signs, § 605.320; as to municipal court, ch. 130; as to nuisances, ch. 215; as to police, ch. 200.

State Law Reference: Crimes and punishment, ch. 556 et seq., RSMo.

**ARTICLE I
In General**

Section 210.010. Use Of Skateboards, Roller Blades And In-Line Skates On Private Property.

[CC 1990 § 21-1; Ord. No. 153 §§ 1 — 2, 8-15-1988; Ord. No. 1275 §§ 1 — 3, 6-16-1997]

- A. It shall be unlawful for any person upon a skate board, roller blades, in-line skates, coaster, sled, toy vehicle or similar device to go upon a private driveway or on a private lot or on private property without express consent of the owner or other person in lawful charge of such driveway, parking lot or property.
- B. For the purpose of this Section, "private driveway", "private parking lot" and "private property" means any driveway, parking lot or property other than public streets and including any other driveway, parking lot or property even if owned by a governmental entity.

Section 210.020. False Reports.¹

- 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;

1. Cross Reference: As to police, ch. 200.

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, Fire District 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 210.030. Resisting Or Interfering With Arrest, Detention Or Stop.²

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

2. Cross Reference: As to police, ch. 200.

State Law Reference: Similar provisions, § 575.150, RSMo.

Section 210.040. False Impersonation.³

- A. A person commits the offense of false impersonation if such person:
1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon his/her pretended official authority.
 2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation.
 3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, ordinance violation, misdemeanor or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.
- B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney, bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.
- C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

3. Cross Reference: As to police, ch. 200.

State Law Reference: Similar provisions, § 575.120, RSMo.

Section 210.050. Fleeing Or Attempting To Elude A Police Officer.⁴**[CC 1990 § 21-5; Ord. No. 83 § 1, 6-1-1988; Ord. No. 940 §§ 1 — 2, 8-15-1994]**

It shall be unlawful for any person operating a vehicle to willfully fail to refuse to bring his/her vehicle to a stop or who otherwise flees or attempts to elude a pursuing police vehicle when given visual and audible signals to bring the vehicle to a stop. The signals given by the Police Officer shall be by emergency light and siren.

Section 210.060. Attempting To Commit An Offense.**[CC 1990 § 21-6; Ord. No. 219 §§ 1 — 2, 12-5-1988]**

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

Section 210.070. Passing Bad Checks.⁵

- 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.

4. Cross References: As to motor vehicles and traffic, Title III; as to police, ch. 200.

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

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 210.080. through Section 210.160. (Reserved)

ARTICLE II

Minors⁶

Division 1

Generally

Section 210.170. Curfew — Established — Exceptions.

[CC 1990 § 21-26; Ord. No. 71 § 1, 6-1-1988]

It shall be unlawful for any minor under the age of seventeen (17) years to loiter, wander, stroll or to drive or ride in an automobile or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or public grounds, public places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 6:00 A.M. of the following day official City time except on Fridays and Saturdays when the hours shall be 12:00 A.M. Midnight to 6:00 A.M. of the following day official City time; provided however, that the provisions of this Section do not apply to a minor accompanied by his/her parent, guardian or other adult person having the care and custody of the minor or where a minor is upon an emergency errand or legitimate business directed by his/her parent, guardian or other adult person having the care and custody of the minor.

Section 210.180. Curfew — Violation.

[CC 1990 § 21-27; Ord. No. 71 § 2, 6-1-1988]

Any minor apprehended in violation of Section 210.170 will be referred to the County Juvenile Court.

6. Cross References: As to alcoholic beverages, ch. 600; as to furnishing intoxicating liquor to drunkards or intoxicated persons, § 600.210; as to purchase or possession of intoxicating liquor by minor, § 600.190; as to employment of minors by liquor license holders, § 600.190; as to misrepresentation of age by minor for purposes of purchasing or receiving intoxicating liquor, § 600.190; as to assisting minor in falsification of age, § 600.195; as to leaving children in vehicles, § 340.140; as to age limit of motor vehicle operators, § 380.010; as to child restraints in motor vehicles for children under four (4), exceptions, § 370.300; as to offenses concerning tobacco, §§ 210.1090 et seq.

Section 210.190. Curfew — Responsibility Of Parent, Guardian, Etc.⁷**[CC 1990 § 21-28; Ord. No. 222 § 1, 12-5-1988]**

No parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years shall allow or permit such minor to violate this Article relating to curfew.

Section 210.200. through Section 210.250. (Reserved)

Division 2

Endangering The Welfare Of A Child**Section 210.260. Endangering The Welfare Of A Child.**

- A. A person commits the offense of endangering the welfare of a child if:
1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
 2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
 3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
 4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.; or
 5. He/she operates a vehicle in violation of Subdivision (2) or (3) of Subsection (1) of Section 565.024, RSMo., or Subdivision (4) of Subsection (1) of Section 565.060, RSMo., or Sections 342.010 or 342.020 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.

7. Cross References: As to furnishing intoxicating liquor to minors, § 600.190; as to assisting minor in falsification of age, § 600.195; as to sale of cigarette papers prohibited, § 210.1160.

Section 210.270. Failure To Exercise Authority Over Child.**[CC 1990 § 21-32; Ord. No. 668 § 3, 4-6-1992]**

For purposes of this Division, failure to exercise reasonable diligence shall include activities to include, but not be limited to, a person's property, vehicle, place of employment or any location a person may be reasonably expected to exercise authority over a child and prohibited activities shall include, but are not limited to: curfew violations, truancy, runaway, incorrigibility, injurious behavior, loitering, smoking, possession of tobacco, profanity, possession of obscene materials, gambling, possession of liquor and possession of any controlled substance.

Section 210.280. through Section 210.340. (Reserved)

ARTICLE III
Offenses Against Morals

Section 210.350. Indecent Exposure.⁸**[CC 1990 § 21-36; Ord. No. 54 § 1, 6-1-1988]**

A person commits the ordinance violation of indecent exposure if he/she exposes his/her genitals under circumstances which he/she knows that his/her conduct is likely to cause affront or alarm.

Section 210.360. Public Display Of Obscene Material Or An Obscene Performance.**[CC 1990 § 17-170; Ord. No. 2267 §§ 1 — 4, 5-15-2006]**

- A. Definitions. For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HARMFUL TO MINORS — The quality of any description or representation, in whatever form, of nudity, sexual conduct or sexual excitement, when it:

- a. Predominately appeals to the prurient, shameful or morbid interest of minors in sex; and
- b. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and
- c. Taken as a whole, excepting a cover which shall stand alone, lacks serious literary, artistic, political or scientific value.

KNOWINGLY — Having a general knowledge of or reason to know or a belief or ground for belief, which warrants further inspection or inquiry or both:

⁸ State Law Reference: Similar provisions, § 566.130, RSMo.

- a. The character and content of any material which is reasonably susceptible of examination by the defendant; and
- b. The age of the minor, provided however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

MINOR — Any person under the age of eighteen (18) years.

NUDITY — The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernible turgid state.

OBSCENE — Any material or performance is obscene, if:

- a. The average person, applying contemporary adult community standards, would find that, taken as a whole, the material or performance appeals to the prurient interest in sex; and
- b. The average person, applying contemporary adult community standards, would find that, taken as a whole, the material or performance depicts, describes or portrays in a patently offensive way human sexual intercourse, sodomy, bestiality, oral copulation, masturbation, urinary and defecatory functions, sadism, masochism, sado-masochistic abuse, lewd exhibition of the genitals or any touching of the genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification; and
- c. The reasonable person, when taking the material or performance as a whole, would find that it lacks serious social, literary, artistic, political or scientific value.

PERFORMANCE — Any play, motion picture, dance or other exhibition performed before an audience.

SEXUAL CONDUCT — Includes any of the following depicted sexual conduct:

- a. Any act of sexual intercourse, actual or simulated, including genital-genital, anal-genital or oral-genital intercourse, whether between human beings or between human beings and an animal.
- b. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound or otherwise physically restricted on the part of one (1) so clothed.
- c. Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.
- d. Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female or the breasts of the female, whether alone or between members of the same sex or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

- e. Published or printed material depicting an act of sexual assault where physical violence or drugs are employed to overcome the will of or achieve the consent of a person to an act of sexual conduct and the effects or results of the violence or drugs are shown.

SEXUAL EXCITEMENT — The condition of human male or female genitals when in a state of sexual stimulation or arousal.

- B. Public display of obscene sexual material or an obscene performance is unlawful. A person is guilty of the public display of obscene sexual material or an obscene performance when, with knowledge of its character and content, he/she displays or permits to be displayed in or on any window, showcase, newsstand, display rack, stage, performance area, public space, wall, door, billboard, display board, viewing screen, moving picture screen, marquee or similar place, in such a manner that the display is easily visible from or in any public street, sidewalk or thoroughfare; transportation facility; or any place accessible to members of the public and including, but not limited to, schools, bars, restaurants, clubs, places of amusement, parks and playgrounds but excluding rooms or apartments designed for actual residence — no display in these rooms, however, may be displayed in a manner that would make the material easily visible from a public street, sidewalk or thoroughfare; any performance, pictorial, three-dimensional or other visual representation of a person or a portion of the human body that is obscene and that:
 1. Depicts nudity or actual or simulated sexual conduct; or
 2. Depicts or appears to depict nudity or actual or simulated sexual conduct, with the area of the male or female subject's unclothed or apparently unclothed genitals, pubic area or buttocks or of the female subject's unclothed or apparently unclothed breast, unless obscured by a covering or mark placed or printed on or in front of the material displayed or obscured or altered in any other manner.
- C. It is unlawful for any person commercially and knowingly to exhibit, display, sell, offer to sell, give away, circulate, distribute or attempt to distribute any material which is harmful to minors in its content in any place where minors are or may be present or allowed to be present and where minors are able to view such materials unless each item of such material is at all times kept in a sealed wrapper.
 1. It is also unlawful for any person commercially and knowingly to exhibit, display, sell, offer to sell, give away, circulate, distribute or attempt to distribute any material whose cover, covers or packaging, standing alone, is harmful to minors in any place where minors are or may be present or allowed to be present and where minors are able to view such material unless each item of such materials is blocked from view by an opaque cover. The requirement of opaque cover shall be deemed satisfied concerning such material if those portions of the cover, covers or packaging containing such materials harmful to minors is blocked from view by an opaque cover.
 2. The provisions of this Section shall not apply to distribution or attempt to distribute by the exhibition, display, sale, offer of sale, circulation, giving away of material harmful to minors where such material is sold, exhibited, displayed, offered for sale, given away, circulated, distributed or attempted to be distributed

under circumstances where minors are not present, not allowed to be present or are not able to view such materials or the cover, covers or packaging of such material. Any business may comply with the requirements of this clause by physically segregating such material in a manner so as to physically prohibit the access to and view of the material by minors, by prominently posting at the entrance(s) to such restricted area "Adults Only — You must be eighteen (18) to enter" and by enforcing said restrictions.

3. All acts of distribution or attempt to distribute by the exhibition, display, sale, offer of sale, circulation, giving away of material harmful to minors where such material is sold, exhibited, displayed, offered for sale, given away, circulated, distributed or attempted to be distributed under circumstances where minors are not present, not allowed to be present or are not able to view such materials or the cover, covers or packaging of such material shall take place only in such areas as are permitted pursuant to Chapter 605, Article VII.

D. The following are exempt from criminal or other action hereunder:

1. Recognized and established schools, religious institutions, museums, medical clinics and physicians, hospitals, public libraries, governmental agencies or quasi-governmental sponsored organizations, and persons acting in their capacity as employees or agents of such organization. For the purpose of this Section, "recognized and established" shall mean an organization or agency having a full-time faculty and diversified curriculum in the case of a school; a religious institution affiliated with a national or regional denomination; a licensed physician or psychiatrist or clinic of licensed physicians or psychiatrists; and in all other exempt organizations shall refer only to income tax exempted organizations which are supported in whole or in part by tax funds or which receive at least one-third (1/3) of their support from publicly donated funds.
2. Individuals in a parental relationship with the minor.

Section 210.370. through Section 210.400. (Reserved)

ARTICLE IV Offenses Against Persons

Section 210.410. Assault.⁹

- A. A person commits the offense of assault if:
1. The person attempts to cause or recklessly causes physical injury to another person;
 2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon;

⁹ State Law Reference: Similar provisions, § 565.070, RSMo.

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

Section 210.420. Harassment.¹⁰

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

¹⁰. State Law Reference: Similar provisions, § 565.090, RSMo.

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

Section 210.430. Arrest For Violation Of Order — Penalties — Good Faith Immunity For Law Enforcement Officials.

- A. When a Law Enforcement Officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in Section 455.010, RSMo., against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this Subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any Law Enforcement Officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this Subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this Subsection.
- B. When a Law Enforcement Officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this Subsection.
- C. When an officer makes an arrest he or she is not required to arrest two (2) parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party he or she believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The Law Enforcement Officer shall consider any or all of the following in determining the primary physical aggressor:
1. The intent of the law to protect victims of domestic violence from continuing abuse;
 2. The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
 3. The History Of Domestic Violence Between The Persons Involved. No law enforcement officer investigating an incident of family violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two (2) or more opposing parties, the officer shall evaluate each complaint separately to determine whether he or she should seek a warrant for an arrest.

- D. In an arrest in which a Law Enforcement Officer acted in good faith reliance on this Section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.
- E. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the Law Enforcement Officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.
- F. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.
- G. A violation of the terms and conditions, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, of an ex parte order of protection of which the respondent has notice, shall be an ordinance violation.
- H. A violation of the terms and conditions, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, of a full order of protection shall be an ordinance violation. For the purposes of this Subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection presented a copy of the order of protection to the respondent.
- I. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under Section 575.270, RSMo.
- J. Nothing in this Section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

Section 210.440. Stalking — Definitions.

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

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

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

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

- B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.
- C. The offense of stalking shall be an ordinance violation unless the person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Section.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.
- E. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

Section 210.450. through Section 210.490. (Reserved)

ARTICLE V Offenses Against Property¹¹

Section 210.500. Stealing.¹²

[CC 1990 § 21-56; Ord. No. 61 § 1, 6-1-1988]

A person commits the ordinance violation 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.

Section 210.510. Trespassing.¹³

[CC 1990 § 21-57; Ord. No. 62 § 1, 6-1-1988; Ord. No. 2085 § 1, 5-3-2004]

- A. A person commits the offense of trespass if he/she knowingly enters unlawfully or knowing remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

11. Cross References: As to illegal hunting or taking of game, § 205.010; as to animals at large, §§ 205.110 et seq.; as to crossing over property to avoid traffic control devices, § 340.260; as to motor-propelled vehicles prohibited on private property without consent, § 340.270; as to automobile trespass prohibited, § 355.150.

12. State Law Reference: Similar provisions, § 570.030, RSMo.

13. State Law Reference: Similar provisions, § 569.140, RSMo.

1. Actual communication to the actor; or
2. Posting in a manner reasonably likely to come to the attention of intruders.

C. Definitions. As used in this Section, the following terms mean:

ENTER UNLAWFULLY OR REMAIN UNLAWFULLY — 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/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.

INHABITABLE STRUCTURE —

- a. Includes a ship, trailer, sleeping car, airplane or other vehicle or structure:
 - (1) Where any person lives or carries on business or other calling; or
 - (2) Where people assemble for purposes of business, government, education, religion, entertainment or public transportation; or
 - (3) Which is used for overnight accommodation of persons.
- b. Any such vehicle or structure is "inhabitable" regardless of whether a person is actually present.

OF ANOTHER —

- a. Property is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein.
- b. If a building is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another".

Section 210.520. Property Damage.¹⁴

- 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.

¹⁴. State Law Reference: Similar provisions, § 569.120, RSMo.

Section 210.530. Vandalism.**[CC 1990 § 21-59; Ord. No. 64 § 1, 6-1-1988]**

It shall be unlawful for any person to commit any act of vandalism by intentionally defacing, marring, discoloring or damaging any property of others, public or private, real or personal, in the City.

Section 210.540. Destruction Of City Property.¹⁵**[CC 1990 § 21-60; Ord. No. 65 § 1, 6-1-1988]**

No person shall intentionally deface, mar, discolor or damage any City-owned property.

Section 210.550. Failure To Return Rented Personal Property — Enforcement Procedure — Penalty — Venue.

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another, who conceals the property from the owner or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded

15. Cross Reference: As to city administrator responsible for city property, § 110.590.

for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten-day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 210.520 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 210.560. Property Damage By Negligent Burning Or Exploding.¹⁶

[CC 1990 § 21-62; Ord. No. 221 § 1, 12-5-1988]

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 210.570. Receiving Stolen Property.

- A. A person commits the offense of receiving stolen property if, for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:
 - 1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
 - 2. He/she received other stolen property in another transaction within the year preceding the transaction charged;

¹⁶. Cross References: As to fire prevention and protection, ch. 203.

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 210.580. Littering.

[CC 1990 § 21-64; Ord. No. 374 § 1, 11-6-1989]

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

Section 210.590. Vandalizing Public, Private And Abandoned Family Cemeteries.

[CC 1990 § 21-65; Ord. No. 585 §§ 1 — 2, 6-17-1991; Ord. No. 1365 § 1, 1-21-1998]

- A. Pursuant to the authority granted to the City of Chesterfield by Section 214.010, RSMo., as amended, it shall be an offense for any individual who knowingly destroys, mutilates, disfigures, defaces, injures or removes any tomb, monument or gravestone or other structure placed in a public, private, abandoned family cemetery or private burying ground or any fence railing or other work for the protection or ornamentation of any such cemetery or place of burial of any human being or tomb, monument or gravestone, memento or memorial or other structure aforesaid or of any lot within such cemetery.
- B. As used in this Section, "abandoned family cemetery or private burying ground" shall include those cemeteries or burying grounds which have not been deeded to the public and in which no body has been interred for at least ten (10) years.

Section 210.600. Vandalizing Local, State And/Or Federally Designated Historical Site(s).

[CC 1990 § 21-66; Ord. No. 586 § 1, 6-17-1991]

A person commits the offense of vandalism by knowingly destroying, mutilating, disfiguring, defacing, injuring or otherwise damaging any local, State or Federally designated historic site(s) or those designated on any National Register of Historic Site(s) within the City limits of the City of Chesterfield.

Section 210.610. Possession Of Prohibited Theft Devices.**[CC 1990 § 21-67; Ord. No. 2491 § 1, 10-6-2008]**

It shall be unlawful to possess any theft detection shielding device, theft detection device remover or other tool, instrument, article, box or bag adapted, modified, constructed, designed or commonly used for committing or facilitating offenses involving theft or shoplifting with the intent to use such item in committing a theft, stealing or shoplifting or with knowledge that some person has the intent to use the same in committing a theft, stealing or shoplifting.

Section 210.620. Tampering.

- A. A person commits the offense of tampering if he/she:
1. Tamper 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. Tamper or makes connection with property of a utility; or
 4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under 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 210.630. Unlawful Use Of A Credit Card Or Debit Card.**[CC 1990 § 21-69; Ord. No. 2553 §§ 1 — 2, 7-20-2009]**

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

CARDHOLDER — The person named on the face of the credit card or debit card to whom or for whose benefit the card is issued.

CREDIT DEVICE — A writing, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

DEBIT DEVICE — A card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients;

- B. A person is guilty of unlawful use of a credit card or a debit card if, with the intent to obtain property or services by fraud, he/she:
1. Uses, receives, takes or obtains a credit card or debit card issued to another person without the consent of the cardholder; or
 2. Uses a credit card or debit card which he/she knows has been revoked, canceled or expired; or
 3. Knowingly uses a falsified, mutilated or altered credit card or debit card; or
 4. Not being the issuer, sells a credit card or debit card or buys a credit card or debit card from a person other than the issuer.

Section 210.640. through Section 210.680. (Reserved)

ARTICLE VI Offenses Against Public Peace¹⁷

Section 210.690. Disturbing The Peace.

[CC 1990 § 21-71; Ord. No. 648 §§ 1 — 2, 2-3-1992; Ord. No. 746 §§ 1 — 2, 12-21-1992; Ord. No. 1048 § 1, 7-17-1995]

- A. Definitions. For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

EVENTS —

- a. Includes parties or gatherings of people who have assembled or are assembling for a specific occasion or for a social activity.
- b. Person responsible for the event is the person in charge of the premises and/or the person who organized the event. If the person in charge of the event or who organized the event is a minor, then the parents or guardians of the minor will be jointly and severally liable for the acts of the minor and considered "persons responsible".

PRIVATE PROPERTY — Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

17. Cross References: As to disturbing council meetings, § 110.400; as to alarm systems, ch. 610; as to motor vehicles horn required, unnecessary use, § 370.170.

State Law Reference: Similar provisions, § 574.010, RSMo.

PROPERTY OF ANOTHER — Any property in which the actor does not have a possessory interest.

PUBLIC PLACE —

- a. Any place that at the time is open to the public. It includes property which is owned publicly or privately.
- b. If a building or structure is divided into separately occupied units, such units are separate premises.

B. Peace Disturbance.

1. A person commits the offense of peace disturbance if:
 - a. He/she unreasonably and knowingly causes alarm to another person or persons not necessarily physically on the same premises by:
 - (1) Personally abusive language addressed in a face-to-face manner to a specific individual and uttered under circumstances such that the words have a direct tendency to cause an immediate fearful or violent response by a reasonable recipient; or
 - (2) Tending to incite a fight; or
 - (3) Fighting.
 - b. He/she is in a public place or on private property of another with or without consent and unreasonably and knowingly causes alarm to another person or persons by:
 - (1) Personally abusive language addressed in a face-to-face manner to a specific individual and uttered under circumstances such that the words have a direct tendency to cause an immediate fearful or violent response by a reasonable recipient; or
 - (2) Tending to incite a fight; or
 - (3) Fighting; or
 - (4) Loud noise.
 - c. He/she is a "person responsible" for an "event(s)" and:
 - (1) Sound caused by those present at such event(s) is audible beyond the property lines of their residence during such event(s); or
 - (2) The behavior of those present at such event(s) is such that a reasonable person would be alarmed or fearful for the safety of either person(s) or property.
2. It shall be unlawful for any person to commit an act of peace disturbance.

Section 210.700. Unlawful Assembly Or Refusal To Disperse.**[CC 1990 § 21-72; Ord. No. 67 § 1, 6-1-1988]**

A person commits the ordinance violation of refusal to disperse if he/she is 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 210.710. Unnecessary Noise — Unlawful.¹⁸**[CC 1990 § 21-73; Ord. No. 72 § 1, 6-1-1988]**

It shall be unlawful for any person to operate a radio, phonograph, loudspeaker, sound amplifier or other device at any time with volume louder than necessary for convenient hearing of persons in the room, vehicle, chamber or outside of any enclosed structure where used. Audibility at a distance of more than one hundred (100) feet from such device between 11:00 P.M. and 7:00 A.M. is prima facie evidence of a violation of this Section.

Section 210.720. Unnecessary Noise — Permit For Outdoor Events.¹⁹**[CC 1990 § 21-74; Ord. No. 72 § 2, 6-1-1988]**

A permit from the Chief of Police must be obtained for an outdoor event where the volume must exceed that established in Section 210.710. The Chief shall issue the permit if the peace would not be unduly disturbed thereby.

Section 210.730. through Section 210.790. (Reserved)

ARTICLE VII Offenses Concerning Drugs

Section 210.800. Possession Of Marijuana.²⁰

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 210.810. Possession Or Control Of A Controlled Substance.²¹

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

18. Cross Reference: As to unnecessary use of motor vehicle horn, § 370.170.

19. Cross Reference: As to licenses and business regulations, ch. 605.

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

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

Section 210.820. Limitations On The Retail Sale Of Methamphetamine Precursor Drugs.

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

Section 210.830. Unlawful Use Of Drug Paraphernalia.²²

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

Section 210.840. Inhalation Or Inducing Others To Inhale Solvent Fumes To Cause Certain Reactions, Prohibited — Exceptions.

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

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

Section 210.850. Inducing, Or Possession With Intent To Induce, Symptoms By Use Of Solvents And Other Substances, Prohibited.

- A. As used in this Section "alcohol beverage vaporizer" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
- B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:
1. Solvents, particularly toluol;
 2. Ethyl alcohol;
 3. Amyl nitrite and its iso-analogues;
 4. Butyl nitrite and its iso-analogues;
 5. Cyclohexyl nitrite and its iso-analogues;
 6. Ethyl nitrite and its iso-analogues;
 7. Pentyl nitrite and its iso-analogues; and
 8. Propyl nitrite and its iso-analogues.
- C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.
- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.840 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 210.860. Possession Or Purchase Of Solvents To Aid Others In Violations, Prohibited — Violations Of Sections 210.840 To 210.850 — Penalty.²³

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.840 and 210.850 hereof.

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

- B. Any person who violates any provision of Sections 210.840 — 210.860 is guilty of an ordinance violation for the first (1st) violation.

Section 210.870. through Section 210.920. (Reserved)

ARTICLE VIII
Offenses Concerning Weapons And Firearms

Section 210.930. Definitions.

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

ANTIQUE, CURIO OR RELIC FIREARM — Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR Section 178.11:

1. Antique firearm is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof.
2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

BLACKJACK — Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

BLASTING AGENT — Any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this Section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered eight (8) test blasting cap when unconfined.

CONCEALABLE FIREARM — Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

DEFACE — To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

DETONATOR — Any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, non-electric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors.

EXPLOSIVE WEAPON — Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this Article, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder,

initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents.

FIREARM — Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

FIREARM SILENCER — Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

GAS GUN — Any gas ejection device, weapon, cartridge, container or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance.

INTOXICATED — Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

KNIFE — Any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this Article, "knife" does not include any ordinary pocketknife with no blade more than four (4) inches in length.

KNUCKLES — Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

MACHINE GUN — Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

PROJECTILE WEAPON — Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

RIFLE — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

SHORT BARREL — A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

SHOTGUN — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

SPRING GUN — Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

SWITCHBLADE KNIFE — Any knife which has a blade that folds or closes into the handle or sheath, and

1. That opens automatically by pressure applied to a button or other device located on the handle; or

2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

Section 210.940. Weapons — Carrying Concealed — Other Unlawful Use.²⁴

- 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; except events under the authority and control of the Missouri Department of Conservation or in any platted subdivision of lots more than ten (10) acres located within the City limits or in an area located north of the Chesterfield Agricultural Levee north of Highway 40 and west of the Monarch Levee south of Highway 40 and only during the State designated deer hunting seasons;
 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. Has a firearm or projectile weapon readily capable of lethal use on his/her person, while he/she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense;
 6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits; or
 7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- B. Subparagraphs (1) and (7) of Subsection (A) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subparagraphs (3) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:
 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

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

***State Law Reference: Section 252.243.3, RSMo., limits the discharge of firearms in certain areas known as Hunting Heritage Protection Areas, which are defined therein.**

ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921 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 prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.; and
 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 under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
- C. Subparagraphs (1), (5), (6) and (7) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is

traveling in a continuous journey peaceably through this State. Subparagraph (7) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

- D. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subparagraphs (3), (4), (5), (6) and (7) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-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.

Section 210.950. Possession, Manufacture, Transport, Repair, Sale Of Certain Weapons.²⁵

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

²⁵. Note: Under certain circumstances this offense can be a felony under state law.

- B. A person does not commit an offense pursuant to this Section if his/her conduct involved any of the items in Subparagraphs (1) — (6) of Subsection (A), the item was possessed in conformity with any applicable 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; or
 2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Subparagraph (1) of this Subsection; or
 3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
 4. Was incident to displaying the weapon in a public museum or exhibition; or
 5. Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

Section 210.960. Defacing Firearm.

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

Section 210.970. Unlawful Transfer Of Weapons.²⁶

- 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 210.980. Possession Of Firearm Unlawful For Certain Persons.²⁷

- A. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:
1. Such person has been convicted of a felony under the laws of this State, or of a crime under the laws of any State or of the United States which, if committed within this State, would be a felony; or

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

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

2. Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.
- B. The provisions of Subsection (A)(1) of this Section shall not apply to the possession of an antique firearm.

Section 210.990. Carrying Concealed Firearms Prohibited — Penalty For Violation.

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 2. Within twenty five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection (B)(1) of Section 210.940 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section 210.940, 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 Chesterfield City Council. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

6. Any building owned, leased or controlled by the City of Chesterfield 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 Chesterfield. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation.
7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated.
8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
9. Any place where the carrying of a firearm is prohibited by Federal law.
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement.
12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
13. Any Gated Area Of An Amusement Park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer.
 16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 17. Any Hospital Accessible By The Public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.
 2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the

defendant shall be punished as provided in Section 100.080 of this Code of Ordinances.

3. Employees of the City of Chesterfield may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry endorsement pursuant to State law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry endorsement upon the request of any Peace Officer.

Section 210.1000. Discharging Air Gun, Etc.

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

Section 210.1005. "Turkey Shoots" And Other Charitable Events.

The discharge of firearms in connection with any turkey shoots or other charitable event may be authorized by the City Council.

Section 210.1010. Specific Actions Prohibited.

[CC 1990 § 21-103; Ord. No. 562 § 3, 2-19-1991; Ord. No. 1577 § 3, 12-6-1999]

- A. All persons under the age of sixteen (16) who desire to hunt within the City of Chesterfield must first complete a State approved course in hunters' safety. No person under the age of sixteen (16) shall be allowed to carry or discharge a firearm or use a projectile weapon within the City of Chesterfield unless he/she has taken a State approved course in hunters' safety and is accompanied by a licensed hunter age twenty-one (21) or older.
- B. It shall be unlawful for any person carrying a firearm or projectile weapon to willfully enter or go upon the premises or property of another or to fire or discharge any firearm or projectile weapon while on the premises or property of another without first having obtained the written permission from the owner, lessee or person in charge of such premises or property, and unless such person has the said written permission on his/her person. This Section shall not apply to a person carrying, firing or discharging any firearm or projectile weapon while in the immediate presence of the owner, lessee or person in charge of the property or premises or to the entry upon the premises for the sole purpose of obtaining the written permission of the owner, lessee or person in charge of the property.
- C. The landowner, lessee or person in charge of any real estate upon which the right to fire a firearm or use a projectile weapon is granted, shall be held responsible for the

actions of those to whom he/she has given written permission to hunt on his/her property.

- D. It shall be unlawful to fire or discharge a firearm or a projectile weapon within one hundred fifty (150) yards of a house, dwelling or apartment to protect crops or other property from squirrels, rodents, birds or other small animals. [Ord. No. 2689²⁸, 1-18-2012]

Section 210.1020. Exceptions.

[CC 1990 § 21-104; Ord. No. 2689²⁹, 1-18-2012]

The provisions of this Article shall not apply to any police target or police shooting range, nor to any club target, trap, skeet or practice shooting range, nor to the discharge of firearms where necessary to protect life, livestock, crops or other property, nor to any peace officer or Missouri Department of Conservation employee or those directed by them, acting in the discharge of his official duties, nor to the discharge of blank cartridges in the theatre performances or sporting events, nor to the firing of salutes by firing squads at military ceremonies. This exception shall not allow the discharge of a firearm or projectile weapon to protect crops or other property from squirrels, rodents, birds or other small animals.

Section 210.1030. through Section 210.1080. (Reserved)

**ARTICLE IX
Offenses Concerning Tobacco**

Section 210.1090. Definitions.

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

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

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

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

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

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

28. Editor's Note: Section Three of this ordinance provided: "Nothing in this ordinance is intended to impede or limit any rights of a person to use deadly force under Missouri's 'Castle Doctrine,' RSMo. §§ 563.011 to 563.031."

29. Editor's Note: Section Three of this ordinance provided: "Nothing in this ordinance is intended to impede or limit any rights of a person to use deadly force under Missouri's 'Castle Doctrine,' RSMo. §§ 563.011 to 563.031."

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

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

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

Section 210.1100. Unlawful To Sell Or Distribute Tobacco Products To Minors — Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.
- C. No person or entity shall sell, provide or distribute any tobacco product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsections (A), (B) or (C) of this Section or Section 210.1130 of this Article shall be penalized as follows:
 1. For the first (1st) offense, twenty-five dollars (\$25.00);
 2. For the second (2nd) offense, one hundred dollars (\$100.00); and
 3. For a third (3rd) and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
 1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations

regarding tobacco sales to minors. Such training program must be attended by all employees who sell tobacco products to the general public;

2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors; and
 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.
- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:
1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one-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 210.1130, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.
- H. A person cited for selling, providing or distributing any tobacco product to any individual less than eighteen (18) years of age in violation of Subsections (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that:
1. Such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 210.1110. Minors Prohibited From Purchase Or Possession Of Tobacco — Misrepresentation Of Age.

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes or tobacco products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
 - 1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;
 - 2. For a second (2nd) violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.1120. Sale, Use And Possession Of Electronic Cigarettes And Vaporizing Products By Minors Prohibited.

[CC 1990 §§ 21-34 — 21-35; Ord. No. 2803, 7-21-2014]

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

VAPORIZING PRODUCTS — Electronic devices which employ a battery to power a heating chamber that converts a liquid solution containing tobacco-derived nicotine, through a non-combustive process, into a vapor or vapor-like mist. The definition includes electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes, which are personal Vaporizing Products on which users inhale through a mouthpiece.
- B. Distribution Of Vaporizing Products To Or Possession By Persons Under eighteen (18) Years Of Age Prohibited.
 - 1. A person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, may not sell, offer for sale, give, or furnish any Vaporizing Product or any component to a person under eighteen (18) years of age.
 - 2. Before selling, offering for sale, giving, or furnishing any Vaporizing Product, or any cartridge or component of any Vaporizing Product, to another person, the person selling, offering for sale, giving, or furnishing the Vaporizing Product shall verify that the person is at least eighteen (18) years of age by:
 - a. Examining from any person that appears to be under twenty-seven (27) years of age a government-issued photographic identification that establishes the person is at least eighteen (18) years of age or.
 - b. For sales made through the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is eighteen (18) years of age or older.
 - 3. No minor under eighteen (18) years of age shall possess any Vaporizing Product, buy any Vaporizing Product, or, in the furtherance or facilitation of obtaining any

Vaporizing Product shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

4. It is not a violation of this Act for a person under eighteen (18) years of age to purchase or possess a Vaporizing Product if the person under the age of eighteen (18) purchases or is given the Vaporizing Product from a retail seller of Vaporizing Products or an employee of the retail seller pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a retail seller of any Vaporizing Product or a person employed by the retail seller of Vaporizing Products or on any premises authorized to sell Vaporizing Products as [??] to determine if Vaporizing Products are being sold or given to persons under eighteen (18) years of age if the "sting operation" or enforcement action is approved by the Department of State Police, the county sheriff, a municipal police department, the Department of Public Health, or a local health department.

Section 210.1130. Retail Sales Tax License Required For Sale Of Tobacco Products.

No person shall sell cigarettes or tobacco products unless the person has a retail sales tax license.

Section 210.1140. Required Sign Stating Violation Of State Law To Sell Tobacco To Minors Under Age 18 — Display Of Sign Required Where.

- A. The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:
 1. Contain in red lettering at least one-half (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 18".

Section 210.1150. Restrictions On Sales Of Individual Packs Of Cigarettes.

- 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 210.1160. Proof Of Age Required, When Defense To Action For Violation Is Reasonable Reliance On Proof — Liability.

- A. A person or entity selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.1100 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.1100 on any single day.

Section 210.1170. Sale Of Cigarette Papers Prohibited.³⁰

[CC 1990 § 21-7; Ord. No. 276 §§ 1 — 3, 4-17-1989]

- A. **Furnishing Cigarette Papers To Any Person.** No individual, corporation, partnership or other entity or their employees shall sell or supply cigarette papers (said being defined as "papers identified as being able to be used to wrap tobacco or any tobacco product which is not pre-wrapped and packaged for sale as cigarettes") to any person within the City limits.

³⁰ Cross References: As to sale of cigarettes, etc., to minors prohibited, §§ 210.1100 — 210.1110; as to controlled substances, §§ 210.800 et seq.

- B. Possession By Any Person. No person shall purchase, attempt to purchase or have in his/her possession any cigarette papers within the City limits.
- C. Unlawful To Consume On Premises. It shall be unlawful for any merchant or keeper of any place of business in the City, subject to regulation by the Mayor or City Council or the employees of such merchant or keeper, to permit any person to use cigarette papers to wrap tobacco on the premises on which the business is conducted.

Section 210.1180. through Section 210.1200. (Reserved)

**ARTICLE X
Clean Air Code³¹**

Section 210.1210. Scope.

[CC 1990 § 21-106; Ord. No. 2642 §§ 1 — 4, 2-23-2011]

In order to enhance the public health and prevent the entrance of disease in St. Louis County, the provisions of this Article shall apply in all unincorporated parts of St. Louis County and in all incorporated areas except any municipality having a population of seventy-five thousand (75,000) or more people and which maintains an organized health department.

Section 210.1220. Purpose.

[CC 1990 § 21-107; Ord. No. 2642 §§ 1 — 4, 2-23-2011]

It is the purpose of this Article to promote the health, safety and welfare of the residents of St. Louis County by decreasing exposure to secondhand smoke; and to create smoke-free environments for workers, patrons and visitors to places of employment and all other public places within the County.

Section 210.1230. Definitions.

[CC 1990 § 21-108; Ord. No. 2642 §§ 1 — 4, 2-23-2011]

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

BUSINESS — A sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professionals services are delivered, and private clubs.

31. Editor's Note: Ord. No. 2642 as set out in this Article did not specifically amend the Code; at the City's direction it has superseded former CC 1990 Art. IX, Smoking, §§ 21-106 to 21-111, which derived from Ord. Nos. 535, 583, 722, 1144, 1527 and 2642.

CASINO GAMING AREA — The area of a State-licensed gambling facility where gaming is allowed for those twenty-one (21) years of age or older, including any VIP lounge accessible only through the game floor, whether or not gaming is allowed in the VIP lounge.

CIGAR BAR — A business with a permit to sell alcoholic beverages that generates twenty-five percent (25%) or more of its quarterly gross revenue from the sale of cigars and/or rental of humidor space, has a humidor on the premises and does not allow minors to enter the premises.

DRINKING ESTABLISHMENT — Any business with a valid license issued by the St. Louis County Department of Revenue (pursuant to Chapter 801, Title VIII SLCRO 1974 as amended, "Alcoholic Beverages") to sell intoxicating liquor by the drink or to sell beer and light wine by the drink whose on-site sales of food for consumption on the premises comprises no more than twenty-five percent (25%) of gross sales of food and both alcoholic and non-alcoholic beverages on an annual basis.

EMPLOYEE — Any person who performs services for an employer, with or without compensation.

EMPLOYER — A person, partnership, association, corporation, trust or other organized group of individuals, including the County or any agency thereof, which utilizes the services of at least one (1) employee.

ENCLOSED AREA — A space bound by walls (with or without windows) continuous from the floor to the ceiling and enclosed by doors including, but not limited to, offices, rooms, all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures and hallways.

PERMANENTLY DESIGNATED SMOKING ROOM — A hotel or motel room that may be designated as a smoking room, with such designation being changeable only one (1) time a year.

PLACE OF EMPLOYMENT — Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment including, but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a child care, adult day care or health care facility.

PRIVATE CLUB — A not-for-profit organization incorporated under the laws of the State of Missouri for fraternal or social purposes or for a congressionally chartered veterans' organization, which has a defined membership and restricts admission to members of the club and their guests. Private club shall not include an establishment that is generally open to members of the general public upon payment of a fee. A private club shall not be considered a "public place" except when it is the site of a meeting, event or activity that is open to the public.

PUBLIC PLACE — Any enclosed or other area to which the public is invited or in which the public is permitted including, but not limited, to banks, educational facilities, reception areas, health facilities, laundering facilities, public transportation facilities, production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

RESTAURANT — An eating establishment including, but not limited to, coffee shops, cafeterias, sandwich stands and private and public school cafeterias which provides food to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar and lounge area within the restaurant.

SERVICE LINE — Any indoor or outdoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

SHOPPING MALL — An enclosed public walkway or hall area that serves to connect retail or professional establishments.

SMOKING — Inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or other tobacco product.

SPORTS ARENA — Sports pavilions, gymnasiums, health spas, boxing arenas, outdoor and indoor swimming pools, outdoor athletic fields, outdoor and indoor roller and ice skating rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

Section 210.1240. Prohibition Of Smoking In Enclosed Places Of Employment And Other Public Places.

[CC 1990 § 21-109; Ord. No. 2642 §§ 1 — 4, 2-23-2011]

- A. It shall be unlawful for any person within an enclosed place of employment to possess lighted or heated smoking materials in any form including, but not limited to, the possession of lighted or heated cigarettes, cigars, pipes or other tobacco products.
- B. It shall be unlawful for any person within an enclosed public place, or within any other places hereinafter specified, to possess lighted or heated smoking materials in any form including, but not limited to, the possession of lighted or heated cigarettes, cigars, pipes or other tobacco products, including, but not limited to, the following places:
1. Elevators in public buildings;
 2. Restrooms in public buildings;
 3. Libraries, educational facilities, child care and adult day care facilities, museums, auditoriums, aquariums and art galleries;
 4. Any health care facility, health clinic or ambulatory care facilities including, but not limited to, laboratories associated with the rendition of health care treatment, hospitals, nursing homes, doctors' offices and dentists' offices;
 5. Any indoor place of entertainment or recreation including, but not limited to, gymnasiums, theaters, concert halls, bingo halls, arenas and swimming pools;
 6. Service lines;

7. Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital or other similar performance;
 8. Shopping malls or retail establishments;
 9. Indoor and outdoor sports arenas;
 10. Restaurants, including lounge and bar areas, except outdoor dining areas;
 11. Convention facilities;
 12. All indoor public areas and waiting rooms of public transportation facilities including, but not limited to, bus and mass transportation facilities;
 13. Any other area used by the public or serving as a place of work;
 14. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including, but not limited to, joint committees, or agencies of the County or any political subdivision of the State during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the County;
 15. All enclosed areas owned by the County;
 16. Rooms in which meetings or hearings open to the public are held, except where such rooms are in a private residence;
 17. Sidewalks, driveways and other open areas within fifteen (15) feet of the entry to any building owned or occupied by any governmental entity, or within fifteen (15) feet of the entry to any building open to the public; provided however, that this entryway prohibition shall not apply within outside dining areas where smoking is permitted or to entries that are located less than fifty (50) feet from another public entry.
- C. It shall be unlawful to dispose of smoking waste, or to place or maintain a receptacle for smoking waste, in an area in which smoking is prohibited under this Article.

Section 210.1250. Responsibilities Of Proprietors, Owners And Managers.

[CC 1990 § 21-110; Ord. No. 2642 §§ 1 — 4, 2-23-2011]

- A. It shall be unlawful for any person having control of a place listed in this Article knowingly to permit, cause, suffer or allow any person to violate the provisions of this Article. It shall be an affirmative defense to an alleged violation of this Subsection that the person having control of a place has asked that the lighted or heated cigarette, cigar, pipe or other tobacco product be extinguished and asked the person to leave the establishment if that person has failed or refused to extinguish the lighted or heated cigarette, cigar, pipe or other tobacco product.
- B. A person having control of a place shall clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed a red circle with a red bar across it) near all entrances

where smoking is prohibited pursuant to this Article. Such signage shall consist of letters not less than one (1) inch in height.

- C. It shall be the responsibility of employers to provide smoke-free workplaces for all employees.
- D. All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

Section 210.1260. Declaration Of Establishment As Non-Smoking.

[CC 1990 § 21-111; Ord. No. 2642 §§ 1 — 4, 2-23-2011]

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a non-smoking place. No person shall smoke in places so declared and posted with signs pursuant to Section 210.1350.

Section 210.1270. Exceptions.

[CC 1990 § 21-112; Ord. No. 2642 §§ 1 — 4, 2-23-2011]

- A. Notwithstanding any other provision of this Article to the contrary, the following shall not be subject to the smoking restrictions of this Article:
 - 1. Private residences, not serving as enclosed places of employment or enclosed public places;
 - 2. Private clubs;
 - 3. Performers on stage in a theatrical production, where smoking is required as part of the production;
 - 4. Private and semi-private rooms in nursing homes and long-term care facilities, the residents of which are all smokers and have all requested the management of the facility to be placed in a room where smoking is permitted;
 - 5. Retail establishments in which food is not prepared on the premises and where more than sixty percent (60%) of the volume of trade or business carried on is the sale of tobacco and tobacco-related products;
 - 6. Permanently designated smoking rooms, not to exceed twenty percent (20%) of the guest rooms;
 - 7. Cigar bars, provided such entity is in operation on or before the effective date of this Article and provided that smoke does not infiltrate into areas where smoking is otherwise prohibited;
 - 8. Casino gaming areas;
 - 9. Drinking establishments which are in operation on or before the effective date of this Article; provided however, that no smoke infiltrates into areas where smoking is otherwise prohibited, and further provided that each such drinking

establishment has posted in a place visible to the public from its exterior a certificate of exemption.

Section 210.1280. Article Not To Preclude More Extensive Prohibitions.

[CC 1990 § 21-113; Ord. No. 2642 §§ 1 — 4, 2-23-2011]

Nothing in this Article shall be construed or applied in such a manner as to interfere with or prohibit a property owner, business operator or public entity, including the County or municipalities located within the County, from more broadly prohibiting smoking on or about their property or from prohibiting smoking in areas at times, or under conditions which do not fall within the prohibitions established by this Article.

Section 210.1290. Notice To License Applicants.

[CC 1990 § 21-114; Ord. No. 2642 §§ 1 — 4, 2-23-2011]

Notice of the provisions of this Article shall be given to all applicants for licenses issued by St. Louis County pertaining to use of property for business or commercial purposes to which the public will be invited or permitted.

Section 210.1300. Penalties.

[CC 1990 § 21-115; Ord. No. 2642 § 5, 2-23-2011]

- A. Every person who shall be convicted of a violation of this Article shall be fined not more than fifty dollars (\$50.00) for each offense.
- B. A person who owns, manages, operates or otherwise controls a public place or place of employment and who shall be convicted of a violation of this Article shall be fined as follows:
 - 1. A fine not exceeding one hundred dollars (\$100.00) for a first (1st) violation.
 - 2. A fine not exceeding two hundred dollars (\$200.00) for a second (2nd) violation within one (1) year.
 - 3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation within one (1) year.
- C. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Section 210.1310. through Section 210.1450. (Reserved)

**ARTICLE XI
Miscellaneous Offenses**

Section 210.1360. Regulation Of Portable Storage Units.**[CC 1990 § 26-2; Ord. No. 2270 § 1, 5-15-2006; Ord. No. 2854, 6-15-2015]**

- A. As used in this Section the following terms shall mean as follows:

ACCESSORY BUILDING — A subordinate building customarily incidental to and located on the same lot occupied by a main building, subordinate in area, extent, or purposes to the main building, limited to and contributing to the comfort, convenience or necessity of the occupants of the main building. For purposes of this Section, an accessory building differs from a temporary storage device, portable on demand storage unit and storage shed in that it is constructed pursuant to a building permit, and is permanently affixed to realty.

PORTABLE STORAGE UNIT — A container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property.

STORAGE SHED — A prefabricated structure designed, intended and installed on property primarily for the long term storage of yard, pool and garden equipment and similar personal property.

STORAGE TRAILERS — Includes trucks, trailers, and other vehicles or parts of vehicles designed to be hitched or attached to trucks, tractors or other vehicles for movement from place to place used as a temporary storage device.

- B. It shall be unlawful for any person to park, place or suffer placement of a portable storage unit or similar device in or upon any street, highway, roadway, designated fire lane or sidewalk in the City of Chesterfield.
- C. It shall be unlawful for any person to park, place or suffer placement of a portable storage unit or similar device upon any lot or property in the City of Chesterfield other than on a concrete, asphalt or other improved surface.
- D. It shall be unlawful for any person to park, place or suffer placement of a portable storage unit or similar device upon any lot or property in the City of Chesterfield used for commercial purposes or containing three (3) or more dwelling units in such a way as to block or interfere with access to a garage or off-street parking areas.
- E. It shall be unlawful for any person to park, place or suffer placement of a portable storage unit or similar device upon any lot or property in the City of Chesterfield for more than ten (10) consecutive days or on more than three (3) occasions in any twelve-month period.
- F. It shall be unlawful for any person to park, place or suffer placement of a portable storage unit or similar device upon any front yard, as defined in the zoning ordinance, for more than ten (10) consecutive days.
- G. This Section shall not apply to the use or placement of construction trailers and equipment on property in association with ongoing construction activities carried out pursuant to a valid building permit, nor to the placement of accessory buildings or storage sheds.

Section 210.1370. Renting Of Single-Family Dwellings.**[CC 1990 § 21-77; Ord. No. 2958, 6-19-2017]**

- A. No individual, family, or family member who occupies or resides in a single-family dwelling shall accept or charge rent to allow or permit an individual who is not a family member to occupy or dwell in the same single-family dwelling.
- B. No individual, family or family member shall pay rent or offer to pay rent to occupy or reside in a single-family dwelling which is currently occupied by another family.
- C. Short term rentals, defined as terms of less than thirty (30) days, of single-family dwelling, in part or in whole, shall be prohibited.
- D. For the purpose of this section "Rent" is defined as something given by way of compensation for the right to dwell or occupy in a single-family dwelling. "Rent" shall not include a stipend or payment of living expenses for a student under the age of nineteen (19) who is then participating in a recognized foreign exchange student program.
- E. Violation of this section shall be a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed three (3) months or by both such fine and imprisonment.

Section 210.1380. Social Hosting Of Underage Drinking And Loud And Unruly Gatherings.**[CC 1990 § 21-78; Ord. No. 2708, 7-16-2012]**

- A. Definitions. For the purposes of this Article, the following definitions shall apply:
 - ALCOHOLIC BEVERAGE — A liquor or brew containing alcohol as the active agent.
 - CONTROLLED SUBSTANCE ACT — Chapter 195, RSMo. in effect upon the passage of this Section.
 - CONTROLLED SUBSTANCES — A drug or chemical substance whose possession and use are controlled by law.
 - JUVENILE — Any person under seventeen (17) years of age.
 - LOUD OR UNRULY GATHERING — A party or gathering of five (5) or more persons at or on a residence or other private property upon which loud or unruly conduct occurs. Such loud or unruly conduct includes but is not limited to:
 - a. Excessive noise;
 - b. Excessive and/or restrictive traffic;
 - c. Obstruction of public streets, or crowds which have spilled onto public streets;
 - d. Public drunkenness, unlawful public consumption or possession of alcohol or alcoholic beverages by underage persons;

- e. Service to, or consumption of, alcohol or alcoholic beverages by any underage person, except as permitted by City Code, State law or Missouri Constitution;
 - f. Assaults, batteries, fights, domestic violence or other disturbances of the peace;
 - g. Vandalism;
 - h. Litter; and
 - i. Any other conduct which constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare.
- B. Allowing Party Involving Underage Drinkers Prohibited.
1. Person Responsible For The Event. The person who owns the property where the party, gathering, or event takes place and/or the person in charge of the premises and/or the person who organized the event. If the person responsible for the event is a minor, then the parents or guardians of that minor will be jointly and severally liable for the costs incurred for police services regardless of their presence at the event.
 2. Response Costs. The costs associated with responses by law enforcement, fire and other emergency response providers to loud or unruly gatherings including, but not limited to:
 - a. Salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at or otherwise dealing with loud or unruly gatherings and the administrative costs attributable to such response(s).
 - b. The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a loud or unruly gathering.
 3. Responsible Person:
 - a. A person or persons with a right of possession in the residence or other private property on which a loud or unruly gathering is conducted including, but not limited to:
 - (1) A responsible person of the residence or other private property;
 - (2) A tenant or lessee of the residence or other private property;
 - (3) The person(s) in charge of the residence or other private property; and
 - (4) The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering.
 - b. In cases where a person under the age of twenty one (21) hosts a party, the responsible person of the property will be held accountable regardless of their presence at the party to include the responsible person being away from the residence or out of town.

- c. If a responsible person for the gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this Article. To incur liability for response costs imposed by this Article, the responsible person for the loud or unruly gathering need not be present at such gathering resulting in the response giving rise to the imposition of response costs. This Article therefore imposes vicarious as well as direct liability upon a responsible person, regardless of their presence or absence at the event.
4. Underage Person. Any person under twenty-one (21) years of age.
- C. Responsibility For Proper Management Of Property. Every responsible person, occupant, lessee or holder of any possessory interest of a residence or other private property within the City of Chesterfield is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate, the provisions of this Article. This shall include Adults, with persons under the age of twenty one (21) living within their residence, whether or not that adult is present during the party or other illegal activity.
- D. Violations And Penalties.
 1. Violations.
 - a. It shall be unlawful for any responsible person to allow, permit or host a loud or unruly gathering at a residence or other private property. Such gathering may be abated by an order of a Police Officer directing the host or other responsible person to cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after the host or other responsible person receives an order to do so issued by a Police Officer.
 - b. Whenever an adult having control of the residence or premises is present at that residence or premises at the time an underage person obtains, possesses, or consumes any alcoholic beverage or controlled substance, it shall be prima facie evidence that such an adult had the knowledge or should have had the knowledge that the underage person obtained, possessed or consumed an alcoholic beverage or controlled substance at the gathering. An adult responsible person allowing a person under the age of twenty one (21) to host a party, regardless of whether the adult is present in or out of town shall be held mutually responsible.
 - c. No responsible person shall allow a loud or unruly gathering to take place or continue at said residence or premises if an underage person at the party obtains, possesses or consumes any alcoholic beverages or controlled substances and the responsible person knows or reasonably should know that the underage person has obtained, possesses or is consuming alcoholic beverages or controlled substances at the gathering.
 2. Fines. A fine may be imposed up to the maximum amount provided for within the Chesterfield Code for any violation of this Article.

3. The fines imposed pursuant to Subsection (B) are in addition to any response costs that may be assessed pursuant to this Article.

Section 210.1390. through Section 210.1510. (Reserved)

**ARTICLE XII
Offenses Concerning Prostitution**

Section 210.1420. Prostitution.³²

[CC 1990 § 21-37; Ord. No. 2825, 12-1-2014]

- A. It shall be unlawful to engage in prostitution, patronizing prostitution, and/or promoting prostitution within the Chesterfield City Limits.
- B. Prostitution. A person commits the offense of prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person.
- C. Patronizing Prostitution. A person "patronizes prostitution" if:
 1.
 - a. He/she gives something of value to another person as compensation for that person or a third person having engaged in sexual conduct with him/her or with another; or
 - b. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third person will engage in sexual conduct with him/her or with another; or
 - c. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third person to engage in sexual conduct with him/her or with another, in return for something of value.
- D. Promoting Prostitution.
 1. A person "promotes prostitution" if, acting other than as a prostitute or a patron of a prostitute, he/she knowingly:
 - a. Causes or aids a person to commit or engage in prostitution; or
 - b. Procures or solicits patrons for prostitution; or
 - c. Provides persons or premises for prostitution purposes; or
 - d. Operates or assists in the operation of a house of prostitution or a prostitution enterprise; or

³². State Law Reference: Similar provisions, §§ 567.010, 567.020, 567.030, 567.070, RSMo.

- e. 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 prostitution activity; or
 - f. Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution.
- E. Definitions. As used in this Section, the following terms shall have the meanings indicated:
- DEVIATE SEXUAL INTERCOURSE — Any sexual act involving the genitals of one (1) person and the mouth, tongue or anus of another person; or
- SEXUAL CONDUCT — Occurs when there is Sexual Intercourse, Deviate Sexual Intercourse or Sexual contact.
- SEXUAL CONTACT — Any touching, manual or otherwise, of the anus or genitals of one (1) person by another, done for the purpose of arousing or gratifying sexual desire of either party.
- SEXUAL INTERCOURSE — Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results; or
- SOMETHING OF VALUE — Any money or property, or any token, object or article exchangeable for money or property.
- F. Violation of this Section shall be a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed three (3) months or by both such fine and imprisonment.

Section 210.1430. through Section 210.1650. (Reserved)

Chapter 210A**OFFENSES (UPDATED MODEL)****ARTICLE I
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Section 210A.390. Resisting Or Interfering With Arrest, Detention Or Stop.
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- Section 210A.520. Abandonment Of Airtight Or Semi-Airtight Containers.**
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ARTICLE V
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- Section 210A.660. Definitions.
- Section 210A.670. Peace Disturbance.
- Section 210A.680. Private Peace Disturbance.
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- Section 210A.720. Obstructing Public Places.
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ARTICLE VI
Offenses Concerning Weapons And Firearms

- Section 210A.830. Definitions.
- Section 210A.840. Unlawful Use Of Weapons — Exceptions.
- Section 210A.850. Possession, Manufacture, Transport, Repair, Sale Of Certain Weapons.
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**ARTICLE I
General Provisions**

Section 210A.010. Definitions.

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

ACCESS — 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 —

1. The defense referred to is not submitted to the trier of fact unless supported by evidence; and
2. 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.

BURDEN OF INJECTING THE ISSUE —

1. The issue referred to is not submitted to the trier of fact unless supported by evidence; and
2. 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.

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. 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.

CONFINEMENT —

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

- a. A court orders the person's release; or
 - b. The person is released on bail, bond or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine the person authorizes his/her release without guard and without condition that he/she return to confinement.
2. A person is not in confinement if:
 - a. The person is on probation or parole, temporary or otherwise; or
 - b. The person 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 the person to or from a place of confinement.

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

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
2. It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason 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 Schedules I through V as defined in Chapter 195, RSMo.

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 — 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 rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in Subdivision (14) of Section 565.002, RSMo., kidnapping in the first degree, 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, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under Section 568.060, RSMo., child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo., and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be an "habitual offender" or "habitual boating offender" as such terms are defined in Section 577.001, RSMo.

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

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 club, blackjack or metal knuckles.

DIGITAL CAMERA — A camera that records images in a format which enables the images to be downloaded into a computer.

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.

FELONY — An offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one (1) year.

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 such person or another person.

INCAPACITATED — A temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act.

INFRACTION — A violation defined by this Code or by any other Statute of this State if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction.

INHABITABLE STRUCTURE —

1. 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.
2. Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present.
3. 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 —

1. When used with respect to conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or
2. When used with respect to a result of conduct, means a person is aware that his or 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 — An offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one (1) year or less.

OF ANOTHER — Property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement.

OFFENSE — Any felony, ordinance violation, misdemeanor or infraction.

PHYSICAL INJURY — Slight impairment of any function of the body or temporary loss of use of any part of the body.

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 such person has the object on his/her person or within easy reach and convenient control. A person has constructive possession if such person 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 such person's 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 — When used with respect to a person's conduct or to a result thereof, means when it is his/her conscious object to engage in that conduct or to cause that result.

RECKLESSLY — Consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

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 ORIENTATION — Male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender.

SPECIAL VICTIM — Any of the following:

1. A Law Enforcement Officer assaulted in the performance of his or her official duties or as a direct result of such official duties;
2. Emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;
3. A probation and parole officer assaulted in the performance of his/her official duties or as a direct result of such official duties;
4. An elderly person;
5. A person with a disability;
6. A vulnerable person;

7. Any jailer or corrections officer of the State or one (1) of its political subdivisions assaulted in the performance of his/her official duties or as a direct result of such official duties;
8. A highway worker in a construction or work zone as the terms "highway worker," "construction zone" and "work zone" are defined under Section 304.580, RSMo.;
9. Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his/her job duties, including any person employed under a contract;
10. Any cable worker, meaning any employee of a cable operator, as such term is defined in Section 67.2677, RSMo., including any person employed under contract, while in the performance of his/her job duties; and
11. Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his/her job duties.

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.

VOLUNTARY ACT —

1. A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his/her control for a sufficient time to have enabled him or her to dispose of it or terminate his/her control; or
2. An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

VULNERABLE PERSON — Any person in the custody, care, or control of the Department of Mental Health who is receiving services from an operated, funded, licensed, or certified program. (RSMo. §§556.061, 565.002[14], 2014 effective 1-1-2017, 2017)

Section 210A.020. Attempt.

- A. Guilt for an offense may be based upon an attempt to commit an offense if, with the purpose of committing the offense, a person performs any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

- B. It is no defense to a prosecution under this Section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be. (RSMo. §562.012, 2014 effective 1-1-2017)

Section 210A.030. Conspiracy.¹

- A. Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating the commission of an offense, agrees with another person or persons that they or one or more of them will engage in conduct which constitutes such offense.
- B. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons.
- C. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense so long as such multiple offenses are the object of the same agreement.
- D. No person may be convicted of an offense based upon a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or her or by a person with whom he or she conspired.
- E. Exceptions.
1. No person shall be convicted of an offense based upon a conspiracy to commit an offense if, after conspiring to commit the offense, he/she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his/her criminal purpose.
 2. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under Subsection (E)(1).
- F. For the purpose of time limitations on prosecutions:
1. A conspiracy to commit an offense is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he or she conspired;
 2. If an individual abandons the agreement, the conspiracy is terminated as to him/her only if he/she advises those with whom he/she has conspired of his/her abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.
- G. A person shall not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense. (RSMo. §562.014, 2014 effective 1-1-2017)

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

Section 210A.040. through Section 210A.110. (Reserved)

ARTICLE II

Offenses Against The Person**Section 210A.120. Assault.²**

- 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 firearm;
 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 a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or
 6. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative. (RSMo. §565.056, 2014 effective 1-1-2017)

Section 210A.130. Domestic Assault.³

- A. A person commits the offense of domestic assault if the act involves a domestic victim, as the term "domestic victim" is defined under Section 565.002, RSMo., and:
1. The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;
 2. With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;
 3. The person purposely places such domestic victim in apprehension of immediate physical injury by any means;
 4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;

2. Editor's Note: As to assault of certain other persons, see the definition of "special victim" as set out in Section 210.010 of this Chapter.

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

5. The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or
6. The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation. (RSMo. §565.076, 2014 effective 1-1-2017)

Section 210A.140. (Reserved)⁴

Section 210A.150. Harassment.⁵

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. (RSMo. §565.091, 2014 effective 1-1-2017)

Section 210A.160. Stalking — Definitions.⁶

- A. Definitions. As used in this Section:

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. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.
- C. 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.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section. (RSMo. §565.227, 2014 effective 1-1-2017)

Section 210A.170. Kidnapping.⁷

A person commits the offense of kidnapping if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty. (RSMo. §565.130, 2014 effective 1-1-2017)

4. **Editor's Note:** This Section previously pertained to 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. However, the authorizing statute, former RSMo. § 565.083, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017. See Section 210.120, Assault, as it relates to a "special victim."

5. **Note:** Under certain circumstances this offense can be a felony under state law.

6. **Note:** Under certain circumstances this offense can be a felony under state law.

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

Section 210A.180. Endangering The Welfare Of A Child.⁸

- A. A person commits the offense of endangering the welfare of a child if he/she:
1. 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; or
 2. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
 3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years of age, 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.; or
 4. 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 579.105, RSMo.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State. (RSMo. §568.050, 2005, 2006, 2014 effective 1-1-2017)

Section 210A.190. Leaving A Child Unattended In A Motor Vehicle — Definitions.⁹

- A. Definitions. As used in this Section, the following terms mean:
- COLLISION — The act of a motor vehicle coming into contact with an object or a person.
- INJURES — To cause physical harm to the body of a person.
- MOTOR VEHICLE — Any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.
- UNATTENDED — Not accompanied by an individual fourteen (14) years of age or older.
- B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child less than eleven (11) years of age 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.

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

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

- C. The offense of leaving a child unattended in a motor vehicle is an ordinance violation. (RSMo. §577.300, 2014 effective 1-1-2017)

Section 210A.200. through Section 210A.290. (Reserved)

ARTICLE III

Offenses Concerning Administration Of Justice

Section 210A.300. Concealing An Offense.¹⁰

- A. A person commits the offense of concealing an offense if he or she:
1. 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. 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. (RSMo. §575.020, 2014 effective 1-1-2017)

Section 210A.310. Hindering Prosecution.¹¹

- A. A person commits the offense of hindering prosecution if, for the purpose of preventing the apprehension, prosecution, conviction or punishment of another person for conduct constituting an offense, he or she:
1. Harbors or conceals such person; or
 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; or
 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. (RSMo. §575.030, 2014 effective 1-1-2017)

Section 210A.320. Refusal To Identify As A Witness.

A person commits the offense of refusal to identify as a witness if, knowing he or she has witnessed any portion of an offense, or of any other incident resulting in physical injury or

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

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

substantial property damage, he or she refuses to report or gives a false report of his or her name and present address to a Law Enforcement Officer engaged in the performance of his or her duties. (RSMo. §575.190, 2014 effective 1-1-2017)

Section 210A.330. Disturbing A Judicial Proceeding.

A person commits the offense of disturbing a judicial proceeding if, with the purpose to intimidate a judge, attorney, juror, party or witness and thereby influence a judicial proceeding, he or she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter, concerning the conduct of the judicial proceeding, or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party, or witness in connection with such proceeding. (RSMo. §575.250, 2014 effective 1-1-2017)

Section 210A.340. Tampering With A Witness Or Victim.¹²

- A. A person commits the offense of tampering with a witness or victim if:
1. With the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information, or documents, or testify falsely, he or she:
 - a. Threatens or causes harm to any person or property; or
 - b. Uses force, threats or deception; or
 - c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
 - d. Conveys any of the foregoing to another in furtherance of a conspiracy; or
 2. He or she purposely 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:
 - a. Making any report of such victimization to any peace officer, State, Local or Federal Law Enforcement Officer, prosecuting agency, or judge;
 - b. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
 - c. Arresting or causing or seeking the arrest of any person in connection with such victimization. (RSMo. §575.270, 2005, 2014 effective 1-1-2017)

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

Section 210A.350. Tampering With Physical Evidence.¹³

- 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. (RSMo. §575.100)

Section 210A.360. Improper Communication.

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person. (RSMo. §575.290, 2014 effective 1-1-2017)

Section 210A.370. False Impersonation.

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

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

bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

- C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records. (RSMo. §575.120, 2004, 2014 effective 1-1-2017)

Section 210A.380. False Reports.

- A. A person commits the offense of making a false report if he/she knowingly:
1. Gives false information to any person for the purpose of implicating another person in an offense; or
 2. Makes a false report to a Law Enforcement Officer that an 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 person 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. (RSMo. §575.080, 2014 effective 1-1-2017)

Section 210A.390. Resisting Or Interfering With Arrest, Detention Or Stop.¹⁴

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

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

2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to:
1. Arrests, stops or detentions with or without warrants;
 2. Arrests, stops or detentions for any offense, infraction or ordinance violation; and
 3. Arrests for warrants issued by a court or a probation and parole officer.
- C. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she 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 him or her.
- 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. (RSMo. §575.150, 2009, 2014 effective 1-1-2017)

Section 210A.400. Escape Or Attempted Escape From Custody.¹⁵

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any offense, he/she escapes or attempts to escape from custody. (RSMo. §575.200, 2014 effective 1-1-2017)

Section 210A.410. Interference With Legal Process.

- A. A person commits the offense of interference with legal process if, knowing another person is authorized by law to serve process, he or she interferes with or obstructs such person for the purpose of preventing such person from effecting the service of any process.
- B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court. (RSMo. §575.160, 2014 effective 1-1-2017)

Section 210A.420. Signal Or Direction Of Law Enforcement Officer Or Firefighter, Duty To Stop, Motor Vehicle Operators And Riders Of Animals — Violation, Penalty.

- A. It shall be the duty of the operator or driver of any vehicle or any other conveyance regardless of means of propulsion, or the rider of any animal traveling on the highways of this City to stop on signal of any Law Enforcement Officer or Firefighter and to obey any other reasonable signal or direction of such Law Enforcement Officer or Firefighter given in directing the movement of traffic on the highways or enforcing any offense or infraction.

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

- B. The offense of willfully failing or refusing to obey such signals or directions or willfully resisting or opposing a Law Enforcement Officer or a Firefighter in the proper discharge of his or her duties is an ordinance violation. (RSMo. §575.145, 2002, 2014 effective 1-1-2017)

Section 210A.430. through Section 210A.510. (Reserved)

ARTICLE IV

Offenses Concerning Public Safety

Section 210A.520. Abandonment Of Airtight Or Semi-Airtight Containers.

- A. A person commits the offense of abandonment of an airtight or semi-airtight container if he or she knowingly abandons, discards, or permits to remain on premises under his or 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, warehouse operator or repair person.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.
- D. The offense of abandonment of an airtight or semi-airtight container is an ordinance violation. (RSMo. §577.100, 2014 effective 1-1-2017)

Section 210A.530. Littering.

A person commits the offense of littering if he or she places, deposits, or causes to be placed or deposited, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this City or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or the City, or on any private real property owned by another without the owner's consent. (RSMo. §577.070, 2014 effective 1-1-2017)

Section 210A.540. Littering Via Carcasses.

- A. A person commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal:

1. Into any well, spring, brook, branch, creek, pond, or lake; or
2. On any public road or highway, river, stream, or watercourse or upon premises not his or her own for the purpose of annoying another or others. (RSMo. §577.076, 2014 effective 1-1-2017)

Section 210A.550. Tampering With A Water Supply.

- A. A person commits the offense of tampering with a water supply if he or she purposely:
1. Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes; or
 2. Diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for his/her, their or its use.
- B. The offense of tampering with a water supply is an ordinance violation. (RSMo. §577.150, 2014 effective 1-1-2017)

Section 210A.560. through Section 210A.650. (Reserved)

ARTICLE V
Offenses Concerning Public Peace

Section 210A.660. Definitions.

As used in this Article, the following terms mean:

PRIVATE PROPERTY — Any place which at the time of the offense is not open to the public. It includes property which is owned publicly or privately.

PROPERTY OF ANOTHER — Any property in which the person does not have a possessory interest.

PUBLIC PLACE — Any place which at the time of the offense is open to the public. It includes property which is owned publicly or privately. (RSMo. §574.005, 2014 effective 1-1-2017)

Section 210A.670. Peace Disturbance.

- A. A person commits the offense of peace disturbance if he or 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. (RSMo. §574.010, 2014 effective 1-1-2017)

Section 210A.680. Private Peace Disturbance.

- A. A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:
 1. Threatening to commit an offense against any person; or
 2. Fighting.
- B. For purposes of this Section, if a building or structure is divided into separately occupied units, such units are separate premises. (RSMo. §574.020, 2014 effective 1-1-2017)

Section 210A.690. Unlawful Assembly.

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence. (RSMo. §574.040, 2014 effective 1-1-2017)

Section 210A.700. Rioting.

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence. (RSMo. §574.050, 2014 effective 1-1-2017)

Section 210A.710. Refusal To Disperse.

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot. (RSMo. §574.060, 2014 effective 1-1-2017)

Section 210A.720. Obstructing Public Places.

A. Definition. The following term shall be defined as follows:

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

B. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to:

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

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

Section 210A.730. Disrupting A House Of Worship.¹⁶

- A. For purposes of this Section, "house of worship" means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose.
- B. A person commits the offense of disrupting a house of worship if such person:

¹⁶ Note: Under certain circumstances this offense can be a felony under state law.

1. Intentionally and unreasonably disturbs, interrupts, or disquiets any house of worship by using profane discourse, rude or indecent behavior, or making noise either within the house of worship or so near it as to disturb the order and solemnity of the worship services; or
2. Intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of religious freedom in or outside of a house of worship or seeking access to a house of worship, whether by force, threat, or physical obstruction. (RSMo. §574.035, 2012, 2014 effective 1-1-2017)

Section 210A.740. Unlawful Funeral Protests Prohibited — Definitions.

- A. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.
- B. Definitions. As used in this Section, the following terms mean:

FUNERAL and BURIAL SERVICE — 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.

OTHER PROTEST ACTIVITIES — Any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.
- C. The offense of unlawful funeral protest shall be an ordinance violation. (RSMo. §574.160, 2014)

Section 210A.750. through Section 210A.820. (Reserved)

ARTICLE VI

Offenses Concerning Weapons And Firearms

Section 210A.830. Definitions.

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

ANTIQUÉ, CURIO OR RELIC FIREARM — Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, § 5845, and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR 178.11:

1. "Antique firearm" is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any

matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof;

2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

BLACKJACK — Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

BLASTING AGENT — Any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this Section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

CONCEALABLE FIREARM — Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

DEFACE — To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

DETONATOR — Any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, non-electric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors.

EXPLOSIVE WEAPON — Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this Article, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents.

FIREARM — Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

FIREARM SILENCER — Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

GAS GUN — Any gas ejection device, weapon, cartridge, container or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a 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. (RSMo. §571.010, 2008)

Section 210A.840. Unlawful Use Of Weapons — Exceptions.¹⁷

- A. A person commits the offense of unlawful use of weapons, except as otherwise provided by Sections 571.101 to 571.121, RSMo., if he or she knowingly:
 1. Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under Section 571.107, RSMo; or
 2. Sets a spring gun; or
 3. Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in Section 302.010, RSMo., or any building or structure used for the assembling of people; or

¹⁷ Note: Under certain circumstances this offense can be a felony under state law.

4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 5. Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or
 6. Discharges a firearm within one hundred (100) yards of any occupied schoolhouse, courthouse, or church building; or
 7. Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
 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. Discharges or shoots a firearm at or from a motor vehicle, as defined in Section 301.010, RSMo., discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
 10. 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; or
 11. 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. Subdivisions (1), (8), and (10) of Subsection (A) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subdivisions (3), (4), (6), (7), and (9) of Subsection (A) of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:
1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such Officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (H) of this Section, and who carry the identification defined in Subsection (I) of this Section, 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 Department of Public Safety under Section 590.750, 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 issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
- C. Subdivisions (1), (5), (8), and (10) 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. Subdivision (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 or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subdivision (10) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

- D. Subdivisions (1), (8), and (10) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., 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.
- E. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) 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. Notwithstanding any provision of this Section to the contrary, the State shall not prohibit any State employee from having a firearm in the employee's vehicle on the State's property provided that the vehicle is locked and the firearm is not visible. This Subsection shall only apply to the State as an employer when the State employee's vehicle is on property owned or leased by the State and the State employee is conducting activities within the scope of his or her employment. For the purposes of this Subsection, "State employee" means an employee of the executive, legislative, or judicial branch of the government of the State of Missouri.
- G. 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 or club-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.
- H. As used in this Section, "qualified retired Peace Officer" means an individual who:
 - 1. Retired in good standing from service with a public agency as a Peace Officer, other than for reasons of mental instability;
 - 2. Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had Statutory powers of arrest;
 - 3. Before such retirement, was regularly employed as a Peace Officer for an aggregate of fifteen (15) years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

4. Has a non-forfeitable right to benefits under the retirement plan of the agency if such a plan is available;
5. During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active Peace Officers to carry firearms;
6. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
7. Is not prohibited by Federal law from receiving a firearm.

I. The identification required by Subdivision (1) of Subsection (B) of this Section is:

1. A photographic identification issued by the agency from which the individual retired from service as a Peace Officer that indicates that the individual has, not less recently than one (1) year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or
2. A photographic identification issued by the agency from which the individual retired from service as a Peace Officer; and
3. A certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one (1) year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active Peace Officers to carry a firearm of the same type as the concealed firearm. (RSMo. §571.030, 2010, 2011, 2012, 2013, 2014; SB 656 of 2016, vetoed and overridden 9-2016)

Section 210A.850. Possession, Manufacture, Transport, Repair, Sale Of Certain Weapons.¹⁸

- A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:
1. An explosive weapon;
 2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
 3. A 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:

¹⁸. Note: Under certain circumstances this offense can be a felony under state 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 pursuant to this Section if his/her conduct involved any of the items in Subsections (A)(1) through (5), the item was possessed in conformity with any applicable 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; or
 2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Subparagraph (1) of this Subsection; or
 3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
 4. Was incident to displaying the weapon in a public museum or exhibition; or
 5. Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance. (RSMo. §571.020, 2008, 2011, 2012, 2016)

Section 210A.860. Defacing Firearm.

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm. (RSMo. §571.045.1)

Section 210A.870. Purchase In Another State By Missouri Residents, Permitted When.

Residents of the State of Missouri may purchase firearms in any State, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. § 921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which the purchase is made. (RSMo. §571.085, 2011)

Section 210A.880. Purchase In Missouri By Non-Resident, Permitted When.

Residents of any State may purchase firearms in the State of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. § 921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which such persons reside. (RSMo. §571.087, 2011)

Section 210A.890. Unlawful Transfer Of Weapons.¹⁹

- 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. (RSMo. §571.060.1[2 — 3], 2016)

Section 210A.900. Carrying Concealed Firearms Prohibited — Penalty For Violation.

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subsection 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 Subsection 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 Subsection (1) of Section 571.107, RSMo. Nothing in this Subsection shall preclude those persons listed in Subsection (B)(1) of Section 210.840 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section

¹⁹. Note: Under certain circumstances this offense can be a felony under state law.

210.840, 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 Subsection (1) of Section 571.107, RSMo., from carrying a concealed firearm within any of the areas described in this Subsection. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subsection 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 Chesterfield City Council, except that nothing in this Subsection shall preclude a member of the City Council holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the City Council of which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
6. Any building owned, leased or controlled by the City of Chesterfield 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 Chesterfield. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation;
7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subsection shall not apply to the licensee of said establishment. The provisions of this Subsection 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 Subsection 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 Subsection authorizes any individual who has been issued a concealed carry permit or 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 or her school district as a school protection officer and is carrying a firearm in a school within that district,

in which case no 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 Subsection shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or 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 permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or 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 permit or 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 permit or 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 permit or endorsement and the Department of Revenue.
 2. If the violator does not hold a current valid concealed carry permit or 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 Chesterfield may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry permit or endorsement pursuant to State law to fail to carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry permit or endorsement upon the request of any Peace Officer. (RSMo. §571.107, 2009, 2013, 2014)

Section 210A.910. Open Display Of Firearm Permitted, When.

Any person who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense. (RSMo. §571.037, 2012, 2013)

Section 210A.920. Discharging Air Gun, Etc.

Any person within the limits of this City who shall discharge any BB gun which expels a projectile by means of a spring, air or any other means, paintball gun or air gun or shall shoot

any pebble, bullet, slug, arrow or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of an ordinance violation.

Section 210A.930. Turkey Shoots And Other Charitable Events.

The discharge of firearms in connection with any turkey shoots or other charitable event may be authorized by the City Council.

Section 210A.940. through Section 210A.1010. (Reserved)

ARTICLE VII

Offenses Concerning Property

Section 210A.1020. Definitions.

As used in this Article, the following terms mean:

ENTER UNLAWFULLY or REMAIN UNLAWFULLY — A person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or 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 or 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.

TO TAMPER — To interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing.

UTILITY — An enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated. (RSMo. §569.010, 2014 effective 1-1-2017)

Section 210A.1030. Tampering.²⁰

- A. A person commits the offense of tampering if he/she:
1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or
 2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
 3. Tampers or makes connection with property of a utility; or

²⁰. Note: Under certain circumstances this offense can be a felony under state law.

4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under Subsection (A)(4), 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 Subsection (A)(4), 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 Subsection by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service. (RSMo. §569.090, 2005, 2014 effective 1-1-2017)

Section 210A.1040. Property Damage.²¹

- A. A person commits the offense of property damage if he/she:
 1. Knowingly damages property of another; or
 2. Damages property for the purpose of defrauding an insurer. (RSMo. §569.120, 2014 effective 1-1-2017)

Section 210A.1050. Claim Of Right.

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.
- C. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs or removes any part of a leased structure or dwelling unit, or the facilities, equipment or appurtenances thereof, may inject the issue of claim of right. (RSMo. §569.130, 2014)

Section 210A.1060. Trespass In The First Degree.

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

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

1. Actual communication to the actor; or
2. Posting in a manner reasonably likely to come to the attention of intruders. (RSMo. §569.140, 2014 effective 1-1-2017)

Section 210A.1070. Trespass In The Second Degree.

- A. A person commits trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.
- B. Trespass in the second degree is an infraction. (RSMo. §569.150, 2014 effective 1-1-2017)

Section 210A.1080. Trespass Of A School Bus.

- A. A person commits the offense of trespass of a school bus if he or she knowingly and unlawfully enters any part of or unlawfully operates any school bus.
- B. For the purposes of this Section, 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. In order to preserve the public order, any district which adopts the policies described in Subsection (B) of this Section shall establish and enforce a student behavior policy for students on school buses. (RSMo. §569.155, 2014 effective 1-1-2017)

Section 210A.1090. Reckless Burning Or Exploding.

A person commits the offense of reckless burning or exploding if he/she recklessly starts a fire or causes an explosion and thereby damages or destroys the property of another. (RSMo. §569.060, 2014 effective 1-1-2017)

Section 210A.1100. Negligent Burning Or Exploding.

- A. A person commits the offense of negligent burning or exploding if he/she with criminal negligence causes damage to property or to the woodlands, cropland, grassland, prairie, or marsh of another by:
 1. Starting a fire or causing an explosion; or
 2. Allowing a fire burning on lands in his or her possession or control onto the property of another. (RSMo. §569.065, 2014 effective 1-1-2017)

Section 210A.1110. Stealing.²²

- A. A person commits the offense of stealing if he or she:
1. Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;
 2. Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
 3. For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen. (RSMo. §570.030, 2005, 2014 effective 1-1-2017)

Section 210A.1120. Theft Of Motor Fuel.

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 210.1110 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. (RSMo. §302.286)

Section 210A.1130. (Reserved)²³**Section 210A.1140. Financial Exploitation Of An Elderly Person Or Person With A Disability — Certain Defense Prohibited.**²⁴

- A. A person commits the offense of financial exploitation of an elderly person or a person with a disability if such person knowingly obtains control over the property of the elderly person or person with a disability with the intent to permanently deprive the person of the use, benefit or possession of his or her property thereby benefitting the offender or detrimentally affecting the elderly person or person with a disability by:
1. Deceit;

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

23. Editor's Note: This Section previously pertained to receiving stolen property. However, the authorizing statute, former RSMo. § 570.080, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017.

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

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. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform; or
 8. Undue influence, which means the use of influence by someone who exercises 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. "Undue influence" includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.
- B. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- C. 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 person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.
- D. 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 person or person with a disability has become accustomed at the time of such actions.
- E. It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability.
- F. Medicaid Funds. 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. The Department of Social Services, Family Support Division, or its successor is authorized to release information from its records containing the resident's

income or assets to any prosecuting or circuit attorney in the State of Missouri for purposes of investigating or prosecuting any suspected violation of this Section.

- G. The offense of financial exploitation of an elderly person or person with a disability is an ordinance violation. (RSMo. §570.145, 2005, 2012, 2014 effective 1-1-2017)

Section 210A.1150. Fraudulent Use Of A Credit Or Debit Device.²⁵

- A. A person commits the offense of fraudulent use of a credit device or debit device if he or she 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; or
 2. The device has been revoked or canceled; or
 3. For any other reason his or her use of the device is unauthorized; or
- B. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels such charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels such charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue. (RSMo. §570.130, 2014 effective 1-1-2017)

Section 210A.1160. Deceptive Business Practice.

- A. A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he or 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, displays 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 or 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 a 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 or provide the property or services:

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

- a. At the price which he or she offered them;
- b. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
- c. At all. (RSMo. §570.140, 2014 effective 1-1-2017)

Section 210A.1170. Alteration Or Removal Of Item Numbers With Intent To Deprive Lawful Owner.²⁶

- 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. (RSMo. §570.085, 2014 effective 1-1-2017)

Section 210A.1180. Stealing Leased Or Rented Personal Property — Enforcement Procedure — Penalty — Venue.²⁷

- A. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:
 1. Purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;
 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;

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

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

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 this 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 569.100, RSMo., or Section 210.1040 of this Code 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. (RSMo. §570.057, 2014 effective 1-1-2017)

Section 210A.1190. Passing Bad Checks.²⁸

- A. A person commits the offense of passing a bad check when he/she:
1. With the purpose to defraud, 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. 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 Subsection (A)(2) 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. (RSMo. §570.120, 2005, 2014 effective 1-1-2017)

Section 210A.1200. Shoplifting — Detention of Suspect by Merchant — Liability Presumption.

- A. Definitions. As used in this Section, the following definitions shall apply:

MERCANTILE ESTABLISHMENT — Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

MERCHANDISE — All goods, wares and merchandise offered for sale or displayed by a merchant.

MERCHANT — Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

²⁸. Note: Under certain circumstances this offense can be a felony under state law.

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. (RSMo. §537.125)

Section 210A.1210. Copper Wire Or Cable, Catalytic Converters, Collectors And Dealers To Keep Register, Information Required — Penalty — Exempt Transactions.

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:
1. Copper, brass or bronze;
 2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener;
 3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.; whatever may be the condition or length of such metal; or
 4. Catalytic converter.
- B. The record required by this Section shall contain the following data:
1. A copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained;

2. The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in Subsection (B)(1) of this Subsection;
 3. The date, time and place of the transaction;
 4. The license plate number of the vehicle used by the seller during the transaction;
 5. A full description of the metal, including the weight and purchase price.
- C. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- D. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- E. This Section shall not apply to any of the following transactions:
1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00), unless the scrap metal is a catalytic converter;
 2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
 3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications. (RSMo. §407.300, 2008, 2013)

Section 210A.1220. Metal Beer Keg, Prohibition On Purchase Or Possession By Scrap Metal Dealer — Violation, Penalty.

- A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.
- B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense. (RSMo. §407.301, 2008)

Section 210A.1230. Metal Belonging To Various Entities — Scrap Yard Not To Purchase — Violation, Penalty.

- A. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility or utility regulated under Chapters 386 or 393, RSMo., including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under Chapter 386 or 393, RSMo., or manufacturer of the metal or item described in this Section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under Chapter 386 or 393, RSMo., or manufacturer to sell the metal.
- B. Anyone convicted of violating this Section shall be guilty of an ordinance violation. (RSMo. §407.302, 2008, 2013)

Section 210A.1240. Scrap Metal Dealers — Payments In Excess Of \$500.00 To Be Made By Check — Exceptions.

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment by issuing a prenumbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this Section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with Chapter 407, RSMo.
- B. Any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's license or non-driver's license if the metal is copper or a catalytic converter. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.
- C. Any person in violation of Sections 210.1210 to 210.1240 by selling stolen scrap metal shall be responsible for consequential damages related to obtaining the scrap metal. (RSMo. §407.303, 2008, 2013)

Section 210A.1250. through Section 210A.1340. (Reserved)

ARTICLE VIII

Offenses Concerning Prostitution**Section 210A.1350. Article Definitions.**

As used in this Article, the following terms mean:

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.

PERSISTENT PROSTITUTION OFFENDER — A person who has been found guilty of two (2) or more prostitution-related offenses.

PROSTITUTION-RELATED OFFENSE — Any violation of State law for prostitution, patronizing prostitution, or promoting prostitution.

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 or for the purpose of terrorizing the victim.

SEXUAL INTERCOURSE — Any penetration, however slight, of the female genitalia by the penis.

SOMETHING OF VALUE — Any money or property, or any token, object or article exchangeable for money or property. (RSMo. §567.010, 2014 effective 1-1-2017)

Section 210A.1360. Prostitution.²⁹

A person commits the offense of prostitution if he or 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. (RSMo. §567.020, 2014 effective 1-1-2017)

Section 210A.1370. Patronizing Prostitution.³⁰

- A. A person commits the offense of patronizing prostitution if he or 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

²⁹. Note: Under certain circumstances this offense can be a felony under state law.

³⁰. Note: Under certain circumstances this offense can be a felony under state law.

3. Solicits or requests another person to engage in sexual conduct with any person in return for something of value.
- B. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen (18) years of age or older. (RSMo. §567.030, 2004, 2014 effective 1-1-2017)

Section 210A.1380. (Reserved)³¹

Section 210A.1390. Prostitution Houses Deemed Public Nuisances.

- A. Any room, building or other structure regularly used for any prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any 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. (RSMo. §567.080, 2014 effective 1-1-2017)

Section 210A.1400. through Section 210A.1490. (Reserved)

ARTICLE IX
Sexual Offenses

Section 210A.1500. Article Definitions.

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

DEVIATE SEXUAL INTERCOURSE — Any act involving the genitals of one person and the hand, mouth, tongue or anus of another person or a sexual act involving the penetration, however slight, of the penis, 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.

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

³¹ Editor's Note: This Section previously noted that in prosecutions of prostitution and patronizing prostitution, the sex (gender) of the parties was no defense. However, the authorizing statute, former RSMo. § 567.040, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017.

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 the sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL INTERCOURSE — Any penetration, however slight, of the female genitalia by the penis. (RSMo. §566.010, 2006, 2014 effective 1-1-2017)

Section 210A.1510. Sexual Misconduct.

- A. A person commits the offense of sexual misconduct in the first degree if such person:
1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
 2. Has sexual contact in the presence of a third 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. (RSMo. §566.093, 2004, 2014 effective 1-1-2017)

Section 210A.1520. Sexual Abuse.³²

A person commits the offense of sexual abuse in the second degree if he/she purposely subjects another person to sexual contact without that person's consent. (RSMo. §566.101, 2013, 2014 effective 1-1-2017)

Section 210A.1530. Certain Offenders Not To Physically Be Present Or Loiter Within 500 Feet Of A Child Care Facility — Violation — Penalty.

- A. Any person who 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; Section 573.200, RSMo., Use Of A Child In A Sexual Performance; 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;

³². Note: Under certain circumstances this offense can be a felony under state law.

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

- B. For purposes of this Section, "child care facility" shall include any child care facility licensed under Chapter 210, RSMo., or any child care facility that is exempt from State licensure but subject to State regulation under Section 210.252, RSMo., and holds itself out to be a child care facility.
- C. Violation of the provisions of this Section is an ordinance violation. (RSMo. §566.148, 2009, 2014 effective 1-1-2017)

Section 210A.1540. Certain Offenders Not To Be Present Within 500 Feet Of School Property, Exception — Permission Required For Parents Or Guardians Who Are Offenders, Procedure.

- A. Any person who 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; Section 573.200, RSMo., Use Of A Child In A Sexual Performance; 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
 2. 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) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.
- B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the parent, legal guardian, or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the

Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

- C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section is an ordinance violation. (RSMo. §566.149, 2006, 2008, 2009, 2014 effective 1-1-2017)

Section 210A.1550. Halloween, Restrictions On Conduct — Violations.

- A. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., shall be required on October 31st of each year to:
1. Avoid all Halloween-related contact with children;
 2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause including, but not limited to, employment or medical emergencies;
 3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
 4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.
- B. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of an ordinance violation. (RSMo. §589.426, 2008)

Section 210A.1560. Urinating In Public.

It shall be unlawful for any person within the City to urinate in or upon any street, park, any public place open to the public or private place open to public view other than in the restroom facilities provided for such activity.

Section 210A.1570. through Section 210A.1660. (Reserved)

ARTICLE X

Offenses Concerning Pornography

Section 210A.1670. Definitions.

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

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

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

MINOR — Any person less than eighteen (18) years of age.

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 covering of any part of the nipple or areola.

OBSCENE — Any material or performance if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
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 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; and
2. The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal 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. (RSMo. §573.010, 2014 effective 1-1-2017)

Section 210A.1680. Promoting Pornography For Minors Or Obscenity.³³

- A. A person commits the offense of promoting pornography for minors or obscenity if, knowing of its content and character, he/she:
1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain; or
 2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
 3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
 4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
 5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor. (RSMo. §573.030.1, 2009, 2014 effective 1-1-2017)

Section 210A.1690. Furnishing Pornographic Materials To Minors.³⁴

- A. A person commits the offense of furnishing pornographic material to minors if, knowing of 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; or
 2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
 3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.
- B. It is not a defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.

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

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

- C. The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation. (RSMo. §573.040, 2008, 2009, 2014 effective 1-1-2017)

Section 210A.1700. through Section 210A.1790. (Reserved)

ARTICLE XI

Offenses Concerning Drugs

Section 210A.1800. Possession Of Marijuana Or Synthetic Cannabinoid.³⁵

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579 or Chapter 195, RSMo.³⁶ (RSMo. §579.015, 2014 effective 1-1-2017)

Section 210A.1810. Possession Of A Controlled Substance.³⁷

A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., or Chapter 195, RSMo.³⁸ (RSMo. §579.015, 2014 effective 1-1-2017)

Section 210A.1820. Limitations On The Retail Sale Of Methamphetamine Precursor Drugs.

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
 2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- B. The penalty for a knowing violation of Subsection (A) of this Section is found in Section 569.060, RSMo. (RSMo. §195.418, 2014 effective 1-1-2017)

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

36. State Law Reference: For similar statutory provisions and the elements setting the levels of this offense, see §§ 195.010, 195.017 and 579.015, RSMo.

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

38. State Law Reference: For similar statutory provisions and the elements setting the levels of this offense, see §§ 195.010, 195.017 and 579.015, RSMo.

Section 210A.1830. Unlawful Possession Of Drug Paraphernalia.³⁹

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia, 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 an imitation controlled substance in violation of Chapter 579, RSMo., or Chapter 195, RSMo. (RSMo. §579.074, 2014 effective 1-1-2017)

Section 210A.1840. Inhalation Or Inducing Others To Inhale Solvent Fumes To Cause Certain Reactions, Prohibited — Exceptions.

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes. (RSMo. §579.097, 2014 effective 1-1-2017)

Section 210A.1850. Inducing, Or Possession With Intent To Induce, Symptoms By Use Of Solvents And Other Substances, Prohibited.

- A. As used in this Section, "alcohol beverage vaporizer" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
- B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:
1. Solvents, particularly toluol;
 2. Ethyl alcohol;
 3. Amyl nitrite and its iso-analogues;
 4. Butyl nitrite and its iso-analogues;
 5. Cyclohexyl nitrite and its iso-analogues;
 6. Ethyl nitrite and its iso-analogues;
 7. Pentyl nitrite and its iso-analogues; and
 8. Propyl nitrite and its iso-analogues.

³⁹. Note: Under certain circumstances this offense can be a felony under state law.

- 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 210.1840 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. (RSMo. §579.099, 2014 effective 1-1-2017)

Section 210A.1860. Possession Or Purchase Of Solvents To Aid Others In Violations, Prohibited — Violations Of Sections 210.1840 To 210.1850 — Penalty.⁴⁰

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.1840 and 210.1850 hereof.
- B. Any person who violates any provision of Sections 210.1840 through 210.1860 is guilty of an ordinance violation for the first violation. (RSMo. §579.101, 2014 effective 1-1-2017)

Section 210A.1870. through Section 210A.1960. (Reserved)

ARTICLE XII

Offenses Concerning Minors⁴¹

Section 210A.1970. Article Definitions.

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 natural or adoptive father or mother, 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 offense.

⁴⁰. Note: Under certain circumstances this offense can be a felony under state law.

⁴¹. Cross Reference: As to alcohol-related offenses involving minors, § 600.060.

Section 210A.1980. Curfew For Persons Under 17.

- 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 Chesterfield 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 permit such person 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. 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 210A.1990. Parental Responsibility.

- A. Whenever a minor shall be arrested or detained for the commission of any offense 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 any offense. 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 offense.
- 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 a penalty as set forth in Section 100.220 of this Code. 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 210A.2000. through Section 210A.2090. (Reserved)

ARTICLE XIII

Offenses Concerning Tobacco, Alternative Nicotine Products Or Vapor Products

Section 210A.2100. Definitions.

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.⁴²

CENTER OF YOUTH ACTIVITIES — Any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen (18) for recreational, educational or other purposes.

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, alternative nicotine product or vapor 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, alternative nicotine product or vapor product samples.

TOBACCO PRODUCTS — Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products or vapor products.

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

42. Editor's Note: See 21 U.S.C. § 351 et seq.

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, alternative nicotine products or vapor products. (RSMo. §407.925, 2014)

Section 210A.2105. No Tobacco Sales To Minors — Alternative Nicotine Products, Vapor Products And Nicotine Liquid Containers — Sale To Minors Prohibited.

- A. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than eighteen (18) years of age.
- B. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the Internet in this State in violation of Subsection (A) of this Section shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
- C. Alternative nicotine products and vapor products shall only be sold to persons eighteen (18) years of age or older, shall be subject to local and State sales tax, but shall not be otherwise taxed or regulated as tobacco products.
- D. Nicotine Liquid Containers — Regulations.
 1. Any nicotine liquid container that is sold at retail in this State shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the effective date of this Section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this Section.
 2. For the purposes of this Subsection, "nicotine liquid container" shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A "nicotine liquid container" shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.
 3. Any person who engages in retail sales of liquid nicotine containers in this State in violation of this Subsection shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
 4. The Department of Health and Senior Services may adopt rules necessary to carry out the provisions of this Subsection. Any rule or portion of a rule, as that term is defined in Section 536.010, RSMo., that is created under the authority delegated in that Section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo., and, if applicable, Section 536.028,

RSMo. This Section and Chapter 536, RSMo., are non-severable, and if any of the powers vested with the General Assembly under Chapter 536, RSMo., to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

5. The provisions of this Subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the Federal Food and Drug Administration or from any other Federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers. (RSMo. §407.926, 2015)

Section 210A.2110. Unlawful To Sell Or Distribute Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors — Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products or vapor products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products, alternative nicotine products or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product, alternative nicotine product or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.
- C. No person or entity shall sell, provide or distribute any tobacco product, 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 Subsection (A), (B) or (C) of this Section or Section 210.2140 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, alternative nicotine products or vapor 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 sales of tobacco products, alternative nicotine products or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products or vapor 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 products, alternative nicotine products or vapor products; 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, alternative nicotine products or vapor 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 210.2140, 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 Subsection (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo. (RSMo. §407.931, 2014)

Section 210A.2120. Minors Prohibited From Purchase Or Possession Of Tobacco Products, Alternative Nicotine Products Or Vapor Products — Misrepresentation Of Age.

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor 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, tobacco products, alternative nicotine products or vapor 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, tobacco products, alternative nicotine products or vapor products confiscated;
 2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available. (RSMo. §407.933, 2014)

Section 210A.2130. Retail Sales Tax License Required For Sale Of Tobacco Products, Alternative Nicotine Products Or Vapor Products.

No person shall sell cigarettes, tobacco products, alternative nicotine products or vapor products unless the person has a retail sales tax license. (RSMo. §407.934.1, 2014)

Section 210A.2140. Required Sign Stating Violation Of State Law To Sell Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors Under Age 18 — Display Of Sign Required, Where.

- 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, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, 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, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES,

OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18." (RSMo. §407.927, 2014)

Section 210A.2150. Restrictions On Sales Of Individual Packs Of Cigarettes.

- 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. (RSMo. §407.928)

Section 210A.2160. Proof Of Age Required, When Defense To Action For Violation Is Reasonable Reliance On Proof — Liability.

- A. A person or entity selling tobacco products, alternative nicotine products or vapor products or rolling papers or distributing tobacco product, alternative nicotine product or 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 Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products 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 or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.

- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.2110 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.2110 on any single day. (RSMo. §407.929, 2014)

Chapter 215
NUISANCES

ARTICLE I
Vegetation

- Section 215.010. Definitions.**
- Section 215.020. Administration.**
- Section 215.030. Public Nuisance Declared.**
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Removal And Abatement Of Certain Nuisances As Assessments On Real Estate.

- Section 215.090. through Section 215.130. (Reserved)**

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- Section 215.100. Parking Prohibited In Residential Front Yards.**
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Cross References: As to alarm systems, Ch. 610; as to animals and fowl, ch. 205; as to animals creating a nuisance, § 205.020; as to buildings and building regulations, ch. 500; as to health and sanitation, ch. 240; as to soliciting in violation of notice declared nuisance, § 605.330; as to hours of solicitation allowed, § 605.340; as to abandoned vehicles, §§ 385.010 et seq.; as to offenses and miscellaneous provisions, ch. 210; as to police, ch. 200.

State Law References: Power of city to abate and remove nuisances, §§ 77.530, 77.560, RSMo.; disposal of dead animals generally, §§ 269.010 et seq., RSMo.

ARTICLE I
Vegetation

Section 215.010. Definitions.

[CC 1990 § 20-1; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2679, 11-7-2011; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

INVASIVE PLANT — A vegetation species that grows aggressively in the State of Missouri, as listed by the Missouri Department of Conservation.

LESSEE — Any person, agent, operator, firm, or corporation having possession, occupancy or control of all or a portion of a premises pursuant to a written or unwritten lease, contract, agreement, or license with the owner.

NATIVE PLANT — A vegetation species that existed prior to the arrival of settlers within the State of Missouri, as listed by the Missouri Department of Conservation.

NOXIOUS WEED — A vegetation species that is listed as a Missouri State Noxious Weed by the United States Department of Agriculture.

NUISANCE PLANT — Toxic species known to cause death or severe allergic reactions among a segment of the human population such as Poison Hemlock, Poison Ivy, and Ragweed.

OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON HAVING CONTROL — Any occupant, representative or employee of an owner or lessee, or any person eighteen (18) years of age or older who has charge, care or control of any portion of a premises.

PREMISES — A lot, plot, or parcel of land including any structures thereon.

ROLL-OFF TRASH CONTAINER — Any rented bulk solid waste receptacle placed temporarily on property and used to handle solid waste disposal related to temporary activities such as moving, cleaning, remodeling or other construction at a site. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. This term shall not be interpreted to refer to a trash container or dumpster that is stored in a more permanent manner on the property and is referenced and regulated by ordinance or this Code and is further required to be screened from public view.

SIGHT DISTANCE — The clear line of sight necessary for pedestrian safety or safe operation of a motorized vehicle.

STORMWATER — Rainfall runoff, snow melt runoff and surface runoff and drainage.

STORMWATER MANAGEMENT FACILITY — Structure and constructed feature designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the stormwater system. Stormwater management facilities included vegetative or structural measures, or both, to control the increased volume, rate, and quality of stormwater runoff caused by manmade changes to land.

TURF GRASS — A type of vegetation ground cover, managed by weed removal and mowing to maintain a uniform height.

TURF WEED — Broadleaf weeds, annual and perennial grasses that invade or disrupt the uniformity of turf grass lawns.

Section 215.020. Administration.

[CC 1990 § 20-2; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Every owner, lessee or person in control of a property upon which a subdivision plat has been recorded in accordance with law and all property within one hundred (100) feet from the out-boundary of an occupied or improved subdivision or upon the right-of-way adjoining such premises in the City of Chesterfield shall keep said property free of public nuisances as described in Section 215.030 of this Article.
- B. This section shall apply to any violations cited after the date of this article. All violations of the original Ordinance 192, Ordinance 385, or Ordinance 578 cited prior to the date this ordinance was adopted shall be prosecuted in accordance with the provisions set out in the original applicable on the date of violation.

Section 215.030. Public Nuisance Declared.

[CC 1990 § 20-3; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2679, 11-7-2011; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Public nuisances of the City are hereby declared to be as follows:
 1. Any act committed or suffered to be committed by any person, or any substance kept, maintained, placed, or thrown upon any public or private premises which constitutes a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity as determined by the Planning and Development Services Director.
 2. The above public nuisance declaration shall include, but not be limited to, the following:
 - a. Discharge of piped potable or non-potable water including groundwater, stormwater, and pool water, release of liquids, chemicals, oils, or substances upon any right-of-way, including streets, alleys, tree lawns, sidewalks, bike trails, or in close proximity to natural streams or neighboring premises that constitutes a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents of the immediate vicinity. At a minimum, piped residential downspouts or basement sump pumps shall be day-lighted to surface discharge at least ten (10) feet away from a neighboring property line.
 - b. Maintaining or permitting conditions that promote or allow mosquito, cockroach, flea, or other insect infestations to develop upon a premises or in stagnant pools or impoundments of water, that constitute a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents of the immediate vicinity.
 - c. Emission of any offensive, noxious or toxic gas, effluvia or odor that constitutes a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents and occupants of the immediate vicinity.

- d. Dead animal carcasses permitted to remain upon a premises for more than twelve (12) hours.
- e. Keeping, maintaining, or permitting animals of any kind, domestic or wild, upon a premises in such a manner or condition that same constitutes a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents or occupants of the immediate vicinity.
- f. Keeping, maintaining or permitting of trash, debris, garbage, rubbish, junk, decaying vegetation or animal matter or other substance upon a premises constituting a hurt, injury, inconvenience or danger to the health safety or welfare of the public or residents and occupants of the immediate vicinity.
- g. Failure to mow or cut turf grass or turf weeds, to maintain a maximum height of not more than ten (10) inches, or failure to control or remove listed (Section 215.070) nuisance plants, invasive plants and noxious weeds in such a manner that constitutes a hurt, injury, inconvenience or danger to the health safety or welfare of the public or residents and occupants of the immediate vicinity. Managed stands of native plants, ornamental grasses, or shrubs, and cultivated agricultural crops, vegetable gardens or flower gardens exceeding ten (10) inches in height are permitted provided they are maintained free of turf weeds and grasses, nuisance plants, invasive plants and noxious weeds, are kept at least four (4) feet from a property line, and do not impair sight distance, or constitute a hurt, injury, inconvenience or danger to the health safety or welfare of the public or residents and occupants of the immediate vicinity.
- h. Placement or dumping of dead plant material such as lawn clippings, weeds, leaves, tree trunks, and tree branches, in or near storm sewers, creeks, drainage swales, stream banks, or steep slopes in such a manner that constitutes a hurt, injury, inconvenience or danger to the health safety or welfare of the public or residents and occupants of the immediate vicinity. Erosion control devices such as silt fence, rip-rap, erosion control blankets, check dams, or seed and mulch placed near creeks, in drainage swales, on stream banks, or upon steep slopes, shall comply with the City of Chesterfield Erosion Control Manual.
- i. Any standing or fallen, dead tree, dead tree limbs, dead shrubs, and trees that are more than fifty percent (50%) dying, damaged, or diseased to constitute a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents and occupants of the vicinity. Removal of any dead or dying tree shall comply with the City of Chesterfield Tree Manual.
- j. Any unfenced in-ground swimming pool, any unsecured building or structure, or any dilapidated or unsafe building, fence, retaining wall, or structure located upon any public or private place or premises in such condition that same constitutes a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or the residents and occupants of the immediate vicinity.

- k. The use of light sources shall comply with the City of Chesterfield Lighting Code. Official or approved emergency, construction, safety and warning lighting are generally permitted.
 - l. Placement of a roll-off trash container on property for an uninterrupted period exceeding ninety (90) consecutive days or positioned so as to create an obstruction for a roadway, alley or sidewalk constituting an inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity.
 - m. Any stormwater management facility located on any lot or land shall be declared a public nuisance for failure to maintain the private stormwater management facility if it has conditions impairing its proper operation, including, but not limited to, excessive sediment, extensive ponding of water, rubbish and trash, noxious weeds or invasive plants or nuisance plants exceeding ten (10) inches in height, or any material which is unhealthy or impacts the proper operation of the private stormwater management facility.
3. Native plants, turf grass, ornamental grasses, or shrubs, including plants that are part of an approved, designed private stormwater facility or MSD approved guidance document do not constitute a public nuisance.

Section 215.040. Notice To Abate, Posting And Delivery.

[CC 1990 § 20-4; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Whenever it comes to the attention of the City, or the City receives an allegation of the existence of a public nuisance, the City shall investigate and shall make a determination. If a public nuisance is found to exist, a notice to abate shall be mailed or hand delivered to the owner, lessee, or person having control of the premises. If mail or hand delivery is not readily achievable, the property may be posted to provide notification by placing the notice to abate upon a building, tree, or other object upon such property, as may be available.
- B. The notice to abate described in subsection (a) shall contain:
 1. Address or description of the property;
 2. Ordinance number of the ordinance being violated;
 3. Nature of the violation, and the number of days by which the violation shall be removed or abated; and
 4. Notice of the penalty for a failure to remove or abate the nuisance, stating that if the nuisance reoccurs by the same owner, lessee, or person in charge, a summons will be issued without further notice.
- C. Notice To Abate, First Offense. In all cases where the public nuisance is the first offense of the specified ordinance violation for the person charged therewith, the notice

to abate provisions shall be observed. The number of days granted to abate a violation shall not be less than four (4) days, except in emergency cases.

Section 215.050. Summons And Abatement By City.

[CC 1990 § 20-5; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Upon neglect or failure to act upon the notice to abate, the City shall issue a summons as follows:
1. **Summons, Service Of.** If a notice to abate is issued, and the public nuisance has not been removed or abated in the allotted time, the City shall issue a Municipal Court summons, directed by name to the owner, lessee, or person in charge of the property, showing:
 - a. Address or description of property on which the public nuisance is located, and such other information as may be available to the inspector,
 - b. The ordinance which is being violated and setting forth in general the nature of the public nuisance, and
 - c. Date on which the case will be on the Municipal Court docket for hearing.
 2. **Summons, Delivery By Mail.** The City shall cause the summons to be delivered by ordinary mail, postage prepaid to the person named therein at the address shown on the summons, or at such other address as the person charged therewith shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person to whom addressed.
 3. **Abatement By City.** If the owner, lessee, or person in charge of property for which a notice to abate has been issued, fails to remove or abate the public nuisance in the time specified, the City may elect to abate the public nuisance in which case the City shall notify the owner, lessee, or person in charge of the property, in writing, a minimum of four (4) days in advance, of the date, time, and location of an abatement hearing. The abatement hearing officer shall be the City Administrator or his designated representative. The abatement hearing officer shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. The abatement hearing officer shall review all evidence and may issue an order to abate the nuisance allowing at least five (5) business days after the hearing for abatement to be complete. The order shall include authorization for the City to immediately enter the property and to remove the public nuisance and assess costs pursuant to this section if such public nuisance is not removed within the time allotted after the abatement hearing.
 4. **Assessment Of Costs For Abatement By City.** All costs and expense incurred by the City in removing or abating a public nuisance may be assessed against the property owner in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the

public nuisance may be made a part of a judgment by the municipal court, in addition to any other penalties and costs imposed.

5. Notice To Abate, Subsequent Offenses. In all cases where the public nuisance is a repeat or continued offense occurring within a twelve-month period, the notice to abate provisions need not be observed. Thereafter such owner, lessee, or person having control may be summoned into municipal court to answer the charges, and/or the City shall have the option of performing abatement by City and assessment of costs without another notice to abate being issued. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City in abating the public nuisance. Each day a violation continues after the expiration of the notice to abate shall constitute a separate offense.

Section 215.060. Penalty.

[CC 1990 § 20-6; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Any person, persons, firm, association or corporation violating any provision of this public nuisance article or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of this public nuisance article may be prosecuted as provided by law for the violation of ordinance of the City of Chesterfield and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) for any one offense or imprisonment in the City jail for not more than three (3) months, or both such fine and imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense.
- B. In addition to the penalties hereinabove authorized and established, the City Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violation of this ordinance.

Section 215.070. Listings Of Noxious Weeds, Invasive Plants And Native Plants.

[CC 1990 Ch. 20, App. A; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Noxious Weeds. As may be amended from time to time by the United States Department of Agriculture, Missouri State Listed Noxious Weeds.

Canada thistle
 Common teasel
 Cut-leaved teasel
 Field bindweed
 Johnson grass
 Kudzu
 Marijuana

Multiflora rose
 Musk thistle
 Purple loosestrife
 Scotch thistle

- B. Invasive Plants. As may be amended from time to time by the Missouri Department of Conservation listed in the Missouri Vegetation Manual.

Autumn olive
 Black Locust
 Bush honeysuckles
 Common buckthorn
 Crown vetch
 Garlic mustard
 Gray dogwood
 Honey locust (with seeds)
 Japanese honeysuckle
 Leafy spurge
 Osage orange
 Reed canary grass
 Sericea lespedeza
 Sesbania
 Smooth sumac
 Sweet clover (white and yellow)
 Wintercreeper

- C. Native Plants. As may be amended from time to time by the Missouri Department of Conservation listed on the Grow Native! Website: www.grownative.org.

Section 215.080. Additional Remedies To Recover Costs Of Removal And Abatement Of Certain Nuisances As Assessments On Real Estate.

[CC 1990 § 20-22; Ord. No. 1696 § 1, 12-4-2000]

In addition to any other remedy provided by law or by the City ordinances, if the owner of property has failed to begin or pursue, without unnecessary delay, the removal of a nuisance within the time described by the ordinances of the City of Chesterfield, but no later than sixty (60) days from the date of notice, has not removed or abated a public nuisance which has been declared to exist on any lot or land due to the presence of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, 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 that may endanger public safety or any material that is unhealthy or unsafe and declared to be a public nuisance, the cost of such removal or

abatement may be added to the annual real estate bill for the property and collected in the same manner and procedure for collecting real estate taxes.

Section 215.090. through Section 215.130. (Reserved)

ARTICLE II
Miscellaneous

Section 215.100. Parking Prohibited In Residential Front Yards.

[CC 1990 § 18-104; Ord. No. 163 §§ 1 — 3, 8-15-1988]

- A. No person shall park or permit a vehicle to remain in the front yard of residential property unless such vehicle is parked on a paved driveway or designated parking area as described in Subsection (C).
- B. For the purpose of this Section, "front yard" means the area between a road and a line parallel to the road and intersecting the closest point of a residence. "Required front yard" means the area between a road and the front yard setback line established by application of the zoning ordinance of the City of Chesterfield. "Residential" refers to properties zoned non-urban or residential and includes property used for residential purposes regardless of zoning.
- C. A designated parking area shall be adjacent to and contiguous to the driveway within a residential property and shall be paved. Such designated parking area may not be located within the required front yard, but may be located in any other part of the residential lot, including within a front yard which does not constitute a portion of a required front yard, if any.

Section 215.110. Litter.

[CC 1990 § 31-04-14(A)(14)]

- A. In this Section, the word "litter" means and includes, garbage, trash, refuse, junk, brush, inoperative machinery or other waste material; the phrase "otherwise lawful" means in compliance with applicable zoning district regulations and with all rules, regulations, ordinances, conditions, permits and licenses applicable to the property or activity, whether arising from this Chapter or any other ordinance.
- B. Except as provided in this Section:
 - 1. No persons shall throw or deposit litter on any vacant or occupied property whether owned by such person or not.
 - 2. The owner or person in control of any private property shall, at all times, maintain the premises free of litter.
- C. It shall be lawful:

1. To accumulate or store non-putrescible litter in a sight-proof structure or container.
2. To accumulate or store litter produced as an incident of the otherwise lawful use of the same premises where stored, where such storage is pending removal or disposal and does not exceed seven (7) days, provided the litter is placed or stored in a container or otherwise screened from the view of persons upon adjacent property or rights-of-way.
3. To operate an otherwise lawful, sanitary landfill, building demolition material site, vehicle or machinery repair facility, construction material stockpile, sewage treatment facility, salvage yard or junkyard.
4. To store material to be used in an otherwise lawful agricultural or nursery operation on the premises devoted to such use.
5. To keep not more than one (1) unlicensed vehicle outdoors for hobby or instructional purpose, provided that any such vehicle kept for more than seventy-two (72) hours shall be kept behind the residence or other principal structure on the property.

Section 215.120. through Section 215.190. (Reserved)

Chapter 217A

ABANDONED PROPERTY (UPDATED MODEL)

Section 217A.010. Definitions.	Or Public Safety Hazards Prohibited.
Section 217A.020. Abandoning Vehicle, Vessel Or Trailer — Last Owner Of Record Deemed Owner, Procedures — Penalty — Civil Liability.	Section 217A.040. Towing Of Abandoned Property On Private Real Property.
Section 217A.030. Open Storage Of Inoperable Vehicles	Section 217A.050. General Provisions And Procedures.

Cross References: As to maximum charges for towing and storage, § 385.050; as to sale of abandoned property by City, § 385.060; as to crime inquiry and inspection reports required by State law, § 385.040.

Section 217A.010. Definitions.¹

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

ABANDONED PROPERTY — Any unattended or unlicensed motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Chapter, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.

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

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

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

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

1. State Law Reference: For similar provisions, § 304.001, RSMo.

Section 217A.020. Abandoning Vehicle, Vessel Or Trailer — Last Owner Of Record Deemed Owner, Procedures — Penalty — Civil Liability.

- A. A person commits the offense of abandoning a vehicle, vessel, or trailer if he or she knowingly abandons any vehicle, vessel, or trailer on:
1. The right-of-way of any public road or State highway;
 2. On or in any of the waters in this State;
 3. On the banks of any stream;
 4. On any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof;
 5. On any land or water owned, operated or leased by the Federal government; or
 6. On any private real property owned by another without his or 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 prima facie evidence of ownership of such vehicle, vessel, or trailer at the time it was abandoned and the person who abandoned the vehicle, vessel, or trailer or caused or procured its abandonment. The registered owner of the abandoned vehicle, vessel, or trailer shall not be subject to the penalties provided by this Section if the vehicle, vessel, or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the vehicle, vessel, or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the vehicle, vessel, or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the vehicle, vessel, or trailer is alleged to have been stolen, the owner of the vehicle, vessel, or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.
- C. The offense of abandoning a vehicle, vessel, or trailer is an ordinance violation.
- D. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned vehicle, vessel, or trailer that exist at the time the property is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the time frame and in the form as described in Subsection 1 of Section 304.156, RSMo. (RSMo. §577.080, 2008, 2014 effective 1-1-2017)

Section 217A.030. Open Storage Of Inoperable Vehicles Or Public Safety Hazards Prohibited.²

The open storage of inoperable or unlicensed vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

Section 217A.040. Towing Of Abandoned Property On Private Real Property.³

- A. Generally. The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 217.030 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 217.050. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.
- B. Towing Authorized By City Police Department. If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:
1. The abandoned property is left unattended for more than forty-eight (48) hours; or
 2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- C. Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.
1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:
 - a. Sign. There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two (17 x 22) inches in size, with

2. State Law Reference: For similar provisions, § 304.159, RSMo.

3. State Law References: For similar provisions, §§ 304.157.1, 304.157.2, 304.157.4 through 304.157.9, 304.158.2 through 304.158.4, 304.158.8 and 304.158.9, RSMo. (2004).

- 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-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. (RSMo. §304.155, 2004)
 6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
 7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the

property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:

- a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
 - b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.
- D. **Damage To Property.** The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.
- E. **Real Property Owner Liability.** Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Chapter.
- F. **Written Authorization Required — Delegation Of Authority To Tow.**
1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
 2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.
- G. **Towing Company Liability.** Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

Section 217A.050. General Provisions And Procedures.⁴

- A. **Payment Of Charges.** The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. **Crime Inquiry And Inspection Report.** As to crime inquiry and inspection reports required by State law, see Chapter 385 of this Code, Section 385.040.
- C. **Reclaiming Property.** The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. **Lienholder Repossession.** If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. **Notice To Owner/Tow Lien Claim.** Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
 1. The name, address and telephone number of the storage facility;
 2. The date, reason and place from which the abandoned property was removed;
 3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
 4. A statement that the storage firm claims a possessory lien for all such charges;
 5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;

⁴ **State Law References:** For similar provisions, §§ 304.155.5 304.155.6 (2004), 304.155.11 304.155.12 (2004), 304.158.1, 304.158.5, 304.158.7, RSMo.

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 the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
 2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
 3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
 4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. **Petition In Circuit Court.** The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. **Notice To Owner.**
1. Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any

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

- a. The public agency authorizing the removal; or
 - b. The towing company, where authorization was made by an owner or lessee of real property.
2. If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.
- I. **Tow Truck Requirements.** Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. **Storage Facilities.** Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. **Disposition Of Towed Property.** Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

Chapter 220

PARKS AND RECREATION

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ARTICLE I
In General

Section 220.010. Unlawful To Operate Motor Vehicles In Certain Areas Of City Parks.

[CC 1990 § 22-1; Ord. No. 2938, 2-22-2017]

No person shall operate a motor vehicle upon any unpaved area within a Chesterfield city park unless the area is specifically designated and posted to permit the operation of such vehicles in that area.

Section 220.020. Buses And Certain Trucks Prohibited In City Parks.

[CC 1990 § 22-2; Ord. No. 2938, 2-22-2017]

Trucks larger than a three-fourth (3/4) ton pickup truck and buses are prohibited from entering into a city park unless specific permission for same is obtained from the Director of Parks, Recreation and Arts or his/her designee. Trucks and buses having secured permission must park in areas so designated by the Director of Parks, Recreation and Arts or his/her designee or police.

ARTICLE II
Parks Rules And Regulations

Section 220.030. Operating Rules.

[CC 1990 § 22-16; Ord. No. 2938, 2-22-2017]

The Director of Parks, Recreation and Arts is hereby authorized to establish rules, which he/she determines are necessary to properly maintain, operate, develop, or construct city parks, facilities and/or trail areas, or to assure the safety of users of said parks and recreation facilities.

Section 220.040. Hours Of Operation.

[CC 1990 § 22-17; Ord. No. 2938, 2-22-2017]

City parks, facilities, and trail areas shall be open for public use during the period from sunrise to sunset with the exception of special use facilities such as aquatic centers, athletic complexes, amphitheaters; and in instances of special events and festivals, etc. It shall be unlawful for any person or persons (other than city personnel and/or concession/vending operators conducting city business therein) to occupy or be present in said park during any hours in which the park is not open to the public, unless written permission for extended use has been obtained from the Director of Parks, Recreation and Arts or his/her designee.

Section 220.050. Park, Facility, And Trail Usage.**[CC 1990 § 22-18; Ord. No. 2938, 2-22-2017]**

- A. The city through its representatives, agents and employees, reserves the right to control the use of all city parks, facilities, and trail areas. In general, all city parks, facilities, and trail areas are to be open for the use by its residents; however, the city reserves the right to restrict the use of city parks, facilities, and trail areas or portion thereof for programs, special events, festivals, rentals, construction, and ongoing maintenance and operations.
- B. No organized programs, camps, special events, festivals, walks, runs, rides, etc. shall take place in a city park, facility and/or trail area without the expressed written consent of the Director of Parks, Recreation and Arts.
- C. The city through its representatives, agents, and employees, reserves the right to control all activities at any city park, facility and/or trail area and to eject any person(s) who is objectionable and causes disfavor to the rules and regulations.
- D. Park patrons, lessee's agents, servants, employees, assigns, successors, invitees, and licensees at all times agree to fully abide by all federal, state, county and municipal laws and ordinances.
- E. No private property may be placed on or in city parks, facilities and/or trail areas without the expressed written consent of the Director of Parks, Recreation and Arts or his/her designee.
- F. The city will not assume any responsibility for any private property that may be approved for placement.
- G. The city shall have the sole right to determine any and all decisions regarding the condition and usage of the parks, facilities and trail areas.

Section 220.060. Meetings, Exhibitions, Parades, Etc.**[CC 1990 § 22-19; Ord. No. 2938, 2-22-2017]**

- A. No person shall, without a permit:
 - 1. Conduct a public assembly, parade, picnic, or other event involving more than twenty (20) individuals;
 - 2. Conduct any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;
 - 3. Create or emit any Amplified Sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by another person;
 - 4. Station or erect any building, tent, canopy, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure.

- B. Permits may be obtained from the Director of Parks, Recreation and Arts. Permits may be issued pursuant to the guidelines set forth in Section 22-20.

Section 220.070. Permits.

[CC 1990 § 22-20; Ord. No. 2938, 2-22-2017]

- A. A permit for the use of a specific park, park area, facility or trail area may be obtained by applying to the Parks, Recreation and Arts Department in advance of the date for which the use of a specific park, park area, facility or trail area is sought. Persons issued a permit for the use of a specific park, park area, facility or trail area shall have preference to the use of the specific park, park area, facility or trail area reserved upon the dates and during the times indicated on the permit. A permit shall generally be issued when:
1. The proposed activity or use of the park, facility or trail area will not reasonably interfere with or detract from the general public's enjoyment of the park, facility and/or trail area.
 2. The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
 3. The proposed activity or use will not entail unusual, extraordinary or burdensome expense, and/or police/maintenance operation by the city.
 4. The location for the proposed activity or use is in an area deemed suitable by the Director of Parks, Recreation and Arts.
 5. The issuance of such permit shall not result in crowded or congested conditions due to the issuance of prior permits for the same day, or due to the anticipated number of attendees for the planned event.
 6. The proposed activity, use and/or equipment are deemed not to be a safety or liability issue.
- B. Lessee is responsible to see that all activities are properly controlled; all rules are enforced, and must have a designated person(s) of authority on site at all times.
- C. Lessee agrees that he/she will, to the extent possible, take every action necessary to prevent any and all disorderly or boisterous conduct or immoral practices of any kind and/or about the premises by its agents, servants, employees, assigns, successors, invitees and licensees.
- D. The city through its representatives, agents, and employees, may revoke the usage of any permit previously granted at any time if it is determined that the application for permit contained any misrepresentation or false statement, or that any condition set forth in the policies governing the permit requested is not being complied with, or that the safety of the participants in the activities of the applicant or other patrons of or visitors to the park, facility and/or trail area is endangered by the continuation of such activity.

Section 220.080. Domestic Animals.**[CC 1990 § 22-21; Ord. No. 2938, 2-22-2017]**

- A. No person shall bring any animal into areas of a park, facility and/or trail area that have been marked by signs bearing that animals/pets are not allowed.
- B. No person shall bring any animal into playground areas.
- C. No person shall permit the running of a domestic animal at large, unless in a designated area such as a "Dog Park" or an "Off-Leash" area.
- D. Except as part of an organized, authorized, or supervised Parks, Recreation and Arts program or in a designated area such as a "Dog Park" or an "Off-Leash" area, all domesticated animals where permitted shall be restrained by a leash no more than six (6) feet in length and held by a competent person.
- E. No vicious animal of any kind shall be brought into the park, facility and/or trail area at any time even though restrained as described above.
- F. No person shall ride or otherwise bring any horse, mule, pony or other such riding animal in any of the parks, facility and/or trail area, except where posted for use of special trails etc. or unless special written permission for said use is obtained in advance from the Director of Parks, Recreation and Arts.
- G. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended.
- H. No animal shall be tethered to any bush, tree, shrub, or to any park structure.
- I. Any person bringing an animal into the parks, facilities and/or trail areas shall remove and dispose of all feces left by such animal.

Section 220.090. Disposal Of Trash.**[CC 1990 § 22-22; Ord. No. 2938, 2-22-2017]**

- A. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, storm sewer or drain flowing into such waters, any substances matter or thing, liquid or solid, which will or may result in the pollution of the waters.
- B. No person shall litter or cause to be littered any of the grounds, driveways, buildings or other structures of the parks, facilities, and/or trail areas by scattering, dumping, or leaving paper, garbage, cans, broken glass, bottles, ashes, rubbish, waste, or other trash. All such rubbish or waste shall be placed in the proper receptacles where they are provided. Where receptacles are not provided, all rubbish or waste shall be carried away from the park, facility and/or trail area by the person responsible for its presence and properly disposed of elsewhere.
- C. No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash.

Section 220.100. Fires.**[CC 1990 § 22-23; Ord. No. 2938, 2-22-2017]**

- A. No person shall build or attempt to build a fire in a park, facility and/or trail area except in an approved container and with written approval from the Director of Parks, Recreation and Arts.
- B. No person who has built any fire shall leave the place where the fire was built without first completely extinguishing the fire.
- C. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park, facility and/or trail area.

Section 220.110. Tobacco And Smoking.**[CC 1990 § 22-24; Ord. No. 2938, 2-22-2017]**

No person shall smoke or use tobacco products (pipes, cigars and cigarettes) or vaping with e-cigarettes, in any City park, facility and/or trail area, with the exception of parking lot areas.

Section 220.120. Camping.**[CC 1990 § 22-25; Ord. No. 2938, 2-22-2017]**

Camping, whether in vehicles or not, is prohibited in city parks, facilities and/or trail areas unless where specific written approval has been made by the Director of Parks, Recreation and Arts.

Section 220.130. Tents, Awnings And Canopies.**[CC 1990 § 22-26; Ord. No. 2938, 2-22-2017]**

No person shall erect, hang, or construct any tent/awning/canopy in any City park, facility and/or trail area unless where specific approval has been made by the Director of Parks and Recreation or his/her designee.

Section 220.140. Damaging Property.**[CC 1990 § 22-27; Ord. No. 2938, 2-22-2017]**

- A. No person in a city park, facility and/or trail area shall;
 - 1. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility or parts or appurtenances thereof; sign, notice, or placard whether temporary or permanent; monument, stake, post or other boundary marker; or other structure or equipment, facility, trail or park property or appurtenances whatsoever, either real or personal.

2. Dig or remove any soil, rock, stone, sand, shrub, tree or plants, downed timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
3. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit by the Director of Parks and Recreation.
4. Damage, cut, carve, transplant or remove any tree or plant, or injure the bark thereof; or pick the flowers or seeds of any tree or plant; or attach any rope, wire or other contrivance to any tree or plant; or dig in or otherwise disturb grass areas; or in any other way injure or impair the natural beauty or usefulness of any area.
5. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

Section 220.150. Weapons Prohibited.

[CC 1990 § 22-28; Ord. No. 2938, 2-22-2017]

No person shall carry or have in his/her possession any firearm, air pistol, air rifle, bow and arrow or any other instrument capable of launching or firing any projectile or noxious substance, whether propelled by gunpowder, gas, air, spring, or any other means, while within any park, facility, trail area, roadway, driveway, or other public place of the department. This section shall not apply to any law enforcement officer authorized by law to carry a weapon within the parks, facilities and/or trail areas.

Section 220.160. Bicycles.

[CC 1990 § 22-29; Ord. No. 2938, 2-22-2017]

- A. No person shall bring a bicycle(s) into any areas of a park, facility and/or trail areas that have been marked by signs bearing that bicycle usage is prohibited.
- B. It is required that children between the age of one (1) and seventeen (17) wear an approved helmet (Snell or ANSI standards) when riding a bicycle in a City park, facility and/or trail area.
- C. No person shall leave a bicycle in a place other than a bicycle rack when such is provided and space is available.
- D. No person shall leave a bicycle lying on the pavement or in any place or position where other persons may trip over it or be injured by it.
- E. No person shall ride a bicycle on other than a graveled, wood chipped or paved vehicular road or path designated for that purpose, except a bicyclist may wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

- F. No person shall fail to comply with all traffic rules and regulations as apply to the operation of bicycles on City streets.

Section 220.170. Skateboards, In-Line Skates, Coasters, Scooters Etc.

[CC 1990 § 22-30; Ord. No. 2938, 2-22-2017]

- A. No person shall ride or otherwise bring any skateboards, in-line skates, coasters, scooters or any other such riding apparatus in any parks, facilities and/or trail areas except where posted for designated use (designated trails/pathways, skateboard parks etc.).
- B. It is required that children between the age of one (1) and seventeen (17) wear an approved helmet (Snell or ANSI standards) when riding skateboards, in-line skates, coasters, scooters, hover board, or any other such riding apparatus in a City park, facility and/or trail area.

Section 220.180. Solicitations Prohibited.

[CC 1990 § 22-31; Ord. No. 2938, 2-22-2017]

- A. No person shall solicit alms or contributions for any purpose whatsoever, whether public or private within any of the parks, facilities, and/or trail areas, except by written permission of the Director of Parks, Recreation and Arts, when such solicitations are of direct benefit to the Parks, Recreation and Arts Department's purposes and programs.
- B. No person shall offer to sell or exchange any article or thing, or do any hawking, peddling or soliciting of sales, or buy or offer to buy any article or thing in any of the parks, facilities, and/or trail areas, except when acting in pursuant to a concession/vending contract or with the written permission of the Director of Parks, Recreation and Arts or his/her designee.
- C. No person shall paste, glue, tack, place signs on windshields of cars or otherwise post any sign, placard, advertisement or inscription whatsoever, or to erect or cause to be erected any sign on any public lands or highways or roads adjacent to a park, facility and/or trail area without the expressed written consent of the Director of Parks, Recreation and Arts.
- D. No person shall announce, advertise or call the public attention in any way to any article or service for sale or hire without the expressed written consent of the Director of Parks, Recreation and Arts.
- E. No person shall campaign or solicit for petition whether public or private within any of the parks, facilities, and/or trail areas, except by written permission of the Director of Parks, Recreation and Arts, when such solicitations are of direct benefit to the city's purposes and programs.

Section 220.190. Concessions And Vending.**[CC 1990 § 22-32; Ord. No. 2938, 2-22-2017]**

The city reserves the exclusive right to all concession and vending at all parks, facilities and/or trail areas. This shall include, but not limited to food/beverage operations, bicycle and boat rentals, t-shirt and novelty sales etc.

Section 220.200. Closed Areas.**[CC 1990 § 22-33; Ord. No. 2938, 2-22-2017]**

No person shall enter an area or roadway in a park, facility and/or trail area closed to public access, unless authorized by the Director of Parks, Recreation and Arts or his/her designee.

Section 220.210. Traffic And Motor Vehicles.**[CC 1990 § 22-34; Ord. No. 2938, 2-22-2017]**

- A. Persons operating a motor vehicle within a city park, facility and/or trail area shall operate the same in a careful and prudent manner.
- B. No person shall drive any motor vehicle on a driveway located in any of the city parks, facilities and/or trail areas at any speed over the posted speed limit.
- C. No person in a park, facility and/or trail area shall drive any vehicle on any area except the graveled or paved park and/or facility roads or parking areas provided for that purpose, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director of Parks, Recreation and Arts.
- D. No person in a park, facility and/or trail area shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instruction of any attendant who may be present.
- E. No person shall leave, park or stop a motor vehicle within any city park, facility and/or trail area after the designated closing time unless authorized by the Director of Parks, Recreation and Arts or his/her designee.
- F. No trucks, buses, or other commercial vehicle exceeding a gross weight of (8,000 lbs) may enter any city park, facility and/or trail area unless specific permission in writing is obtained from the Director of Parks, Recreation and Arts or his/her designee. This does not include vehicles delivering to or coming from the parks, facility and/or trail area, or vehicles engaged in work for the city.
- G. No person shall leave a parked vehicle in a city park, facility and/or trail area for the purpose of carpooling or the advertisement to sell said vehicle.
- H. No person shall operate a golf cart and/or utility cart on or in a city park, facility and/or trail area without the expressed written consent of the Director of Parks, Recreation and Arts or his/her designee.

Section 220.220. Glass Bottles Or Containers Prohibited.**[CC 1990 § 22-35; Ord. No. 2938, 2-22-2017]**

No person shall bring into any city park, facility and/or trail area any glass bottles or containers.

Section 220.230. Gambling.**[CC 1990 § 22-36; Ord. No. 2938, 2-22-2017]**

No person shall gamble, or participate in or abet any games of chance in a park, facility and/or trail area.

Section 220.240. Amusement Rides, Games, Booths, Activities, DJ's.**[CC 1990 § 22-37; Ord. No. 2938, 2-22-2017]**

The use of amusement rides, inflatables, games, booths, activities, portable barbeque pits, bands and DJ's etc. are prohibited in any city park, facility and/or trail area unless specifically approved in writing by the Director of Parks, Recreation and Arts or his/her designee.

Section 220.250. Swimming.**[CC 1990 § 22-38; Ord. No. 2938, 2-22-2017]**

- A. It shall be unlawful for any person in a park, facility and/or trail area to swim, bathe or wade in any waters or waterways in or adjacent to any park, facility, and/or trail area, except in such waters and at such places as are provided therefore, and in compliance with such regulation as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat, when such activity is prohibited by the Director of Parks, Recreation and Arts or his/her designee upon finding that such use of the water would be dangerous or otherwise inadvisable.
1. **Certain Hours.** It shall be unlawful for any person in a park, facility and/or trail area to frequent any waters or places designated for the purpose of swimming or bathing, or congregating thereat, except between such hours of the day as shall be designated by the Director of Parks, Recreation and Arts or his/her designee for such purposes for each individual area.
 2. **Bath Houses And Restrooms.** It shall be unlawful for any person in a park, facility and/or trail area to dress or undress on any beach, or in any vehicle or other place, except in such restrooms, bathing houses or structures as provided for that purpose.
 3. No person shall be indecently exposed or nude in a park, facility and/or trail area unless in a bath house or restroom.

Section 220.260. Boating.**[CC 1990 § 22-39; Ord. No. 2938, 2-22-2017]**

- A. No person shall bring into or operate any boat, raft or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director of Parks, Recreation and Arts, or as part of an organized, authorized, or supervised Parks, Recreation and Arts program/special event or when acting pursuant to a concessions/vending contract. Such activities shall be in accordance with applicable regulations as are now or may hereafter be adopted.
1. River's Edge is open for boating, canoeing, kayaking or paddle boarding from sunrise to sunset. No motorized boats or motorized floating devices, this includes electric, gas or solar-powered Trolling motors.
 2. Youth fifteen (15) years of age and under are required to wear a coastguard-approved personal flotation device while on the water. If you are sixteen (16) years of age or older you must have a coastguard approved personal flotation device in your possession while on the water at all times.
 3. No public motor vehicles are allowed on any access or trails to River's Edge Park without written permission by the City.

Section 220.270. Ice Skating.**[CC 1990 § 22-40; Ord. No. 2938, 2-22-2017]**

No person shall go onto the ice on any body of water in any park, facility or trail area.

Section 220.280. Sledding And Snow-Boarding.**[CC 1990 § 22-41; Ord. No. 2938, 2-22-2017]**

No person shall sleigh ride or snow board on/in any city park, facility and/or trail area.

Section 220.290. Fishing.**[CC 1990 § 22-42; Ord. No. 2938, 2-22-2017]**

- A. Except as otherwise provided herein, fishing is allowed in waters or waterways in or adjacent to any park, facility and/or trail pursuant to the Missouri Conservation Commission rules RSMo. Ch 252.
1. No person shall fish off-shore in a park, facility and/or trail area, except where such locations have been specifically designated for such activity.
 2. Fishing at the Central Park Lake is catch and release only unless you have written permission from the Director of Parks, Recreation and Arts or his/her designee.
 3. No trapping or jug fishing allowed.
 4. The lake may be closed to fishing during special events.

5. When fishing, only one (1) fishing pole per person at catch and release sites and catch and keep sites.
6. All state fishing regulations apply unless additional rules are posted, see mdc.mo.gov/fishing/fishing/fishing-regulations.

Section 220.300. Hunting.

[CC 1990 § 22-43; Ord. No. 2938, 2-22-2017]

- A. No person shall hunt, molest, harm, trap, kill, shoot at any animal, reptile or bird; or remove the eggs or nest or young of any bird; except snakes known to be deadly poisonous in any city park, facility and/or trail area.
- B. No person shall give or offer to give any animal or bird any noxious substance.

Section 220.310. Intoxicating Beverages.

[CC 1990 § 22-44; Ord. No. 2938, 2-22-2017]

- A. The use of intoxicating beverages within the parks, facilities and/or trails is acceptable, with exception of where specifically prohibited by the Director of Parks, Recreation and Arts.
- B. No person shall enter any of the parks, facilities and/or trails while in an intoxicated condition nor shall that person remain therein while in an intoxicated condition whether intoxicated at the time of entering the parks, facilities and/or trail area or becoming intoxicated after entering.
- C. No one shall sell alcoholic beverages of any kind in a park, facility and/or trail area except when acting pursuant to a concession/vending contract. (d) No minor shall possess or consume any intoxicating beverages at any time in any park, facility and/or trail areas.

Section 220.320. Fireworks And Explosives.

[CC 1990 § 22-45; Ord. No. 2938, 2-22-2017]

Except as expressively permitted by the Director of Parks, Recreation and Arts, no person in a park, facility and/or trail shall bring or have in his/her possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket, or other fireworks or explosives of inflammable material; nor shall any person throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous.

Section 220.330. Games And Activities.**[CC 1990 § 22-46; Ord. No. 2938, 2-22-2017]**

- A. No person in a park, facility and/or trail area shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, javelins, lawn darts, golf, remote controlled model airplanes, model cars, drones, and horseshoes except in areas set apart for such forms of recreation or upon the written approval of the Director of Parks, Recreation and Arts.
- B. No person in a park, facility and/or trail area shall take part in or set up/construct the playing of any games which require driven stakes, excavation, or other physical disturbance of the parks grounds; except in areas set apart for such forms of recreation or upon written approval of the Director of Parks, Recreation and Arts.

Section 220.340. City Trails.**[CC 1990 § 22-47; Ord. No. 2938, 2-22-2017]**

- A. **Definitions And Rules Of Construction.** The following definitions and rules of construction apply to this section.

CITY TRAIL — Any trail maintained or operated by the Parks, Recreation and Arts Department for use by pedestrians or cyclists.

CYCLE — Any device, other than a wheelchair, which is propelled by human power and has one or more wheels at least twenty (20) inches in diameter and a frame size of at least fourteen (14) inches.

PEDESTRIAN — Includes any person walking, jogging, running, in-line skating or riding in a wheelchair.

WHEELCHAIR — A chair mounted on wheels for use by disabled individuals.

- B. **Trail Use By Motorized Equipment/Vehicles.** All motorized vehicles (cars, trucks, motorcycles, go karts, Segway's, toy vehicles, etc.), except for electrically-assisted powered-mobility devices for persons with disabilities (wheelchairs and scooters) shall not use any trail, except for official and emergency vehicles.
- C. **Trail Use By Cyclists.**
 - 1. It is required that children between the age of one (1) and seventeen (17) wear an approved helmet (Snell or ANSI Standards) when riding a bicycle on a City trail.
 - 2. Every person operating a cycle upon a City trail shall ride as near to the right side of the trail as practicable, exercising due care when passing a pedestrian or other cyclist.
 - 3. Persons operating cycles upon a City trail shall ride, single file when passing a pedestrian or other cyclist.
 - 4. Every person operating a cycle upon a City trail shall give an audible signal before passing a pedestrian or another cyclist.

5. Every person operating a cycle upon a City trail shall at all times exercise the highest degree of care to avoid colliding with another trail user, and shall always yield to pedestrians.
- D. Trail Use By Pedestrians.
1. Pedestrians on a City trail shall remain as near to the right side of the trail as practicable.
 2. Every pedestrian on a City trail shall give an audible signal before passing another pedestrian or cyclist.
- E. Trail Use By Dogs.
1. All dogs shall be restrained by a leash no more than six (6) feet in length. The dog shall be reined in to within four (4) feet of the responsible person whenever it approaches or is approached by another trail user.
 2. Any person bringing a dog onto a City trail shall remove and dispose of all feces left by such dog.
- F. Trail Use By Horses. It shall be unlawful for any person in a park, facility and/or trail area to ride a horse, except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

Section 220.350. Photos, Film And Video.

[CC 1990 § 22-48; Ord. No. 2938, 2-22-2017]

No person(s) in a park, facility and/or trail area shall take part in the taking of organized photo, film or video shoots etc., without the expressed written consent of the Director of Parks, Recreation and Arts or his/her designee.

Section 220.360. Provisions Not Applicable To Employees.

[CC 1990 § 22-49; Ord. No. 2938, 2-22-2017]

The provision of these rules and regulations shall not be applicable to City employees or contractors of the City, while actually engaged in their official duties, nor shall the provisions of these rules and regulations be applicable to City officials while attending to park business.

Section 220.370. Community Garden.

[CC 1990 § 22-50; Ord. No. 2938, 2-22-2017]

- A. All gardeners are required to complete an application form along with payment for plot usage.
- B. Planting of illegal plants is strictly prohibited.

- C. Tobacco products are strictly prohibited which includes; pipes, cigars, cigarettes or vaping with e-cigarettes.
- D. Pets, drugs, alcohol, boom boxes and fires are not allowed in the garden.
- E. The applications of herbicides (weed killers) is strictly prohibited.
- F. Garden hours are from sunrise to sunset.

Section 220.380. Chesterfield Dog Park.

[CC 1990 § 22-51; Ord. No. 2938, 2-22-2017]

- A. All dogs in the dog park must be registered as a current member of the dog park.
- B. All dogs must be spayed or neutered.
- C. No dogs under four months of age in the dog park.
- D. Dog feces (and/or dog waste) must be picked up and disposed of properly by owners immediately.
- E. Owners are legally responsible for their dogs and any injuries or damages caused by their dogs.
- F. All dog altercations where a dog or person is injured needs to be reported immediately to the Chesterfield Police Department at 636-537-3000 and a report needs to be filed.
- G. All dogs are to be on a leash until inside the fenced in transition area when visiting the park.
- H. Dogs in the Dog Park that have overly aggressive behavior, been in fights or caused harm to other dogs or patrons can be banned from the Dog Park.
- I. Dog owners must closely supervise their dogs and at no time may the owner leave the fenced area without his/her dogs.
- J. All dogs must have been vaccinated and legally licensed prior to using the off leash area and must wear a current Chesterfield Dog Park tag and ownership tag.
- K. No children under ten (10) years of age allowed in the dog park.
- L. Youth between the ages of ten (10) and fifteen (15) must be supervised by an Adult.
- M. Dog handlers or owners in the dog park must be at least sixteen (16) years old.
- N. There is to be no alcoholic beverages, food, dog treats or rawhide items in the dog park.
- O. No animals other than dogs are to be brought into the dog park.

Chapter 225

EMERGENCY MANAGEMENT

<p>Section 225.010. Disaster Defined.</p> <p>Section 225.020. Duties, Powers And Responsibilities Of Mayor.</p> <p>Section 225.030. Line Of Succession Established.</p> <p>Section 225.040. Emergency Management Agency — Establishment — Duties And Responsibilities.</p> <p>Section 225.050. Coordinator — Designation And Duties.</p> <p>Section 225.060. City Employees As Members Of Agency.</p>	<p>Section 225.070. Powers Of City Administrator And Coordinator.</p> <p>Section 225.080. Oath.</p> <p>Section 225.090. Development Of Disaster Plan.</p> <p>Section 225.100. Disease And Disease Prevention.</p> <p>Section 225.110. Access To Treatment Facilities.</p> <p>Section 225.120. Knowingly Or Carelessly Infecting Another.</p>
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Cross References: As to administration, ch. 110; as to division of planning and development services, §§ 120.360 et seq.; as to buildings and building regulations, ch. 500; as to flood damage prevention, ch. 415; as to motor vehicles and traffic, Title III; as to planning, ch. 400; as to police, ch. 200.

State Law References: Civil defense generally, §§ 44.010 et seq., RSMo.; local organizations, § 44.080, RSMo.

Section 225.010. Disaster Defined.

[CC 1990 § 11-1; Ord. No. 147 § 1, 8-15-1988]

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

DISASTER — An occurrence such as a tornado, storm, flood, high water, wind-driven water, earthquake, drought, blizzard, pestilence, famine, fire, explosion, terrorism, including bioterrorism, building collapse, commercial transportation wreck or any other situation that causes human suffering or creates human needs that the victims cannot alleviate without assistance and that requires an extraordinary commitment of governmental resources. This definition is to be viewed advisedly and should not be applied rigidly so as to exclude situations not enumerated.

Section 225.020. Duties, Powers And Responsibilities Of Mayor.¹**[CC 1990 § 11-2; Ord. No. 147 § 2, 8-15-1988]**

Upon the actual occurrence of a disaster within the City when the safety and welfare of the inhabitants of the City are jeopardized or in the event of enemy attack, sabotage or other hostile action, the Mayor is hereby empowered to declare an emergency or that a disaster has or is occurring and in accordance with the Missouri Disaster Operations Plan and during such emergency to activate all of the rights, duties and responsibilities granted under the Missouri Civil Defense Act and by the rules and regulations promulgated thereto. Upon declaration of an emergency or a disaster, the Mayor shall exercise all powers granted by City ordinance and State Statute and shall additionally take all steps necessary to assure the health, safety and welfare of all those within the City limits.

Section 225.030. Line Of Succession Established.²**[CC 1990 § 11-3; Ord. No. 147 § 3, 8-15-1988]**

- A. Whenever the Mayor is absent from the City, disabled, missing or presumed disabled, the President Pro Tem shall assume the duties of the Mayor.
- B. If the President Pro Tem is absent from the City, disabled, missing or presumed disabled, the duties of the Mayor shall be assumed by the Councilmember with the most cumulative seniority on the City Council who is present and able to function in the capacity of Mayor.
- C. If neither the Mayor, President Pro Tem, nor any members of the City Council can be found within the City who are fit to assume the duties of the Mayor, the City Administrator or surviving senior department head shall assume the duties of the Mayor.
- D. The fitness of any individual to assume the duties of Mayor shall be determined by a consensus of those Councilmembers present or, in their absence, by a consensus of those City department heads present.

Section 225.040. Emergency Management Agency — Establishment — Duties And Responsibilities.³**[CC 1990 § 11-4; Ord. No. 147 § 4, 8-15-1988]**

- A. Under the provisions of Section 44.080, RSMo., there is hereby created the Chesterfield Emergency Management Agency, the head of which shall be designated by the Chief of Police with approval of the City Administrator. This agency shall be responsible for the preparation and implementation of emergency functions required to prevent and minimize injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people and emergency functions (excluding functions for which

1. Cross References: As to mayor, §§ 110.170 et seq.

2. Cross References: As to administration, ch. 110.

3. Cross References: As to boards, commissions, committees, etc., §§ 125.010 et seq.

the military forces are primarily responsible) in accordance with the Missouri Civil Defense Act, Chapter 44, RSMo.

- B. The Emergency Management Agency shall perform emergency functions in cooperation with the County and the State in accordance with the provisions of the Missouri Civil Defense Act, the City-County Mutual Aid Agreement dated June 1, 1988 and any cooperative agreement hereinafter adopted.
- C. The basic operational structure of this agency shall consist of existing departments of the City Government who will perform emergency activities related to those performed normally. Auxiliary groups may be formed and trained under the direction and control of the operating department they are to support.

Section 225.050. Coordinator — Designation And Duties.

[CC 1990 § 11-5; Ord. No. 147 § 5, 8-15-1988]

- A. The administrative staff of the Emergency Management Agency shall consist of a Coordinator and such additional staff members as the City Council may authorize. Members will be selected by the Coordinator in order to conform to the State organizations and procedures for the conduct of emergency operations as outlined in the Missouri Disaster Operations Plan.
- B. The Coordinator shall be appointed and be subject to removal by the City Administrator with the approval of the City Council.
- C. The Coordinator shall have direct responsibility for the organization, administration and operation of local disaster planning subject to the direction and control of the City Administrator.
- D. The Coordinator is authorized to select and obtain Federal Government surplus property through the State Disaster Planning and Operations Office and the State Department of Education. The Coordinator shall obtain the necessary approval to obligate the City for the handling charge imposed by the Department of Education and the State agency for surplus property. The Coordinator may delegate authority to obtain surplus property at the State agency for surplus property warehouse with the approval of the City Administrator.
- E. The Coordinator shall be responsible for maintaining records on use and disposal of all items of equipment placed under the jurisdiction of the agency.
- F. The Coordinator is authorized to submit all materials and sign all documents requested by the State Disaster Planning and Operations Office to qualify the City for participation in Federal contributions for personnel and administrative expense program.
- G. The Coordinator shall, with the consent of the City Administrator, appoint various public shelter managers who, in the case of national or civil emergency, shall open public shelters, take charge of all stocks of food, water and other supplies stored in the shelter, admit the public in accordance with the City Shelter Use Plan and take whatever control measures necessary for the protection and safety of the occupants. Such public shelter managers are authorized to use reasonable restraint against those

who refuse to cooperate with the routine of shelter living under emergency conditions. Refusal of a person to carry out the reasonable orders of the shelter manager and his/her appointed staff shall be deemed a misdemeanor.

Section 225.060. City Employees As Members Of Agency.

[CC 1990 § 11-6; Ord. No. 147 § 6, 8-15-1988]

All full-time employees of the City are hereby declared to be members of the Emergency Management Agency and shall perform such duties as the Coordinator may deem necessary to prepare for or respond to a disaster. Employees shall receive no additional compensation for serving as members of this agency.

Section 225.070. Powers Of City Administrator And Coordinator.⁴

[CC 1990 § 11-7; Ord. No. 147 § 7, 8-15-1988]

- A. The City Administrator and the Coordinator, in accordance with the Missouri Civil Defense Act, may:
1. Expend funds, enter into contracts, obtain and distribute equipment, materials and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of an enemy attack; provide for the safety of property and direct and coordinate with the policies and plans of the Federal and State disaster and emergency planning.
 2. Appoint and remove rescue teams and other emergency operations teams, units or personnel who shall serve without compensation; assign emergency missions to non-governmental groups such as physicians, heavy equipment operators and owners of local businesses as necessary to develop a capability to augment the Emergency Management Agency's response to disaster.
 3. In the event of declared national emergency or declared local disaster situation, waive the provisions of Statutes requiring advertisements for bids for the performance of public work or entering into of contracts.
 4. With the approval of the City Council and consistent with the Missouri Disaster Operations Plan, enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid.
 5. Accept services, materials, equipment, supplies or funds granted or loaned by the Federal Government for disaster planning and operations purposes.

Section 225.080. Oath.

[CC 1990 § 11-8; Ord. No. 147 § 8, 8-15-1988]

No person shall be employed or associated in any capacity in any organization established under this Chapter who advocates or has advocated a change by force or violence in the

4. Cross References: As to city administrator, §§ 110.500 et seq.

overthrow of the Government of the United States or of this State. The member 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 time as I am a member of the City of Chesterfield Disaster Preparedness Agency, 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. Development Of Disaster Plan.⁵

[CC 1990 § 11-9; Ord. No. 147 § 9, 8-15-1988]

The Coordinator shall prepare a Comprehensive Disaster Response Plan and develop a procedure to implement it quickly and with the least amount of inconvenience to the public. The Disaster Preparedness Plan shall be submitted for amendment to the Council when necessary.

Section 225.100. Disease And Disease Prevention.

[CC 1990 § 11-10; Ord. No. 2349 § 1, 7-7-2007]

- A. Definitions. For the purposes of this Section, the following words or phrases shall have the meaning given herein.

BIO-TERRORISM — Intentional use of any micro-organism, virus, infectious substance, or biological product that may be engineered as a result of bio-technology, or any naturally occurring or bio-engineered component of any such micro-organism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population.

CHEMICAL OR RADIOLOGICAL CONTAMINATION — A person has been exposed to and may physically have on their person any toxic or poisonous chemicals or precursors of toxic or poisonous chemicals or radiation or radioactive materials at a level dangerous to human life.

COMMUNICABLE DISEASE — A serious disease or condition that can cause death or permanent damage to a person, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one (1) person or animal or contaminated environment to the body of another person or animal.

5. Cross Reference: As to planning, ch. 400.

COORDINATOR OF DISEASE PREVENTION — A temporary position appointed by the Mayor and may be reassigned or terminated at any time without cause. The coordinator of disease prevention is responsible for designating persons and/or places to be quarantined or isolated, the level of quarantine and its duration. Depending on circumstances, the position may be assigned to a City employee and it would have no adverse impact on their employment, salary or benefits. The coordinator of disease prevention shall be qualified to treat infectious diseases or will coordinate with an infectious disease expert.

EXPOSURE — Contact with suspected cases of a disease or a contaminated environment where there may be contact, absorption, ingestion or inhalation of an infectious agent or chemicals or radiation or radioactive materials that may result in infection with a disease or radiation illness.

ISOLATION — The separation for the longest period of communicability of infected individuals, premises and animals from other individuals and animals in places and under conditions as will prevent the direct and indirect transmission of the communicable disease from infected individuals or animals who are susceptible or who may spread the agents to others.

PUBLIC HEALTH EMERGENCY — A period of time set by the Mayor when the health of the public is at risk because of the presence of a communicable disease in the region or the threat of a communicable disease in the region. The period of time set by the Mayor shall not exceed five (5) days unless a majority of the City Council has been consulted and so informed by the Mayor.

QUARANTINE — The separation from others of persons, groups or persons, premises or animals who had the opportunity to acquire a communicable disease or chemical or radiological contamination through an infected person, animal or contaminated environment. The usual period of time will not be longer than the longest period of communicability of the disease or in the event of chemical and radioactive contamination, until decontamination occurs. The purpose of quarantine is to prevent direct or indirect transmission of the communicable disease, chemical or radiological contamination to other persons, animals or environments.

- a. **COMPLETE QUARANTINE** — A limitation of freedom of movement of person, groups of persons or animals exposed to a communicable disease for a usual period of time not longer than the longest period of communicability of the disease or in the event of exposure to chemical or radiation, until decontamination occurs, in order to prevent effective contact with the general population.
- b. **MODIFIED QUARANTINE** — A selective, particular limitation of freedom of movement of person, groups of persons or animals determined on the basis of differences in susceptibility or danger of disease transmission. Modified quarantine is designed to meet a particular situation and includes, but is not limited, the exclusion of person from geographic areas or school or child care, the closure of schools, child care centers and places of public or private assembly and the prohibition or restriction of those exposed to a communicable disease or chemical or radiation contamination from engaging in travel into or from a specified area or in a particular occupation or activity.

- c. **QUARANTINE OF PREMISES** — The closure of buildings or parts of buildings, both public and private, until they have been declared safe by the Mayor or his/her designated representative.
- B. **Declaration Of Emergency.** During a period of a public health emergency the Mayor, after consultation with local hospitals, the St. Louis County Department of Health and local law enforcement, may proclaim for a set period of time a public health emergency and appoint a coordinator of disease prevention.
- C. **Establishment Of Quarantine Or Isolation.** The coordinator of disease prevention shall establish appropriate quarantine or isolation rules and regulations as necessary to prevent the introduction or transmission of communicable disease, as defined in this Chapter, or chemical or radiological contamination into, within or from the City of Chesterfield.
 1. **Quarantine And Isolation Orders.**
 - a. Any quarantine and isolation order issued by the coordinator of disease prevention shall be in writing and contain:
 - (1) The identification of the person, group of persons, premises or animals to be confined, closed or excluded;
 - (2) The basis for the coordinator of disease prevention's belief that the person, group of persons or animals have a communicable disease, may be incubating a communicable disease or have chemical or radiological contamination and that the person, group of persons or animal(s) pose(s) a substantial threat to the public health and that quarantine or isolation is necessary to protect and preserve the public health or that a premises is in such a condition that could lead to such communicable disease or contamination. The premises shall be posted with a notice that the premises is under quarantine. It shall be a violation of this Chapter for any person without the consent of the coordinator of disease prevention to remove said notice;
 - (3) The period of time during which the order shall remain effective;
 - (4) The place of confinement or exclusion as designated by the coordinator of disease prevention; and
 - (5) The steps necessary to prohibit the illegal entry or occupancy of premises.
 - b. Further orders of quarantine and isolation pursuant to this Section may be issued to previously quarantined or isolated persons, groups of persons, premises or animals in the event the Mayor deems additional quarantine and isolation time is necessary to protect and preserve the public health.
 - D. **Isolation And Quarantine Premises.**
 1. Entry into quarantine and isolation premises shall be restricted under the following conditions:

- a. The coordinator of disease prevention may authorize physicians, health care workers or others access to individuals in quarantine or isolation as necessary to meet the needs of quarantined or isolated individuals.
 - b. No person, other than a person authorized by the Mayor, shall enter quarantine or isolation premises.
 - c. Any person entering a quarantine or isolation facility must possess infection control knowledge and use appropriate personal protective equipment.
2. Any person entering a quarantine or isolation premise with or without the authorization of the coordinator of disease prevention may be quarantined or isolated.
 3. The coordinator of disease prevention may take whatever action necessary to decontaminate any premise and charge the owner the cost of such decontamination and said cost shall be a lien on the property.
- E. Relief From Isolation And Quarantine. A person confined or excluded or owner of an animal confined under this Section shall have relief from isolation if the coordinator of disease prevention determines:
1. The person or animal ordered confined or excluded is no longer infected with a communicable disease;
 2. The person or animal no longer poses a substantial threat to the public health;
 3. Confinement or exclusion of the person or animal is not necessary and the least restrictive alternative to protect and preserve the public health; and
 4. The owner of the quarantined premises produces documentation satisfactory to the coordinator of disease prevention showing either mitigation or that no contamination (chemical, radiological or biological) is present and that the premises no longer presents any health hazard. Any person aggrieved from a decision or order of the coordinator of disease prevention may appeal such decision within ten (10) working days of the decision or order to the Mayor and City Council. The City Council shall hold a hearing within thirty (30) working days of the appeal. The hearing shall determine if the decision or order was appropriate. An appeal does not stay the decision of the coordinator of disease prevention. Neither the City of Chesterfield nor any of its employees, agents, contractors or members of the Police Department shall be held responsible for any lost wages, income or other damages due to the quarantine or isolation imposed hereunder.
- F. Enforcement. Orders of quarantine and isolation of property shall be transmitted to the City Council, the Chief of Police, the Monarch Fire Protection District and the St. Louis County Police Department. The Chief of Police is directed to aid and assist the coordinator of disease prevention in the enforcement of the quarantine or isolation order whenever requested to do so.
- G. Penalty For Violation. Every person convicted of a violation of any Section of this Chapter shall be punished by a fine of not less than one dollar (\$1.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment for not more than ninety (90)

days, or by both such fine and imprisonment. Each day that any violation shall continue, it shall constitute a separate offense.

Section 225.110. Access To Treatment Facilities.

[CC 1990 § 11-11; Ord. No. 2349 § 1, 7-7-2007]

- A. Generally. The coordinator of disease prevention may limit pedestrian and vehicle access to pharmacies, hospitals, physician offices and medical facilities offering or providing vaccines, medicines, antidotes or treatments for communicable diseases. Limitations are intended to prevent the spread of communicable disease and reduce the potential for civil unrest or criminal activity. Limitations on pedestrian and vehicle activity may include:
1. Restrictions on hours of operation and/or treatment.
 2. Restrictions on pedestrian and vehicle entrances and exits.
 3. Restrictions on the number of people or vehicles in a room, building or parking lot.
- B. Penalty For Violation. Every person convicted of a violation of any Section of this Chapter shall be punished by a fine of not less than one dollar (\$1.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day that any violation shall continue, it shall constitute a separate offense.

Section 225.120. Knowingly Or Carelessly Infecting Another.

[CC 1990 § 11-12; Ord. No. 2349 § 1, 7-7-2007]

- A. Unlawful. It shall be unlawful, during a public health emergency, for any person to knowingly or carelessly infect other persons with a communicable disease. It is not necessary for a person to know they were contagious at the time the infection is spread. A person having exposure to a communicable disease is considered contagious during the longest period of communicability of said disease.
- B. Precautions. A person shall be guilty of carelessly infecting others by not taking simple precautions to prevent the spread of a communicable disease. Precautions include, but are not limited to:
1. Unprotected sneezing or coughing in public places.
 2. Appearing in public places while displaying symptoms of a communicable disease.
 3. Allowing children or elderly adults in your care, custody or control to associate with someone displaying symptoms of a communicable disease.

Chapter 230

HUMAN RIGHTS

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**ARTICLE I
In General**

Section 230.010. Purposes Of Chapter.

A. The purposes of this Chapter are:

1. To secure for all individuals within the City freedom from any discriminatory practice made unlawful by Article III of this Chapter.
2. To implement within the City the policies embodied in Missouri and Federal human rights legislation and to promote cooperation between the City and the State and Federal agencies enforcing that legislation.

3. To provide a City Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

Section 230.020. Definitions.

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

COMMISSION — The Chesterfield Commission on Human Rights.

COMPLAINANT — A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISABILITY — A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "disability" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo.; however, a person may be considered to have a disability if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

DISCRIMINATION — Any unfair treatment based on race, color, religion, national origin, ancestry, sex, age as it relates to employment, disability or familial status as it relates to housing.

DWELLING — Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILIAL STATUS — One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

HOUSING FOR OLDER PERSONS — Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

4. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
5. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
6. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON — Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or other organized groups of persons.

PLACES OF PUBLIC ACCOMMODATION — All places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement including, but not limited to:

1. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;
2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
4. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment;

5. Any public facility owned, operated or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds; or
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

RENT — Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

RESPONDENT — A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

UNLAWFUL DISCRIMINATORY PRACTICE — Any act that is unlawful under this Chapter.

ARTICLE II

Commission On Human Rights

Section 230.030. Commission Created — Membership — Qualifications — Terms — Vacancies.

There is hereby established a Commission on Human Rights. The Commission shall consist of three (3) members who shall be appointed by a majority of the members of the City Council from among the residents of the City and who shall serve as such without compensation. The City Council shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated against. Of the three (3) members first (1st) appointed, one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years. In the event of the death, resignation or removal of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

Section 230.040. Officers — Meeting And Quorum — Rules And Procedures — Compensation — Attendance — Training.

- A. The Commission shall elect a Chairperson, Vice Chairperson and Secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.
- B. The Commission shall meet periodically as necessary. The Chairperson shall preside at all meetings. Two (2) members shall constitute a quorum at any meeting.
- C. The Commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.
- D. Any Commission member having three (3) unscheduled absences without good cause within a period of one (1) year, or who shall be absent from three (3) consecutive

regular meetings without consent of the Chairperson or person acting in such Chairperson's stead, shall automatically forfeit such office, and the Chairperson shall promptly notify the City Council through the City Clerk of such vacancy.

Section 230.050. Functions, Powers And Duties.

- A. The Commission shall have the following functions, powers and duties:
1. To encourage fair treatment for and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this Chapter, members of these groups or persons with disabilities.
 2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.
 3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.
 4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.
 5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.
 6. To cooperate with other organizations, private and public, to discourage discrimination.
 7. To advise the City Council on human rights issues.
 8. To hold public hearings on the state of human rights and relations in the City and on specific human rights issues.
 9. To sponsor or initiate specifically targeted workshops and ongoing programs to improve human relations and to decrease tensions in the City.
 10. To present informational programs on human rights to school, business, service and other organizations.
 11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.
 12. To provide each year to the City Council a full written report of all its activities and of its recommendations.

ARTICLE III

Discriminatory Practices**Section 230.060. Unlawful Housing Practices.**

- A. It shall be an unlawful housing practice:
1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability 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 230.060, 230.070 and 230.080, discrimination includes:

1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
 - a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability.
 - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs.
 - c. All premises within such dwellings contain the following features of adaptive design:
 - (1) An accessible route into and through the dwelling;
 - (2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- C. As used in Subdivision (3) of Subsection (B) of this Section, the term "covered multi-family dwelling" means:
 1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
 2. Ground floor units in other buildings consisting of four (4) or more units.
- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

Section 230.070. Discrimination In Commercial Real Estate Loans.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, disability 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 230.080. Discrimination In Selling Or Renting By Real Estate Agencies Prohibited.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings on account of race, color, religion, national origin, ancestry, sex, disability or familial status.

Section 230.090. Discrimination In Public Accommodations Prohibited — Exceptions.

- A. All persons within the City of Chesterfield 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 230.020 and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry 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 230.020 and this Section.

Section 230.100. 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 230.110. Exemptions.

- A. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or of the City that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.
- B. Nothing in Sections 230.060, 230.070 and 230.080:
 1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
 3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 230.060, shall apply to:
 1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:

- a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four-month period.
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

ARTICLE IV

Enforcement Procedures

Section 230.120. Complaints.

- A. Any individual who claims to be aggrieved by a discriminatory practice may file with the Commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the Commission.
- B. Any complaint filed under this Section in which affirmative relief is sought shall state what relief is sought or proposed.
- C. All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.
- D. An individual who files a complaint with the Commission shall be advised of the possibility of filing a complaint with the Chesterfield Commission on Human Rights.

Section 230.130. Complaints — Investigation, Conciliation And Mediation.

- A. Complaints shall be investigated and conciliated or mediated by individuals who have been approved by the Commission and trained in investigation, conciliation and mediation.
- B. Upon filing of a complaint, the Chairperson of the Commission shall designate an individual to investigate the allegations. The individual shall promptly investigate such allegations, and if he/she determines that probable cause exists for crediting the allegations of the complaint, he/she shall thereupon undertake to eliminate the alleged discriminatory practice or practices by conference, conciliation and persuasion or mediation and shall inform the Commission of the results of such efforts. If the individual determines that no such probable cause exists, he/she shall so report to the Commission, which shall thereupon dismiss the complaint without further proceedings,

or direct further investigation or, if it determines that probable cause exists for crediting the allegations of the complaint, direct that the alleged discriminatory practice or practices be the subject of conference, conciliation and persuasion or mediation. Neither the members of the Commission nor any person participating in the investigation shall disclose what has occurred in the course of such efforts to conciliate. The determination of probable cause shall be made, and the investigation and conciliation or mediation shall be conducted, in accordance with such rules, regulations and guidelines as the Commission shall prescribe.

- C. If such efforts fail to eliminate the alleged discriminatory practice or practices, the complainant shall be referred to the Chesterfield Commission on Human Rights.

Section 230.140. Prosecutions — Time Limitations.

- A. No prosecution for a violation of any provision of this Chapter shall be commenced unless a complaint shall have first been filed with the Commission and efforts of the Commission to eliminate the alleged violation have failed.
- B. The period of limitation for any violation of this Chapter shall not run during any time while a complaint involving the alleged violation is pending before the Commission.

Chapter 230A

HUMAN RIGHTS (UPDATED MODEL)

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Section 230A.130. Complaints —
Investigation,
Conciliation And
Mediation.

Section 230A.140. Prosecutions — Time
Limitations.

ARTICLE I In General

Section 230A.010. Purposes Of Chapter.

A. The purposes of this Chapter are:

1. To secure for all individuals within the City freedom from any discriminatory practice made unlawful by Article III of this Chapter.

2. To implement within the City the policies embodied in Missouri and Federal human rights legislation and to promote cooperation between the City and the State and Federal agencies enforcing that legislation.
3. To provide a City Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

Section 230A.020. Definitions.

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

BECAUSE or BECAUSE OF — As it relates to the adverse decision or action, the protected criterion which was the motivating factor.

COMMISSION — The Missouri Commission on Human Rights.

COMPLAINANT — A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISABILITY — A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "disability" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo.; however, a person may be considered to have a disability if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

DISCRIMINATION — Conduct proscribed herein, taken because of race, color, religion, national origin, ancestry, sex, or age as it relates to employment, disability or familial status as it relates to housing.

DWELLING — Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILIAL STATUS —

1. One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:
 - a. A parent or another person having legal custody of such individual; or
 - b. The designee of such parent or other person having such custody, with the written permission of such parent or other person.
2. The protection afforded against discrimination because of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

HOUSING FOR OLDER PERSONS —

1. Housing:
 - a. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
 - b. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
 - c. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.
2. Housing qualifies as housing for older persons under this Chapter if:
 - a. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
 - b. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
 - c. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON — Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or other organized groups of persons.

PLACES OF PUBLIC ACCOMMODATION — All places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement including, but not limited to:

1. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;

2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
4. Any motion-picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment;
5. Any public facility owned, operated or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

RENT — Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

RESPONDENT — A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

UNLAWFUL DISCRIMINATORY PRACTICE — Any act that is unlawful under this Chapter. (RSMo. §§213.010, 213.040.9, 2017)

ARTICLE II

Commission On Human Rights

Section 230A.030. Commission Created — Membership — Qualifications — Terms — Vacancies.

There is hereby established a Commission on Human Rights. The Commission shall consist of three (3) members who shall be appointed by a majority of the members of the City Council from among the residents of the City and who shall serve as such without compensation. The City Council shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated against. Of the three (3) members first appointed, one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years. In the event of the death, resignation or removal of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

Section 230A.040. Officers — Meeting And Quorum — Rules And Procedures — Compensation — Attendance — Training.

- A. The Commission shall elect a Chairperson, Vice Chairperson and Secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.
- B. The Commission shall meet periodically as necessary. The Chairperson shall preside at all meetings. Two (2) members shall constitute a quorum at any meeting.
- C. The Commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.
- D. Any Commission member having three (3) unscheduled absences without good cause within a period of one (1) year, or who shall be absent from three (3) consecutive regular meetings without consent of the Chairperson or person acting in such Chairperson's stead, shall automatically forfeit such office, and the Chairperson shall promptly notify the City Council through the City Clerk of such vacancy.

Section 230A.050. Functions, Powers And Duties.

- A. The Commission shall have the following functions, powers and duties:
 1. To encourage fair treatment for, and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this Chapter, members of these groups or persons with disabilities.
 2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.
 3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.
 4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.
 5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.
 6. To cooperate with other organizations, private and public, to discourage discrimination.
 7. To advise the City Council on human rights issues.
 8. To hold public hearings on the state of human rights and relations in the City and on specific human rights issues.
 9. To sponsor or initiate specifically targeted workshops and ongoing programs to improve human relations and to decrease tensions in the City.

10. To present informational programs on human rights to school, business, service and other organizations.
11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.
12. To provide each year to the City Council a full written report of all its activities and of its recommendations.

ARTICLE III

Discriminatory Practices**Section 230A.060. Unlawful Housing Practices.**

- A. It shall be an unlawful housing practice:
1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability 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 because of 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 because 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 220.060, 220.070 and 220.080, "discrimination" includes:
 1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 3. In connection with the design and construction of covered multifamily dwellings for first 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; and
 - 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 Subsection (B)(3) of this Section, the term "covered multifamily 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. (RSMo. §213.040, 2017)

Section 230A.070. Discrimination In Commercial Real Estate Loans.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, disability 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. (RSMo. §213.045)

Section 230A.080. Discrimination In Selling Or Renting By Real Estate Agencies Prohibited.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings because of race, color, religion, national origin, ancestry, sex, disability or familial status. (RSMo. §213.050, 2017)

Section 230A.090. Discrimination In Public Accommodations Prohibited — Exceptions.

- A. All persons within the City of Chesterfield 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 because 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 220.020 and this Section, or to segregate or discriminate against any such person in the use thereof because 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 220.020 and this Section. (RSMo. §213.065, 2017)

Section 230A.100. 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. (RSMo. §213.070)

Section 230A.110. Exemptions.

- A. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or of the City that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.
- B. Nothing in Sections 220.060, 220.070 and 220.080:
1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
 3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national

origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

- D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 220.060, shall apply to:
1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
 - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four-month period; or
 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. (RSMo. §213.040)

ARTICLE IV

Enforcement Procedures

Section 230A.120. Complaints.

- A. Any individual who claims to be aggrieved by a discriminatory practice may file with the Commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the Commission.
- B. Any complaint filed under this Section in which affirmative relief is sought shall state what relief is sought or proposed.
- C. All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.
- D. An individual who files a complaint with the Commission shall be advised of the possibility of filing a complaint with the Missouri Commission on Human Rights.

Section 230A.130. Complaints — Investigation, Conciliation And Mediation.

- A. Complaints shall be investigated and conciliated or mediated by individuals who have been approved by the Commission and trained in investigation, conciliation and mediation.
- B. Upon filing of a complaint, the Chairperson of the Commission shall designate an individual to investigate the allegations. The individual shall promptly investigate such allegations, and if he/she determines that probable cause exists for crediting the allegations of the complaint, he/she shall thereupon undertake to eliminate the alleged discriminatory practice or practices by conference, conciliation and persuasion or mediation and shall inform the Commission of the results of such efforts. If the individual determines that no such probable cause exists, he/she shall so report to the Commission, which shall thereupon dismiss the complaint without further proceedings, or direct further investigation or, if it determines that probable cause exists for crediting the allegations of the complaint, direct that the alleged discriminatory practice or practices be the subject of conference, conciliation and persuasion or mediation. Neither the members of the Commission nor any person participating in the investigation shall disclose what has occurred in the course of such efforts to conciliate. The determination of probable cause shall be made, and the investigation and conciliation or mediation shall be conducted, in accordance with such rules, regulations and guidelines as the Commission shall prescribe.
- C. If such efforts fail to eliminate the alleged discriminatory practice or practices, the complainant shall be referred to the Missouri Commission on Human Rights.

Section 230A.140. Prosecutions — Time Limitations.

- A. No prosecution for a violation of any provision of this Chapter shall be commenced unless a complaint shall have first been filed with the Commission and efforts of the Commission to eliminate the alleged violation have failed.
- B. The period of limitation for any violation of this Chapter shall not run during any time while a complaint involving the alleged violation is pending before the Commission.

Chapter 235
SOLID WASTE

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Cross Reference: As to health and sanitation, ch. 240.

**ARTICLE I
In General**

Section 235.010. Definitions.

[CC 1990 § 25-1; Ord. No. 541 § 1, 1-21-1991]

As used in this Chapter and unless the context clearly requires a different meaning, references to one (1) gender include references to the other gender, singular references include the plural and plural references include the singular, statements including the word "shall" are mandatory and discretionary. The following specific definitions apply to this Chapter:

APPROVED INCINERATOR — An incinerator which complies with all current regulations of the responsible local and State air pollution control agencies.

BULKY WASTE — Non-putrescible solid wastes consisting of 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 waste transportation vehicles by waste haulers with the equipment available therefor. "Bulky residential waste" is bulky waste generated on residential premises other than automobiles and construction and demolition materials.

CENTRAL COLLECTION SITE — A place designated by the City where residents may drop off recyclables for recycling.

CITY — The City of Chesterfield, Missouri.

CITY ENGINEER — The City Engineer of the City of Chesterfield and his/her deputies and assistants designated to perform functions on his/her behalf.

COMMERCIAL SOLID WASTE CONTAINER — A container of metal, plastic or other similar rigid material, not including plastic bags. Such container shall be leak-proof, vermin-proof and have tight-fitting lids which are hinged on one (1) side.

COMPOSTABLES — Yard waste such as grass clippings, leaves, vines, hedge and shrub (including rose bushes) trimmings, tree trimmings and tree limbs less than one (1) inch in diameter and no longer than four (4) feet in length and/or other such organic materials from the yard.

CONTRACTOR — The solid waste hauler licensed by the City to collect recyclables for recycling.

CURBSIDE — A location adjacent to and not more than five (5) feet from any street.

ENGAGE IN THE BUSINESS OF HAULING WASTE — To either:

1. Use a vehicle for the collection of waste from storage at residential or non-residential premises to haul such waste, regardless of the number of times the vehicle is so used including such use by municipalities; or
2. Use a vehicle to haul waste in Chesterfield more than five (5) times during any waste hauling vehicle licensing year. The expression includes any governmental entities which own or operate vehicles to provide waste hauling services within or travel through the City of Chesterfield.

FLOOD PLAIN — The area designated as the one-hundred-year special flood hazard and floodway on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps approved by the Federal Emergency Management Agency.

FREE LIQUID — Liquid that will drain freely by gravity from solid material.

HAZARDOUS WASTE — Any waste or combination of wastes, as determined by the 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.

INFECTIOUS WASTE — Waste in quantities and characteristics as determined by the department by rule and regulation, including the following wastes known or suspected to be

infectious: isolation wastes, cultures and stocks of etiologic agents, contaminated blood and blood products, other contaminated surgical wastes, wastes from autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals and anti-neoplastic chemotherapeutic materials; provided, however, that infectious waste does not mean waste treated to department specifications.

LANDFILL — A waste disposal site in which waste is deposited.

MOBILE WASTE CONTAINER — A container containing waste which is moved from the generation point to the disposal or transfer/processing point over public roadways within the City.

NON-RESIDENTIAL — Commercial, industrial, agricultural, institutional and recreational.

PERSON — An individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the State or Federal government or any other legal entity whatever which is recognized by law as the subject of rights and duties.

PREMISES — All one- and two-family dwellings located in the City.

PROCESSING — Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

RECYCLABLES — Newsprint; brown, clear and green glass containers; steel or tin cans; aluminum cans; plastic milk jugs and plastic soda bottles, all rinsed and reasonably free of food, dirt and other contaminants. Also included as a recyclable is any other material that the City and contractor may hereafter mutually agree to collect as a recyclable. For the purposes of this Chapter, recyclables shall not include other solid waste, bulk rubbish or hazardous waste as defined in this Chapter.

RECYCLABLES CONTAINER — A container furnished by the refuse collector or contractor for storage of recyclables.

RECYCLING — The process of remanufacturing recyclables into other products or refurbishing them for reuse.

REFUSE — All waste substances, including animal and vegetable, as well as combustible and non-combustible waste and all putrescible matter, except hazardous or special waste.

REFUSE COLLECTOR — A solid waste hauler.

RESIDENTIAL — A single-family residence, a residence for no more than two (2) families or a condominium development.

RESIDENTIAL SOLID WASTE CONTAINER — A container of galvanized metal, rubber, fiberglass or plastic which is non-absorbent, leak-proof and fly-tight and which does not become brittle in cold weather; or plastic bags with a minimum thickness of two (2) mils and with a capacity of not less than twenty (20) gallons nor more than thirty-five (35) gallons nor more than seventy-five (75) pounds.

SLUDGE — The accumulated semi-solid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins.

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.

SPECIAL WASTE — Items which, by their very nature, can cause health problems or injury to individuals including, but not limited to, solvents, insecticides, cleaning agents, heavy metals, prescription drugs, explosives, incendiaries, motor oils, lead acid batteries, tires, refrigerants, infectious waste and any materials prohibited by the City's Fire Code or the Chesterfield Fire Protection District.

TRANSFER STATION — A premises where waste is transferred from one (1) container to another. A transfer station may or may not be a recycling facility.

TREE WASTE — Tree limbs no longer than forty-eight (48) inches and no greater than four (4) inches in diameter.

WASTE — Any material for which no use or sale is intended and which will be discarded or any material which has been or is being discarded. Waste shall also include certain residual materials, to be specified by the rules and regulations, which may be sold for purposes of energy or materials reclamation, re-use or transformation into new products which are not wastes.

WASTE PROCESSING FACILITY — A facility where the incinerating, composting, baling, shredding, salvaging, compacting, packaging, recycling or other processing of waste eliminates or modifies waste or reduces the quantity of waste or packages waste. Such facilities include, but are not limited to, incinerators and compost plants and may include transfer stations.

WHITE GOODS — Washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, wood stoves, air conditioners, refrigerators, freezers, dehumidifiers and other appliances.

YARD WASTE — Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

Section 235.020. Wastes Not To Be Deposited In Waters Within City.

[CC 1990 § 25-2; Ord. No. 541 § 6(A), 1-21-1991]

No person shall dump or deposit or permit dumping or depositing of any wastes into any stream, spring, surface or ground water, whether natural or artificial, within the boundaries of the City except as provided herein.

Section 235.030. Water Treatment Facilities.

[CC 1990 § 25-3; Ord. No. 541 § 6(B), 1-21-1991]

A permit issued by St. Louis County shall be required to operate a waste stabilization lagoon, settling pond or other water treatment facility which has a valid permit from the Missouri

Clean Water Commissioner even though the facility may receive solid or semi-solid waste materials.

Section 235.040. Procedure Stated In Application And Conditions Attached By City Council To Be Complied With.

[CC 1990 § 25-4; Ord. No. 541 § 10(A), 1-21-1991]

The applicants, their agents and employees shall comply with the statements made in the applications regarding anticipated means of handling and disposing of wastes and shall comply with the additional terms and conditions required by the City Council.

Section 235.050. Inspections By City Engineer — Right Of Entry For Inspection And To Remedy Dangerous Conditions.

[CC 1990 § 25-5; Ord. No. 541 § 10(B), 1-21-1991]

- A. The City Engineer shall make periodic inspections as necessary to ensure compliance with the authorization of the City Council. Failure of the applicants or their agents or employees to cooperate with the City Engineer in his/her inspections or to comply with the statements in the applications or with the additional terms and conditions required by the City Council shall result in immediate revocation by the City Engineer of the permit for disposal of the special waste.
- B. The City Engineer shall have the right of entry for inspection to ensure compliance with the authorization granted by the City Council and to ensure the public health, safety and welfare. For a violation of the terms of the authorization of the City Council or for a condition which threatens the health, safety and welfare of the residents of the City, the City Engineer shall notify the owners or their agents to correct such violation. If the owners or their agents fail to correct such violation within twenty-four (24) hours, the City Engineer is authorized to enter the property and, with the owner's equipment and employees or with City-owned equipment and employees, correct such violation. The cost of such work shall be a special tax on the property and will be collectable in the manner outlined in Section 235.670(D) of this Chapter.

Section 235.060. Rulemaking.

[CC 1990 § 25-6; Ord. No. 541 § 11, 1-21-1991]

The City Council upon the recommendation of the City Engineer is authorized to make such rules and regulations as will implement the purposes of this Chapter. Such rules and regulations shall only be promulgated following notice to the public of a public hearing to be held and the subject matter of the proposed rule or regulation. The Public Works and Parks Committee of the City Council shall hold such public hearing and, upon approval by the City Council, issue such rule or regulation. The text of such rule or regulation shall be filed with the City Clerk. Failure to comply with the provisions of such rule or regulation shall be a violation of this Chapter and subject to the penalty provisions set out in Section 100.080 of this Code.

Section 235.070. Prohibited Practices.**[CC 1990 § 25-7; Ord. No. 541 § 12, 1-21-1991; Ord. No. 1175 § 2, 6-17-1996]**

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 lawfully provided by the contractor for solid waste collection and disposal from the premises of such person;
2. Fail to have solid waste collected as provided in this Chapter;
3. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors authorized to conduct business in the City in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City or those of a solid waste collector operating under contract or license issued from the City;
4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
5. Dispose of solid waste at any facility or location which is not approved by the City and/or the Missouri Department of Natural Resources;
6. Engage in the business of storing, collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit/license from the City or operate under an expired permit/license or operate after a permit has been suspended or revoked;
7. Violate any Section of this Chapter or any other rule or regulation promulgated under the authority thereof.

Section 235.080. Cooperative Agreements Authorized.**[CC 1990 § 25-8; Ord. No. 541 § 14, 1-21-1991]**

The City Engineer is authorized to cooperate with the Missouri Department of Natural Resources, St. Louis County and any other relevant jurisdiction, individually or in combination, for the purposes of processing the application; furthermore, the Mayor is hereby authorized, upon approval of the City Council, to enter into an agreement with St. Louis County, Department of Community Health and Medical Care for inspection services or any other services the County may provide which are determined to be in the best interests of the citizens of the City of Chesterfield. However, the City reserves all of its rights to itself under this Chapter.

Section 235.090. through Section 235.140. (Reserved)

ARTICLE II

Generation And Storage**Section 235.150. Duties Imposed For Storage Of Waste.****[CC 1990 § 25-21; Ord. No. 541 § 2(A), 1-21-1991]**

- A. This Section describes conditions that shall exist, conditions that must not exist, actions that must be taken and actions that must not be taken, all in connection with the storage of waste upon the premises where the waste is generated. The persons responsible for seeing that the conditions and actions described in this Section are complied with depends upon the type of premises involved and are described as follows:
1. On residential premises or premises with mixed uses but containing at least one (1) residence, it shall be the responsibility of every person the age of seventeen (17) years or older residing on the premises to see that the provisions of this Chapter are satisfied with respect to disposal of residential waste generated on their premises, regardless of whether the non-compliance was occasioned by the action or failure to action of the person charged.
 2. On non-residential premises or premises with mixed uses but containing at least one (1) non-residential use, it shall be the responsibility of the person in possession of the premises, as well as each manager, agent or employee of a person in possession of the premises, to see that the provisions of this Chapter are satisfied with respect to disposal of non-residential waste generated on the premises, regardless of whether the non-compliance was occasioned by the action or failure to act of the person charged.
 3. On all premises, it shall be a violation of Subsection (2) to do any act which would make the premises fail to comply with such Sections, whether or not the person charged resides on the premises or is in possession of the premises or is the agent or employee of a person in possession of the premises.

Section 235.160. Waste Containers Required.**[CC 1990 § 25-22; Ord. No. 541 § 2(B), 1-21-1991]**

There shall be provided on each premises where waste is generated, whether such premises are residential or non-residential, containers for the storage of all waste except bulky waste and demolition and construction waste. The containers shall conform to the requirements of Section 235.170 if for use on residential premises and shall conform to the requirements of Section 235.180 if for use on non-residential premises. The containers must be sufficient in quantity and size to hold all waste (except bulky waste and demolition and construction waste generated on the premises) between the times when the waste is generated and removed from the containers and the premises. The containers and the premises surrounding the containers shall be maintained in a neat, clean, odor-free and sanitary condition.

Section 235.170. Waste Containers For Residential Waste Other Than From Multi-Family Residences Of Three (3) Or More Units — Use Of Containers Required.**[CC 1990 § 25-23; Ord. No. 541 § 2(C), 1-21-1991]**

Residential waste, other than residential waste from multi-family premises of three (3) or more units or from premises having mixed uses but containing at least one (1) residence, shall be deposited and stored in galvanized metal containers or rubber, fiberglass or plastic containers which are nonabsorbent and do not become brittle in cold weather or in plastic containers or plastic bags not less than twenty (20) gallons nor more than thirty-five (35) gallons and not to exceed seventy-five (75) pounds. Containers shall be leak-proof, water-proof and fly-tight and shall be properly covered at all times except when depositing waste therein or removing waste therefrom. The containers, other than plastic bags, shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential waste, with tapered sides for easy emptying. They shall be lightweight and of sturdy construction. Plastic bags used to contain waste shall be of sufficient strength to be used one (1) time to store the waste actually deposited therein. Waste generated on the premises shall be deposited in the containers and shall be deposited in such a manner that the area surrounding the containers and the containers themselves remain clean, neat, odor-free and sanitary. This Section does not apply to demolition and construction waste.

Section 235.180. Waste Containers For Non-Residential Waste And Waste From Multi-Family Residences Of Three (3) Or More Units — Use Of Waste Containers Required.**[CC 1990 § 25-24; Ord. No. 541 § 2(D), 1-21-1991]**

Non-residential waste and residential waste from multi-family residences of three (3) or more units, as well as residential waste from premises having mixed uses, but which contain at least one (1) residence, shall be stored in container(s) of sufficient size or pickup frequency which are spill-proof, leak-proof and shall be covered at all times except when depositing waste therein or removing waste therefrom. Waste generated on the premises shall be deposited in the container(s) and shall be deposited in such a manner that the area surrounding the container(s) and the container(s) themselves remain clean, neat, odor-free and sanitary. This Section does not apply to demolition and construction waste. All solid waste and recyclables shall be picked up at least once weekly.

Section 235.190. Storage Of Infectious, Hazardous And Special Wastes.**[CC 1990 § 25-25; Ord. No. 541 § 2(E), 1-21-1991]**

- A. No person possessing or generating infectious, hazardous or special waste shall permit such infectious, hazardous or special waste to be placed in storage containers ordinarily used for waste that is not infectious, hazardous or special waste, as the case may be.
- B. No person possessing or generating infectious, hazardous or special waste shall place such waste in storage containers which are not clearly marked "INFECTIOUS WASTE" or "SPECIAL WASTE" as the case may be.

Section 235.200. Waste Not To Be Deposited In Container Of Another.**[CC 1990 § 25-26; Ord. No. 541 § 2(F), 1-21-1991]**

No person shall deposit waste in any waste container (other than a waste container on the premises where the waste was generated) without the consent of the owner of such container.

Section 235.210. Tree Waste.**[CC 1990 § 25-27; Ord. No. 541 § 2(G), 1-21-1991]**

Tree limbs need not be placed in a waste container so long as tree limbs are less than four (4) inches in diameter and are tied in such a manner as to prevent the bundle from falling apart under ordinary handling. The bundles shall not be longer than forty-eight (48) inches and not thicker than eighteen (18) inches in diameter. The weight of any individual bundle shall not exceed seventy-five (75) pounds. In no case, shall tree waste be stored on any land or premise for a period longer than fourteen (14) calendar days.

Section 235.220. Placement Of Waste Containers, Tree Waste And Firewood.**[CC 1990 § 25-28; Ord. No. 541 § 2(H), 1-21-1991; Ord. No. 599 § 1, 8-19-1991; Ord. No. 1781 §§ 1 — 2, 9-5-2001; Ord. No. 2956, 6-19-2017]**

- A. Residential solid waste containers, recycling containers, and yard waste shall be stored upon the premises where the waste was generated, unless written permission for storage on other premises is obtained from a person having authority to grant such permission. Containers shall be stored inside the garage or within any side or rear yard such that they are screened so as the containers are not visible from a street which abuts the property. The maximum number of containers stored and screened within any side or rear yard shall not exceed seven (7) at any given time. Waste containers used for the storage of residential waste, other than waste from multifamily premises having four (4) or more units, shall be placed at the end of the driveway, near the curb or mailbox, prior to the scheduled pickup. Waste containers, including bundles of yard waste permitted by this chapter, shall be placed at the required collection point, no earlier than 5:00 P.M. on the day prior to the regularly scheduled collection day. Waste containers shall be returned to their lawful storage area no later than 11:59 P.M. on the day of collection.
- B. Nonresidential solid waste containers and tree waste generated on nonresidential premises shall be stored upon the nonresidential premises where the waste was generated, unless written permission for storage on other premises is obtained from a person having authority to grant such permission.
- C. Fireplace wood shall be stored on a pallet with a six-inch clearance at the bottom. Such pallet shall be of wood or metal. No more than one-half (1/2) cord (four (4) feet by four (4) feet by eight (8) feet) may be stored on the premises in front of the building, and no more than four (4) cords may be stored on the premises behind the front building line.
- D. Any person desiring to register an allegation regarding any structure or land which may be in violation of this ordinance shall be required to state his or her name and address

which shall be placed on record with the City as a condition precedent to the filing of an allegation. No anonymous allegations shall be accepted or recorded by the City. All allegations must state specifically the violation or violations being reported.

Section 235.230. Warning And Summons For Violations Of Section 235.220.

[CC 1990 § 25-28.1; Ord. No. 600 §§ 1 — 5, 8-19-1991]

- A. Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this paragraph, except where the context clearly indicates a different meaning:

LESSEE — Any person who leases all or a portion of a premises on a day-to-day, week-to-week or month-to-month basis.

OWNER — Any person or persons or entity who has a vested fee simple title, an equitable interest or a life interest in any lot or tract of land or in a particular part thereof, whether such tract or lot of land is held in common by joint owners.

PERSON HAVING CONTROL — Any occupant, agent, servant, representative or employee of any owner or lessee or renter of any property who exercises any control on behalf of the owner, lessee or renter over a particular residence.

RENTER — Any person who rents all or a part of a premises on a day-to-day, week-to-week, month-to-month basis. For purposes of this Section, a person over the age of eighteen (18) years who is living in a household with a parent but who is neither the owner, the lessee, the head of the household or the person having control shall be considered to be a "renter", regardless of whether they pay rent for such occupancy in money.

- B. Any person who shall violate the provisions of Section 235.220 of this Chapter, hereinafter referred to as "Code", shall be noticed and warned as follows:
1. Whenever it comes to the attention of the City or the City becomes aware of the existence of a violation of the Code hereinafter referred to as the "violation", the City shall investigate the violation and have prepared a report concerning the same. If a violation of the code is found to exist, a warning notice shall be left with any person occupying such property, whether such person is the owner, renter or lessee thereof, by delivering such warning notice to such person or if no one is present in the property or refuses to accept the notice, then by posting the warning notice on the front or side or rear entrance to the residence or building.
 2. The warning notice provided in Subsection (B)(1) shall contain:
 - a. The address or legal description of the property;
 - b. The ordinance number of the ordinance being violated;
 - c. The nature and location of the violation;
 - d. A notice of the penalty for failure to remove or abate the violation, stating that if the nuisance reoccurs by the same occupier, owner or person in charge, a summons will be issued without further notice.

3. If the violation occurs where the residence or building is unoccupied, the property may be posted as provided in Subsection (B)(1) and if the property is unimproved by placing the notice upon a tree or other object upon such property as may be available.
 4. A notice shall be considered as validly received if put in writing containing the same information as provided on the warning notice provided in Subsection (B)(2) and shall be sent to the owner or any other person having control of the property at the last known address of the owner or at the address of the person having control by ordinary mail, postage prepaid.
- C. Once a notice has been given to the head of the household, the renter, the lessee or the person having control or the owner of a lot or tract of land in or on which a violation has been created or maintained and after abatement thereof the same violation recurs in or on the same lot or tract of land by the same person or persons responsible therefore, no further warning notice need be given. Thereafter, such responsible person or persons may be summoned into Municipal Court to answer to the charges against him/her. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City, if any, in abating the violation.
- D. Upon neglect or failure to act upon the warning notice by the property owner, head of household, renter, lessee or person having control over said property, the City shall issue a summons as follows:
1. **Summons, Service Of.** If a warning notice is given as provided in Subsection (B) and if after the time for removal or abatement has lapsed the property is reinspected and the Inspecting Officer finds and determines that the violation has not been removed or abated or that there is a subsequent violation of the Code, the Inspecting Officer shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed by name to the occupant, head of household, renter, lessee, owners or person having control of the property showing the address on which the violation is located and such other information as may be available to the Inspecting Officer as shown on the summons and specifying the Section of the ordinance which is being violated and setting forth in general the nature of the violation and may serve the summons on the occupant, head of household, renter, lessee, owners or person in control or any or all of such persons. The summons shall contain a date on which the case will be on the Municipal Court docket for hearing. The Prosecuting Attorney shall sign the original copy of all such summons and the original thereof shall be forwarded to the Clerk of the Municipal Court for inclusion on the court's docket for the date shown on the summons.
 2. **Summons, Delivery By Mail.** If no one is found at the property to accept a summons for failure to remove or abate a violation, the Inspecting Officer shall fill out and sign the summons as the complainant as provided in Subsection (D)(1) and deliver the original and one (1) copy of the summons to the Clerk of the Municipal Court, who shall verify or insert the date that the case has been set for hearing before the Municipal Court. The Clerk shall then mail the copy of the summons by ordinary mail, postage prepaid to the person named therein at the address shown on the summons or at such other address as the person charged

therewith may be found or shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person to whom addressed.

3. **Abatement By City — Costs Assessed To Person Responsible.** If the occupant, head of house, renter, lessee, owner or person in control of property for which a warning notice has been given to remove or abate a violation fails to remove or abate the violation in the time specified in this notice, whether on public or private property, the City may remove the same and thereby abate the violation and, if necessary, may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the costs of the person or persons responsible for creating or maintaining the violation, if the cause therefor lies with any of the persons as defined in Subsection (A).
 4. **Payment Of Costs — Special Tax Bill Or Judgment.** All costs and expenses incurred by the City in removing or abating any violation on any private property may be assessed against the property in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the violation, whether on public or private property, may be made a part of the judgment by the Municipal Judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, creating or maintaining a violation on public or private property.
 5. **Warning Notice, First (1st) Offense.** In all cases where the violation on public or private property is the first (1st) offense of the specified ordinance violation for the person charged therewith, the warning notice provisions of Subsection (B) shall be observed. The notice shall specify that the violation shall be removed or abated, which time shall not be more than one (1) day, except in emergency cases.
 6. **Warning Notice, Subsequent Offenses.** In all cases where the violation of public or private property is a repeat or continued offense on such property, after the expiration of the time period set out in Subsection (D)(5) above, the warning notice provisions of this Section need not be observed. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.
- E. **Violation.** Any person, persons, firm, association or corporation violating any provision of the Code or any employee, assistant, agent or any other person participating or taking part in, joining or aiding in a violation of any provision of Section 235.220 of this Chapter, may be prosecuted as provided by law for the violation of ordinances of the City of Chesterfield and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500.00) for any one (1) offense. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense.

Section 235.240. Demolition And Construction Waste.**[CC 1990 § 25-29; Ord. No. 541 § 2(I), 1-21-1991]**

- A. No person shall store in or place additional demolition and construction waste in a waste container which is full.
- B. The person who has requested that a mobile waste container be located to receive demolition or construction waste or any person who may lawfully require that a mobile waste container be removed from a site shall require that a mobile waste container which is full be removed and the waste deposited at an appropriate facility.
- C. Demolition and construction waste shall be stored in a secure container or otherwise secured to prevent dispersal by the wind.
- D. Demolition and construction waste shall not be stored in a flood plain unless it is stored in an approved waste container which is properly anchored.
- E. A mobile waste container is full if no more waste can be added to it without making it unsafe or illegal to transport.

Section 235.250. Contract Agreement Authorized.**[CC 1990 § 25-30; Ord. No. 541 § 2(J), 1-21-1991; Ord. No. 1175 § 1, 6-17-1996]**

The City Administrator may be authorized to solicit proposals for an exclusive or non-exclusive contract for the collection and disposal of solid waste from some or all of the residential, commercial and/or other premises in the City. Such contract or contracts shall be awarded by the City Council following the receipt of competitive bids on specifications prepared by the City Administrator and approved by the City Council. Each such contract or contracts shall be made upon terms which are most advantageous to the citizens of the City, as determined by the City Council, in regard to the quality of services to be rendered, compliance with this Article and all other requirements of law and fees to be charged by the contractor to the owners of the premises to be served; provided however, that no such contract shall be for a term of less than one (1) year, except to the extent that such contract is terminable upon the happening of certain conditions as required or permitted by its express terms or by this Article. Such contract or contracts shall include provisions for the collection of residential solid waste one (1) day each week, collection of residential recyclables one (1) day each week and collection of all commercial solid waste at least once each week. No such contract shall be made with or issued to a contractor who does not possess all the permits and licenses to engage in the business of storing, collecting, transporting, processing and disposing of solid waste contemplated by the contract and required pursuant to this Article and other provisions of law. It shall be the duty of all occupants or owners of premises within the geographic area served pursuant to any such contract or contracts to obtain and maintain the solid waste collection services to be provided for such premises pursuant to this Article.

Section 235.260. through Section 235.300. (Reserved)

ARTICLE III

Collection And Transportation**Section 235.310. License Required For Vehicles And Other Mobile Waste Containers Used To Transport Wastes.**

[CC 1990 § 25-41; Ord. No. 541 § 3(A), 1-21-1991]

Unless otherwise provided in this Chapter, no person shall engage in the business of hauling or transporting waste, sewage, sludge, human excrement or any other waste of any kind whatsoever by means of a vehicle or any mobile waste container transported on any public highway, road or street in Chesterfield without obtaining a waste transportation license from St. Louis County, Department of Community Health and Medical Care for each such vehicle or mobile waste container. All such persons shall also obtain a business license from the Clerk of the City of Chesterfield upon approval of the City Council, pursuant to the Code of the City of Chesterfield. The City reserves the right to issue licenses for waste transportation vehicles or mobile waste containers in the future.

Section 235.320. Application For License For Waste Transportation Vehicle Or Mobile Waste Container.

[CC 1990 § 25-42; Ord. No. 541 § 3(B), 1-21-1991; Ord. No. 643 § 1, 2-3-1992; Ord. No. 664 § 1, 3-16-1992]

- A. Every application for a business license required under Section 235.310 shall be accompanied by proof of licensing by St. Louis County for each waste transportation vehicle or mobile waste container and by a copy of the application submitted to St. Louis County which must contain the following:
1. The owner of the vehicle or mobile waste container and the owner's address;
 2. The waste hauler who will be operating the waste hauling vehicle or using the mobile waste container and the waste hauler's address and telephone number and the name under which the waste hauling business will be conducted;
 3. The type of waste to be transported, i.e., whether the waste is residential, industrial, commercial, hazardous, infectious or any combination thereof;
 4. The site(s) where waste will be deposited by the hauler, be it landfill, transfer station or otherwise;
 5. The motor vehicle license number and fleet vehicle number assigned by the hauler of the vehicle or mobile waste container (if any exists for such mobile waste container);
 6. The area served and to be served by operation of the owner's hauling business vehicle or mobile waste container.
 7. In addition and as a condition for the issuance of a license for hauling waste, the applicant must agree that solid waste shall be collected a minimum of one (1) time per week and the recyclables shall be collected one (1) time per week; and

8. Such other information as may be required by the Building Commission of St. Louis County or the Director of Planning, Public Works and Parks or the City Administrator.

Section 235.330. When Applications Shall Be Made.**[CC 1990 § 25-44; Ord. No. 541 § 3(D), 1-21-1991]**

Initial license for a waste hauling vehicle or mobile waste container shall begin on the date the license is issued by St. Louis County, Department of Community Health and Medical Care and shall expire the following June thirtieth (30th). All renewal applications shall be made by June thirtieth (30th) of each year. All renewal licenses shall begin on July thirtieth (30th) and continue through June thirtieth (30th) of the following year. Licenses shall be granted or refused within fifteen (15) days of receipt of the application when the application is accompanied by a non-refundable application fee or twenty-five dollars (\$25.00) for each waste hauling vehicle or mobile container. The application fee shall be paid for both original and renewal applications. In the event an application is denied and a subsequent inspection is required, there shall be no additional charge for subsequent inspection. In the event that an applicant has more than one (1) mobile container, the fee shall be reduced to fifteen dollars (\$15.00) for the sixth (6th) through fiftieth (50th) containers inspected and to ten dollars (\$10.00) for each container over fifty (50) which is inspected. When an applicant applies for an original license following the fifth (5th) month of the license year, the fee imposed for inspection shall be one-half (1/2) of the fees stated in this Section for an annual inspection. The collection of the above fee shall become effective upon the order of the City Council.

Section 235.340. Inspection.**[CC 1990 § 25-45; Ord. No. 541 § 3(E), 1-21-1991]**

- A. The City reserves the right to inspect all waste transportation vehicles or mobile waste containers which are required to be licensed under this Chapter at any time without notice.
- B. The inspection of any waste transportation vehicle or mobile waste container prior to the issuance of a license may be waived by St. Louis County, Department of Community Health and Medical Care if the owner is a municipality, governmental entity, department of a governmental entity or a non-profit organization which has a quality control and inspection program that assures compliance with the standards imposed by this Chapter on waste transportation vehicles and mobile waste containers. The fee imposed shall not be required for such vehicles and containers; however, the license required by Section 235.310 shall be required whether or not an inspection is made.

Section 235.350. Standards For Issuance Of License.**[CC 1990 § 25-46; Ord. No. 541 § 3(F), 1-21-1991]**

No license shall be issued for operation of a waste transportation vehicle or mobile container unless the waste transportation vehicle or container satisfies the requirements of the St. Louis County Department of Health.

Section 235.360. Suspension Of Licenses.**[CC 1990 § 25-47; Ord. No. 541 § 3(G), 1-21-1991]**

- A. The City Engineer shall suspend a license for the operation of any waste transportation vehicle or container for the following reasons:
1. The standards for issuance of the license as set forth in Section 235.340 are not met or are no longer met;
 2. The waste transportation vehicle or container is not operated in conformity with the requirements of this Chapter.

In either event, the period of suspension shall be for the period such standards are not met.

- B. In the event that the City Engineer determines that continued use or operation of the waste transportation vehicle or mobile container presents an immediate and serious threat to the health and welfare of persons within the City of Chesterfield, he/she may suspend the license without a hearing, but shall permit the owner or operator of the vehicle or mobile container, if different than the owner, or a waste transportation vehicle or mobile container whose license has been so suspended an opportunity to be heard before the Public Works and Parks Committee of the City Council within five (5) days of notice of the suspension if the owner or operator so requests. The City Engineer shall notify the operator of his/her decision to suspend the license, giving reasons therefor, by certified mail or hand delivery of a notice to the office of the owner or operator. In the event that the City Engineer does not determine that continued use or operation of the waste transportation vehicle or mobile container presents an immediate and serious threat to the health and welfare of persons within the City, he/she shall give the owner and operator, if different than the owner, at least five (5) days' notice of any hearing before the Public Works and Parks Committee of the City Council to determine whether the license should be suspended. Following the hearing, the Public Works and Parks Committee shall decide whether the license should be suspended.

Section 235.370. What Must Be Displayed On Waste Transportation Vehicles Or Mobile Waste Containers.**[CC 1990 § 25-48; Ord. No. 541 § 3(H), 1-21-1991]**

- A. Each motor vehicle and mobile waste container issued a license under the provisions of this Chapter pertaining to licensing of waste transportation vehicles and mobile waste containers shall display the license sticker or certificate issued by St. Louis County, Department of Community Health and Medical Care in a prominent place on the motor vehicle or mobile waste container.
- B. Each mobile waste container which is not required to be licensed under the provisions of this Chapter shall be labeled with the owner's name, phone number and a unique number assigned to the container by the owner for identification purposes.

Section 235.380. License Not Required, When.**[CC 1990 § 25-49; Ord. No. 541 § 3(I), 1-21-1991]**

- A. Licenses shall not be required for vehicles removing, hauling or disposing earth and rock material from grading or excavation activities.
- B. All earth and rock material from grading or excavation activities shall be conveyed in enclosed or covered vehicles, trucks or receptacles which are constructed, maintained and operated such that the material being transported does not spill, blow or fall out of the vehicle.
- C. Licenses shall not be required for street sweepers.
- D. Licenses shall not be required for mobile waste containers which contain only demolition and construction waste.

Section 235.390. Waste And Recyclable Haulers To Have Insurance.**[CC 1990 § 25-51; Ord. No. 541 § 3(K), 1-21-1991]**

- A. No person shall engage in the business of hauling waste and/or recyclables without maintaining public liability insurance approved by the City Council governing all operations of the insured pertaining to the business of hauling waste and/or recyclables and all vehicles to be operated in the conduct thereof. The insurance shall be with an insurer acceptable to the City Council and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed annually with the City Clerk. The waste and/or recyclables hauler shall have the insurance coverages listed below and include the City of Chesterfield as an additional, named insured:
 - 1. Comprehensive general liability one million dollars (\$1,000,000.00).
 - 2. Property damage one million dollars (\$1,000,000.00).
 - 3. Automobile liability one million dollars (\$1,000,000.00).
- B. No person shall engage in the business of hauling waste without maintaining insurance with Workers' Compensation coverage with minimum limits as set by law. The insurance must be approved by the Council and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business.
- C. No insurance policy required by this Section shall be approved unless it provides that thirty (30) days' advance notice will be given by the insurer to the City Engineer in the event the policy is terminated or cancelled.

Section 235.400. Waste And Recyclable Haulers To Post Performance Bond.**[CC 1990 § 25-52; Ord. No. 541 § 3(L), 1-21-1991; Ord. No. 643 § 4, 2-3-1992]**

No person shall engage in the business of hauling waste and/or recyclables without maintaining a performance bond in such a form approved by the City Attorney in the sum

equal to twenty percent (20%) of the annual contract value of those citizens served by the applicant in the City of Chesterfield. The bond is required to secure onto the City of Chesterfield the performance of applicant's services to the citizens that they serve.

Section 235.410. Design And Construction Of Vehicles And Mobile Containers Used To Transport Waste.

[CC 1990 § 25-53; Ord. No. 541 § 3(M), 1-21-1991]

Persons hauling waste and persons employed by waste haulers shall maintain the vehicles and mobile containers used for waste hauling in a safe, clean and sanitary condition. The vehicles and containers used shall be constructed, maintained and operated so as to prevent waste from spilling or blowing from the vehicle or container. The vehicles or containers shall have spill-proof bodies and shall have either covers which are an integral part of the vehicle or container or shall have separate covers with fasteners securing all sides of the cover to the vehicle or container. The covers shall be secured whenever the vehicle or container is transporting waste which is capable of blowing from the vehicle or which in fact does blow from the vehicle. No waste shall be transported in hoppers designed for loading waste into the vehicle or container. The name of the operator of the waste hauling vehicle or mobile container shall be displayed prominently on the motor vehicle or mobile container. It is the duty of every waste hauler and employee or agent of a waste hauler operating a vehicle or using a container to assure compliance with this Section.

Section 235.420. Weight Limitations.

[CC 1990 § 25-54; Ord. No. 541 § 3(N), 1-21-1991]

- A. All vehicles used for transportation of wastes within the City shall comply with the following weight limitations.
1. A twenty thousand (20,000) pound maximum load on any axle.
 2. A sixty thousand (60,000) pound maximum gross vehicle weight.

Section 235.430. Collection And Transportation Of Infectious, Hazardous And Special Waste.

[CC 1990 § 25-55; Ord. No. 541 § 3(O), 1-21-1991]

No person shall haul infectious, hazardous or special waste in a waste transportation vehicle or mobile container used for or containing waste which is not infectious, hazardous or special waste, as the case may be, or which is not a waste hauling vehicle or mobile container which can safely transport waste of such kind. No person shall collect or transport waste which has been clearly identified as infectious, hazardous or special waste or which such person has reason to know is in fact infectious, hazardous or special waste, unless such person has the capability to legally and safely transport and dispose of the waste at an appropriate waste treatment facility.

Section 235.440. Waste Spilled During Transportation.**[CC 1990 § 25-56; Ord. No. 541 § 3(P), 1-21-1991]**

Waste spilled or blown during the transportation of waste shall be recollected immediately and placed in the transportation vehicle or mobile container by the employees of the waste hauler or by the person transporting the waste, whether or not such person is engaged in the business of hauling waste and whether or not the vehicle is licensed or required to be licensed under this Chapter.

Section 235.450. Waste Spilled By Hauler During Collection.**[CC 1990 § 25-57; Ord. No. 541 § 3(Q), 1-21-1991]**

Waste spilled or blown during the movement of waste from the point of collection into the waste transportation vehicle shall be recollected and placed in the transportation vehicle by the waste hauler, whether or not the waste was placed by the generator in proper containers as required by this Chapter. Waste haulers are not obligated to collect waste which has not been placed in containers as required by this Chapter.

Section 235.460. Waste Not To Be Stored In Waste Transportation Vehicle For More Than Forty-Eight Hours — Exception.**[CC 1990 § 25-58; Ord. No. 541 § 3(R), 1-21-1991]**

Waste shall not be stored more than forty-eight (48) hours in any waste transportation vehicle without the express permission of the City Engineer.

Section 235.470. Provision For Collection Of Bulky Residential Waste.**[CC 1990 § 25-59; Ord. No. 541 § 3(S), 1-21-1991]**

After March, 1991, no waste hauler shall enter into an agreement with any person responsible for waste disposal on a residential premises without agreeing to provide as least one (1) weekly collection of bulky residential waste from the residential premises. The waste hauler shall give such persons responsible for waste disposal on residential premises reasonable notice of the time of any such collection of bulky residential waste.

Section 235.480. Notification To Authorities Of Special, Hazardous Or Infectious Waste Spills.**[CC 1990 § 25-60; Ord. No. 541 § 3(T), 1-21-1991]**

Waste haulers or generators who spill special, hazardous or infectious waste shall notify the City Engineer, the Chief of Police and the appropriate State and Federal authorities immediately and shall remove the waste in a manner consistent with all Federal, State and local regulations as soon as practicable.

Section 235.490. Adherence To Rules And Regulations Of The City Of Chesterfield.**[CC 1990 § 25-60.1; Ord. No. 643 § 5, 2-3-1992]**

All applicants licensed by the City of Chesterfield to collect and haul solid waste shall be required to abide by all of the rules and regulations passed by the City Council of the City of Chesterfield and conditions as contained within this Section and as it may hereinafter be amended. Failure to comply with the rules and regulations shall be a violation of the City's municipal ordinances and punishable by a fine between five dollars (\$5.00) and five hundred dollars (\$500.00) for each occurrence.

Section 235.500. Waste Pickup.**[CC 1990 § 25-61; Ord. No. 541 § 4, 1-21-1991; Ord. No. 643 § 6, 2-3-1992; Ord. No. 1734 §§ 1 — 2, 4-16-2001]**

Pickup of residential solid waste shall only be required once a week and pickup of recyclables shall only be required once a week by each waste hauler licensed in the City. Residential solid waste shall not be collected prior to 7:00 A.M. or after 7:00 P.M. Further, each waste hauler licensed in the City is prohibited from serving any non-residential customer prior to 7:00 A.M. or after 7:00 P.M.

Section 235.510. through Section 235.550. (Reserved)

ARTICLE IV

Disposal**Section 235.560. Waste Must Be Deposited At A Licensed Landfill, Licensed Waste Processing Facility Or Licensed Transfer Station.****[CC 1990 § 25-71; Ord. No. 541 § 5(A), 1-21-1991]**

No person shall deposit waste on any real estate or permit waste to be deposited on any real estate for which there is no valid and current license and, if appropriate, renewal license for the operation of a sanitary landfill, demolition landfill, waste processing facility or transfer station issued by the City Council or other appropriate governmental body, nor shall any person deposit waste on or at any such sanitary landfill, demolition landfill, waste processing facility or transfer station in a manner which does not comply with the waste facility plan approved by the City Council and the license issued therefor, nor in a manner which does not comply with the provisions of this Chapter describing the manner of operation of the sanitary landfill, demolition landfill, waste processing facility or transfer station.

Section 235.570. Presumption Regarding Waste Not Deposited At Licensed Facility.**[CC 1990 § 25-72; Ord. No. 541 § 5(B), 1-21-1991]**

- A. In prosecution of a defendant for a violation of Section 235.560, the prosecution shall make a prima facie case upon a showing that:

1. Waste has been deposited on real estate which does not have the license described in Section 235.560; and
2. The waste deposited contains at least three (3) pieces of waste which uniquely identify the defendant.

Section 235.580. License To Operate Landfill, Waste Processing Facility Or Transfer Station Required.

[CC 1990 § 25-73; Ord. No. 541 § 5(C), 1-21-1991]

No person shall construct or operate a sanitary landfill, demolition landfill, waste processing facility or transfer station without a current and valid license and permit for the construction and operation thereof from the appropriate governmental body.

Section 235.590. Infectious Waste, Hazardous Waste And Special Waste Not To Be Deposited At Sanitary Or Demolition Landfill, Waste Processing Facility Or Transfer Station.

[CC 1990 § 25-74; Ord. No. 541 § 5(D), 1-21-1991]

No person shall deposit or permit or cause to be deposited any infectious waste, hazardous waste or special waste in a sanitary landfill, demolition landfill, waste processing facility or transfer station unless the facility is designed and licensed to accept such waste safely.

Section 235.600. through Section 235.640. (Reserved)

ARTICLE V

Hazardous Wastes

Section 235.650. Hazardous Waste Warning Notice.

[CC 1990 § 25-86; Ord. No. 541 § 7(A), 1-21-1991]

- A. The City Engineer upon determination that the presence of a hazardous waste on a premises presents an imminent and substantial danger to health, safety and welfare of the citizens of the City of Chesterfield or the environment has the authority to enter the premises and conspicuously post a notice or notices on the premises as a warning of the danger.
- B. No person shall remove, mar, scratch, obliterate or in any manner deface, hide from view or tamper with any such sign or signs.

Section 235.660. Notification.

[CC 1990 § 25-87; Ord. No. 541 § 7(B), 1-21-1991]

The City Engineer shall make reasonable effort to notify the owner, occupant or person in possession of the premises of his/her posting action and the reason therefore. In addition, the

City Engineer shall notify the local Fire Department or District, the Police, other appropriate emergency response, civil defense or governmental agencies and local utility companies of his/her posting action and the reason therefor.

Section 235.670. Safety Plan And Correction Of Hazardous Conditions.

[CC 1990 § 25-88; Ord. No. 541 § 7(C), 1-21-1991]

- A. The City Engineer, in cooperation with the City's Emergency Management Director, may require the owner, occupant or person in possession to prepare a safety plan for each location that may be found to contain hazardous waste and furnish such a plan in writing to the City Engineer for approval. Following approval of such a plan, the City Engineer shall require the owner or person in possession to implement such a plan. In addition, the City Engineer shall transmit the plan to the Emergency Management Director.
- B. In the event the owner, occupant or person in possession cannot be found or refuses to prepare a plan and correct the hazardous situation within a reasonable time, the City Engineer may, if he/she deems it necessary in the interest of public health, safety and welfare, enter upon the premises and, either with the equipment and employees of the owner, occupant or person in possession or with City owned or leased equipment and City employees or with other contracted private services, do such work, as is necessary, to correct any hazardous condition.
- C. Upon the completion of such work, the City Engineer shall cause the total cost of such work to be determined and certify the same to the Director of Finance and Administration. The report with the approval of the Director of Finance and Administration endorsed thereon shall be transmitted to the County Collector who shall assess the same as a special tax against each lot or parcel of ground chargeable therewith in the name or names of the owner or owners thereof.
- D. All such special tax bills issued for such work shall be collectible by suit brought by the City Attorney in the name of the City. Such special tax bills and any action thereon shall be prima facie evidence of the regularity of the proceedings for such special assessment, the validity of the bill, the doing of the work and of the furnishing of the materials charged for and of the liability of the property to the charge stated in the bill, including the costs of bringing the action as a part of the cost of doing the work. Each special tax bill shall include a charge of one hundred twenty-five dollars (\$125.00) for inspecting the same and giving the notice and further charge of one hundred twenty-five dollars (\$125.00) for issuing and recording the tax bill. Such tax bills, if not paid within thirty (30) days after issuance, shall bear interest at the rate of eight percent (8%) per annum.

Section 235.680. through Section 235.720. (Reserved)

ARTICLE VI
Special Wastes

Section 235.730. Applications For Disposal Of Special Wastes.

[CC 1990 § 25-101; Ord. No. 541 § 8(A), 1-21-1991]

- A. Application for the disposal of special waste shall be in accordance with Missouri State law.
- B. Any resident desiring to dispose of special waste shall contact the contractor for an inspection appointment. An employee of the contractor shall examine the special waste at the scheduled time and determine the most appropriate method of removal and will either arrange for said removal or refer the resident to the appropriate removal entity. Removal of special wastes shall be at the resident's expense. Special waste consisting of explosive and incendiary material such as ammunition, blasting caps and dynamite shall be removed under the supervision of the Police Department or by an agency designated by the Police Department.
- C. Any resident desiring to dispose of "white goods" shall contact the contractor to schedule a time and the most appropriate method of removal.

Section 235.740. Authorization By City Council.

[CC 1990 § 25-102; Ord. No. 541 § 8(B), 1-21-1991]

The City Council shall have the authority to approve or disapprove the applications for disposal of special waste and, if the applications are approved, may require any conditions the City Council believes necessary in order to protect the public health, safety and welfare. Copies of the approval of the City Council shall be sent to the Missouri Department of Natural Resources.

Section 235.750. through Section 235.790. (Reserved)

ARTICLE VII
Recycling Solid Waste

Section 235.800. Purpose.

[CC 1990 § 25-111; Ord. No. 541 § 9(A), 1-21-1991]

The purpose of this Section is to provide for the separation of recyclable items to aid and promote collection thereof and disposal by means other than deposit in a sanitary landfill or by burning.

Section 235.810. Separation And Storage Of Recyclables.**[CC 1990 § 25-112; Ord. No. 541 § 9(B), 1-21-1991; Ord. No. 599 § 2, 8-19-1991]**

- A. Every resident of every premises shall separate recyclables from their respective premises from all other refuse, garbage, rubbish, waste matter and compostables and store the recyclables in a recyclables containers furnished by the contractor and/or refuse collector at no charge. Except for any additional containers purchased by the residents, recyclables containers remain on the premises when residents relocate. Residents who need additional recyclable containers may purchase the same from the contractor and/or refuse collector.
- B. All recyclables shall be placed together in the recyclables container. If necessary to save space in the recyclables container, newsprint may be bundled separately and placed next to the recyclables container at curbside.
- C. Residents, not more than twelve (12) hours prior to the day for scheduled collection of recyclables from their respective dwellings, shall place the recyclables containers at the curbside adjacent to the dwelling or garage accessory thereto and visible from the street in front of the dwelling. After the scheduled collection, the containers for recyclables and any recyclables not collected shall be removed from curbside by the resident no later than 12:00 Midnight on the day of collection.
- D. The deposit of unauthorized materials into a recyclables container or bin or removal of another person's recyclables from a recyclables container or bin or conversion of a recyclables container or removal of a recyclables container from another person's premises or the deposit of recyclables and/or compostables into any container containing refuse, garbage, rubbish or waste matter shall be deemed a violation of this Chapter.
- E. The deposit of non-recyclables in recyclable containers placed for pickup or put out to be picked up on the day established for pickup of recyclables is prohibited and shall be deemed a violation of this Chapter.

Section 235.820. Separation And Storage Of Compostables Effective January 1, 1992.**[CC 1990 § 25-113; Ord. No. 541 § 9(C), 1-21-1991]**

- A. Every resident of each dwelling may separate compostables from their respective premises from all other refuse, garbage, rubbish, waste matter and recyclables until December 31, 1991, thereafter, every resident shall separate compostables from all other refuse. Compostables to be collected by the collector shall be stored in containers which are either biodegradable paper bags, thirty (30) gallon reusable metal or plastic containers or ninety (90) gallon heavy plastic portable tote containers. Containers for compostables must be tightly sealed to prevent nuisance odors.
- B. Plastic bag containers shall not be used for compostables collection.
- C. All compostables may be placed together in the same compostables container as described in Subsection (A) above. However, tree waste (no longer than four (4) feet long) and branches may also be bundled and placed curbside on collection day.

- D. Compostables shall be placed at the curbside on the same collection day, in the same manner and at the same time as recyclables.

Section 235.830. Collection Of Recyclables.

[CC 1990 § 25-114; Ord. No. 541 § 9(D), 1-21-1991]

- A. Collection of recyclables from the premises shall be by a contractor licensed by the City or a solid waste hauler, which hauler shall be duly licensed by the City. Also, such collection shall be done in compliance with all other applicable Chapters of the City now or hereafter in effect. The recyclables shall be collected from the premises covered by such contract or by any duly licensed waste hauler.
- B. The collection of recyclables at curbside by a private hauler not licensed by the City is expressly prohibited.
- C. Any contract or license holder shall collect all recyclables at least once per week on the same day in accordance with schedules and routes for collection as determined by the City Engineer.
- D. Neither the foregoing provisions of this Section nor any other provisions of this Chapter shall prevent any resident from discarding that resident's recyclables by personally delivering them to a recycling plant, centralized collection site, manufacturer or other vender.
- E. The City may designate a central collection site for the discarding of recyclables.

Section 235.840. Disposal Of Recyclables/Compostables.

[CC 1990 § 25-115; Ord. No. 541 § 9(E), 1-21-1991]

- A. Recyclables which have been separated from other refuse, garbage, rubbish, waste matter and compostables shall not in any event:
1. Be deposited in any landfill;
 2. Be burned in any incinerator; or
 3. Be deposited or distributed in any way or manner which is contrary to the applicable law, Statute, Chapter, rule or regulation.
- B. Provided however, that the restrictions in Subsection (A)(1) and (2) above shall not apply to any recyclables or compostables which are deposited in a landfill or burned pursuant to specific prior written approval granted by the City, County or State Governments.

Section 235.850. Ownership Of Recyclables/Compostables.

[CC 1990 § 25-116; Ord. No. 541 § 9(F), 1-21-1991]

All recyclable and compostable materials shall be owned by and be the responsibility of the residents of premises until they are collected by the collector at curbside. Upon collection of

the recyclable and/or compostable materials at the curbside by the collector, the recyclable and/or compostable materials, with the exception of recyclables containers and/or compostable containers which are reusable, become the property and responsibility of the contractor or solid waste hauler.

Section 235.860. Care Of Recyclables Containers.

[CC 1990 § 25-117; Ord. No. 541 § 9(G), 1-21-1991]

Each resident shall be responsible for the cleanliness and proper care of each recyclables container in his/her possession. Abuse of the container will cause the forfeit of a resident's right to a free replacement container when necessary.

Section 235.870. Replacement Of Recyclables Containers.

[CC 1990 § 25-118; Ord. No. 541 § 9(H), 1-21-1991]

The contractor's employees shall evaluate the condition of recyclables containers for possible reuse. If reusable, they will be left with the resident for the next week's collection. In the event the recyclables containers are determined to be unserviceable, due to usual wear and tear, for another week, a new recyclables container furnished by the contractor or solid waste hauler, at no charge, will be left with the resident and the old recyclables container will be collected and recycled. Recyclables containers will be exchanged on a one-for-one basis as determined by condition at collection time.

Section 235.880. Contractor's Report.

[CC 1990 § 25-119; Ord. No. 541 § 9(I), 1-21-1991]

- A. Contractor may retain all proceeds of sale of recyclables and/or compostables received from recycling plants, manufacturers or other users.
- B. The contractor shall submit a monthly summary of the quantity and kinds of recyclable and compostable materials collected and the primary purchaser(s) of those materials. Monthly summaries shall be submitted no later than the fifteenth (15th) day of the month following the month for which the report is submitted. A weight ticket showing tons of recyclables and compostables collected shall accompany each report.
- C. The contractor shall provide access to the City or any of its duly authorized representatives to review any books, documents, papers and records of the contractor which are directly pertinent to this Chapter for the purpose of making an audit, other examination and preparing excerpts and transcriptions.

Section 235.890. Disposal Of Recyclables/Compostables.

[CC 1990 § 25-120; Ord. No. 541 § 9(J), 1-21-1991]

Contractor shall dispose of recyclables at a local recycling and/or composting facility, if available; otherwise, contractor may sell recyclables and/or compostables to any purchaser of

contractor's choosing, unless otherwise directed by the City. Contractor shall be entitled to retain the proceeds of any sale thereof.

Section 235.900. Training And Education.

[CC 1990 § 25-121; Ord. No. 541 § 9(K), 1-21-1991]

In order to effect a smooth transition to the voluntary recycling program, the contractor shall provide at its costs training and education reasonably necessary to the residents of the City.

Section 235.910. Requirements For Recycling Areas.

[CC 1990 § 25-122; Ord. No. 2387 § 1, 9-5-2007]

- A. All new planned commercial and all new multiple-family residential development projects of four (4) or more units shall provide an adequate recycling area for collecting and loading recyclable materials.
- B. The recycling area shall be available for use by persons residing or employed on the property, but shall be kept secured from unauthorized entry by the general public. No payment shall be made to persons depositing recyclable materials and no processing of recyclable materials shall be permitted, except for period loading of materials into a vehicle for removal from the site.
- C. It shall be the responsibility of the property owner and lessee to supply and maintain recycling area(s) and recycling receptacles that are adequate for the collection of all recyclable materials generated by the use(s) occupying the site.

Section 235.920. Size Requirements.

[CC 1990 § 25-123; Ord. No. 2387 § 1, 9-5-2007]

- A. The recycling area or room shall comply with the following standards for minimum size:
 1. For multiple-family residential uses of twenty (20) or less dwelling units or commercial, industrial or institutional uses with a total floor area of less than three thousand (3,000) square feet, the minimum area shall be thirty (30) square feet;
 2. For multiple-family residential uses of twenty-one (21) to fifty (50) dwelling units or commercial, industrial or institutional uses having a total floor area of three thousand one (3,001) to seven thousand five hundred (7,500) square feet, the minimum recycling area shall be sixty (60) square feet;
 3. For multiple-family residential uses of fifty-one (51) or more dwelling units or commercial, industrial or institutional uses having a total floor area of greater than seven thousand five hundred (7,500) square feet, the minimum area shall be one hundred (100) square feet.
- B. Every recycling area shall contain a minimum vertical space of at least eight (8) feet.

- C. The recycling area shall be of adequate size for the collection of all recyclable materials generated by the use(s) occupying the site, without such materials overflowing the area or forcing significant amounts of recyclable materials to be discarded as general refuse or the Director of Planning, Public Works and Parks shall determine the area to be inadequate and require a larger space, even if the area provided exceeds the minimum requirements listed in Subsection (A)(2) above.

Section 235.930. Notification To Tenants And Employees.

[CC 1990 § 25-124; Ord. No. 2387 § 1, 9-5-2007]

To encourage active participation in recycling to the maximum extent possible, each property owner, manager or lessee shall inform all tenants and/or employees living or working on the property of the availability and location of the recycling area, the types of materials that are collected for recycling.

Section 235.940. Collection And Storage Of Recyclable Materials.

[CC 1990 § 25-125; Ord. No. 2387 § 1, 9-5-2007]

- A. No toxic or hazardous materials shall be stored in recycling areas or receptacles.
- B. All recyclable materials shall be placed or stored in recycling receptacles. Paper products and other lightweight materials shall be immediately placed into covered recycling receptacles when they are dropped off.
- C. On a daily basis the recycling area shall be kept free of litter, debris, spillage, bugs, rodents, odors and other similar undesirable hazards.
- D. The recycling area shall be clearly identified by one (1) or more signs designating it for recycling collection and loading.
- E. The recycling area shall be available for use by persons residing or employed on the property, but shall be kept secured from unauthorized entry by the general public.

Section 235.950. Construction Of Recycling Areas.

[CC 1990 § 25-126; Ord. No. 2387 § 1, 9-5-2007]

- A. Recycling areas shall be placed alongside of trash areas or rooms whenever possible. In all cases, recycling areas shall be separate from trash areas or rooms and shall comply with the following:
1. Outdoor recycling areas on commercial, industrial or public facilities or residential buildings having four (4) or more living units shall be confined to the rear one-half (1/2) of the lot and shall not exceed an area of three hundred (300) square feet.
 2. Outdoor recycling areas shall be completely enclosed by an eight (8) foot wall or chain link fence with wooden slates, concrete block or similar construction (enclosure) with gates of the same heights. No materials shall exceed the height

of the wall or fence. The enclosure shall be constructed with a concrete floor sloped to drain and a water faucet for hose attachment shall be located adjacent to or within the enclosure. The enclosure shall be secured by a locking gate.

Section 235.960. through Section 235.1000. (Reserved)

Chapter 240

HEALTH AND SANITATION

**ARTICLE I
Health Department Services**

Section 240.010. Contract With St. Louis County.
Section 240.020. through Section 240.060. (Reserved)

**ARTICLE II
Mosquito Control**

Section 240.070. Contract With St. Louis County For Services.
Section 240.080. through Section 240.120. (Reserved)

Cross References: As to administration, ch. 110; as to alcoholic beverages, ch. 600; as to animals and fowl, ch. 205; as to buildings and building regulations, ch. 500; as to fire prevention and protection, ch. 203; as to abandoned vehicles, §§ 385.010 et seq.; as to nuisances, ch. 215.

**ARTICLE I
Health Department Services**

Section 240.010. Contract With St. Louis County.¹

[CC 1990 § 15-21; Ord. No. 99 §§ 1 — 4, 6-1-1988]

The Mayor is authorized to enter into on behalf of the City a contract with St. Louis County, whereby the County shall provide the services of trained Health Department personnel to carry out a public health and sanitation program within the City including dog catching and rabies control services, general sanitation and food inspection and such other services and activities, excepting mosquito control, as the County Health Commissioner may at any time and from time to time determine to be necessary and within the facilities and capacities of the County's Department of Public Health; all terms and provisions of the contract shall be such as the Mayor approves.

Section 240.020. through Section 240.060. (Reserved)

1. Editor's Note: The actual contract referenced above in § 240.010 is not set out herein, but is on file and available for inspection in the office of the city clerk.

State Law References: Authority of county to contract with city for common service, §§ 70.210 — 70.320, RSMo.

ARTICLE II
Mosquito Control

Section 240.070. Contract With St. Louis County For Services.²

[CC 1990 § 15-31; Ord. No. 100 §§ 1 — 3, 6-1-1988]

- A. The Mayor is hereby authorized and directed to enter into and execute a contract with St. Louis County, whereby said County by and through its Department of Community Health and Medical Care will perform mosquito control services within the City.
- B. The City shall compensate St. Louis County for hand spraying (larviciding) and/or power spraying (fogging), the hourly rate set forth in the contract and as such rate is changed in accordance with the terms and conditions of the contract between City and County.
- C. This agreement shall be in effect for five (5) years after execution thereof; provided either party may terminate at the end of any calendar year by written notice at least thirty (30) days prior thereto.

Section 240.080. through Section 240.120. (Reserved)

2. Editor's Note: The actual contract referenced above in § 240.070 is not set out herein, but is on file and available for inspection in the office of the city clerk.

State Law References: Authority of county to contract with city for common service, §§ 70.210 — 70.320, RSMo.

Chapter 245

AVIATION

**ARTICLE I
Helicopters And Heliports**

**Section 245.030. through Section
245.080. (Reserved)**

**Section 245.010. Operation Of
Helicopters —
Generally.**

**ARTICLE II
Drones (Unmanned Aircraft Systems)**

**Section 245.020. Operation Of
Helicopters — Permit
Procedures.**

**Section 245.090. Definitions.
Section 245.100. Regulations.
Section 245.110. Waiver.**

Cross Reference: As to air navigation space regulations, § 405.590.

State Law References: Aircraft and airports generally, §§ 305.010 et seq., RSMo.; authority to acquire, operate, maintain, etc., municipal airports, § 305.170., RSMo.

**ARTICLE I
Helicopters And Heliports¹**

Section 245.010. Operation Of Helicopters — Generally.

[CC 1990 § 6-11; Ord. No. 319 § 2, 7-5-1989; Ord. No. 1054 § 2, 7-17-1995]

- A. It shall be unlawful for any person to take off or land a helicopter within the City limits of the City of Chesterfield that is zoned residential or non-urban unless such takeoff or landing is done:
 - 1. At an established or approved airport, heliport or helistop;
 - 2. When necessary for law enforcement or other public safety purposes and said helicopter is under the control of police authorities;
 - 3. When necessary for aircraft or medical service emergencies;
 - 4. In conjunction with a special event, such as holiday celebration or parade or similar activity, after advance notice of no less than forty-eight (48) hours has been given to the Chief of Police of the intention to do so.
 - a. The use of helicopters in such special events shall be limited to two (2) days without a City permit.

1. Cross References: As to unnecessary noise unlawful, § 210.710; as to zoning, ch. 405.

- b. The Chief of Police may deny permission or may suspend permission to operate helicopters at a special event if, in the Chief's opinion, the operation is hazardous to life or property or otherwise interferes with the promotion of the health, safety and general welfare of the general public.
5. With the issuance of a City permit as issued and approved by the Chief of Police. Permits shall be granted under the following circumstances:
 - a. To any person, entity or organization desiring to take off or land a helicopter to aid in the construction or development of property, whether commercial, business or residential, and upon presenting evidence of approval in advance by the Federal Aviation Administration.
 - b. To any person, entity or organization desiring to take off or land a helicopter for transportation of goods and equipment under limited or specific circumstances and upon presenting evidence of approval in advance by the Federal Aviation Administration.

Section 245.020. Operation Of Helicopters — Permit Procedures.

[CC 1990 § 6-12; Ord. No. 319 § 3, 7-5-1989; Ord. No. 1054 § 3, 7-17-1995]

- A. A City permit shall be granted under the following procedures:
 1. An application for permit shall be made to the City at least five (5) working days in advance of the activity;
 2. Said permit shall be in such form as is established and approved by the Chief of Police for the City of Chesterfield;
 3. Said form shall be made out in full and shall be signed by the owner of the helicopter or the person who shall be responsible to the City of Chesterfield for any violation of said permit;
 4. Said permit shall be issued for a period of up to, but not to exceed, fourteen (14) days;
 5. The City may revoke said permit if, in the opinion of the Police Department, the operation of said helicopter is hazardous to life or property or otherwise interferes with the promotion of the general health, safety and welfare of the citizens of the City of Chesterfield.

Section 245.030. through Section 245.080. (Reserved)

ARTICLE II

Drones (Unmanned Aircraft Systems)**Section 245.090. Definitions.**

[CC 1990 § 6-14; Ord. No. 2957, 6-19-2017]

For purposes of this section, the following words and phrases shall have the following meanings:

CITY — City of Chesterfield.

COMMERCIAL PURPOSE — Receiving anything of value resulting from the operation of the UAS.

OPERATE — To pilot, steer, direct, fly or manage a small unmanned aircraft through the air whether from within the aircraft or remotely. The term "operate" includes managing or initiating a computer system that pilots, steers, directs, flies or manages a small unmanned aircraft.

REMOTE UAS PILOT — The person who:

1. Has final authority and responsibility for the operation and safety of the flight;
2. Has been designated as pilot in command before or during the flight; and
3. Holds the appropriate category, class, and type rating, if appropriate, for the conduct of the flight.

SMALL UAS — A UAS that weighs more than fifty five hundredths (0.55) pounds and less than fifty five (55) pounds. (this includes the actual aircraft and its support systems)

SPECIAL EVENT — Any public gathering or event held outdoors on city property that requires the issuance of a permit from the City of Chesterfield.

SURVEILLANCE — The gathering, without permission and in a manner that is offensive to a reasonable person, of visual images, physical impressions, sound recordings, data or other information involving the private, personal, business or familial activities of another person, business or entity, or that otherwise intrudes upon the privacy, solitude or seclusion of another person, business or entity regardless of whether a physical trespass onto such other person's, business's or other entity's land, or into the airspace above such other person's, business's or other entity's land, occurs in connection with such surveillance.

UNMANNED AIRCRAFT (DRONE) — An aircraft operated without the possibility of direct human intervention from within or on the aircraft.

UNMANNED AIRCRAFT SYSTEMS (UAS) (DRONE) — An unmanned aircraft and its associated elements including communication links and the components that control the unmanned aircraft.

VISUAL OBSERVER — A person who is designated by the remote pilot in command to assist the remote pilot in command and the person manipulating the flight controls of the small UAS to see and avoid other air traffic or objects aloft or on the ground.

Section 245.100. Regulations.**[CC 1990 § 6-14; Ord. No. 2957, 6-19-2017]**

- A. The UAS in flight must remain within visual line of sight of the Pilot of the UAS.
- B. The Pilot(s) of a UAS shall not operate a UAS over persons unprotected by shelter.
- C. The remote pilot of an UAS shall not operate the UAS, nor shall a person act as a visual observer for the operation of an UAS, under the influence of alcohol or controlled substance.
- D. The remote pilot of an UAS shall ensure the operating environment is safe and shall not operate the UAS in a reckless or negligent manner so as to endanger the life or property of another.
- E. It shall be unlawful to operate a UAS directly over the private property of another without the property owner's consent, if such operation of the UAS:
 - 1. Enters into the immediate reaches of the air space next to private property or,
 - 2. If it interferes substantially with the property owner's use and enjoyment of his/her property.
- F. All UAS shall be limited to daylight-only operations, or civil twilight - thirty (30) minutes before official sunrise to thirty (30) minutes after official sunset, local time.
- G. It shall be unlawful to operate a UAS for surveillance within the City limits.
- H. It shall be unlawful to operate a UAS over or adjacent to any City sponsored event or athletic event, bicycle race, City swimming pool, fireworks display parade, or emergency scene such as a fire, motor vehicle accident, or crime scene.
- I. An operator of an UAS must have in their possession the UAS registration as issued by the FAA at time of flight and display that registration upon request of an authorized official, such as a police officer.
- J. A remote UAS Pilot must have in their possession an FAA Commercial Remote Pilot Certificate and display that certificate upon request by an authorized official such as a police officer if flying for commercial purposes.
- K. Notwithstanding the provisions set forth herein, nothing in this ordinance shall be construed so as to prohibit the use of a drone by a Law Enforcement Agency.
- L. Notwithstanding anything to the contrary, the owner or operator of a critical infrastructure facility as defined by the President of the United States or the Department of Homeland Security may operate an unmanned aircraft system for the purpose of monitoring, operating or maintaining said critical maintenance facility.

Section 245.110. Waiver.

[CC 1990 § 6-14; Ord. No. 2957, 6-19-2017]

The Chief of Police is authorized to waive compliance with the restrictions herein, when such action is deemed appropriate and does not unduly jeopardize the safety and security of the public or any individual.

Chapter 300

GENERAL PROVISIONS

ARTICLE I In General

Section 300.010. Definitions.

Cross References: As to department of law to prosecute all alleged violations of traffic ordinances, § 120.150; as to alcoholic beverages, ch. 600; as to sale or consumption of intoxicating liquor in vehicle upon any public street, sidewalk, etc., prohibited, § 600.210(G); as to sale of intoxicating liquor at drive-up windows unlawful, § 600.160; as to emergency management, ch. 225; as to grading, erosion and sediment control, ch. 420; as to health and sanitation, ch. 240; as to licenses and business regulations, ch. 605; as to sale of goods or services prohibited in public rights-of-way, § 605.350; as to traffic violations bureau, § 130.060; as to motor vehicle operator fleeing or attempting to elude a police officer, § 210.050; as to disturbing the peace by obstructing vehicular traffic, § 210.690; as to unlawful to operate motor vehicle in certain areas of city parks, § 220.010; as to buses and certain trucks prohibited in city parks, § 220.020; as to streets and sidewalks, ch. 505; as to parades, §§ 375.010 et seq.; as to off-street parking and loading requirements, §§ 405.670 et seq.

State Law Reference: Authority of city to regulate traffic, § 304.120, RSMo.

ARTICLE I In General

Section 300.010. Definitions.

[CC 1990 App. C § 300.010]

The following words and phrases, when used in this Title, mean:

ALLEY or ALLEYWAY — Any street with a roadway of less than twenty (20) feet in width.

BUSINESS DISTRICT — The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for businesses or industrial purposes including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT — All streets and portions of streets within the area described by City ordinance as such.

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.

EMERGENCY VEHICLE — A vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police or Fire District, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, Traffic Officer or Coroner or by a privately owned emergency vehicle company;
2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;
3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.070 of this Title;
4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;
6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;
7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

FREIGHT CURB LOADING ZONE — A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

HIGHWAY — The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INTERSECTION —

1. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come together in conflict.
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY — A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

MOTOR VEHICLE — Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

MOTORCYCLE — Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE — Any two-wheeled or three-wheeled device having fully operative pedals capable of propulsion by human power, an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than two (2) gross brake horsepower and is capable of propelling the device at the maximum speed of not more than thirty (30) miles per hour on level ground.

OFFICIAL TIME STANDARD — Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in the City.

OFFICIAL TRAFFIC CONTROL DEVICES — All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

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.

RAILROAD — A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

RAILROAD TRAIN — A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails except streetcars.

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 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 (1) grants precedence to the other.

ROADWAY — That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway", as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE — The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK — That portion of the 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.

STATE HIGHWAY — A highway maintained by the State of Missouri as a part of the State highway system.

STOP — When required, complete cessation from movement.

STOP OR STOPPING — When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control signs 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.

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, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL — Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRAFFIC DIVISION — The Traffic Division of the Police Department of the City or in the event a Traffic Division is not established, then said term, whenever used herein, shall be deemed to refer to the Police Department of the City.

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. Police Administration.

Section 305.020. Duty Of Traffic Division.

Section 305.030. Traffic Accident Reports.

Section 305.040. City Traffic Engineer.

Section 305.050. Emergency And Experimental Regulations.

Section 305.010. Police Administration.

[CC 1990 App. C § 300.015]

There is established in the Police Department of each City adopting this ordinance a Traffic Division to be under the control of an Officer of Police appointed by and directly responsible to the Chief of Police.

Section 305.020. Duty Of Traffic Division.

[CC 1990 App. C § 300.020]

The Traffic Division with such aid as may be rendered by other members of the Police Department shall enforce the street traffic regulations of the City and all of the State vehicle laws applicable to street traffic in the City, to make arrests for traffic violations, to investigate accidents and to cooperate with the City Traffic Engineer and other officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon the Division by this Chapter and the traffic ordinances of the City.

Section 305.030. Traffic Accident Reports.

[CC 1990 App. C § 300.040]

The Traffic Division shall maintain a suitable system of filing traffic accident reports alphabetically by location. Such reports shall be available for the use and information of the City Traffic Engineer.

Section 305.040. City Traffic Engineer.

[CC 1990 App. C § 300.060]

- A. The Office Of The 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 Chapter.

- B. The City Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering and 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 305.050. Emergency And Experimental Regulations.

[CC 1990 App. C § 300.065]

- 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

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| <p>Section 310.010. Authority Of Police Department And Fire District Officials.</p> <p>Section 310.020. Obedience To Police Department And Fire District Officials.</p> <p>Section 310.025. Obedience To Officers Directing Traffic.</p> <p>Section 310.030. Persons Propelling Pushcarts Or Riding Animals To Obey Traffic Regulations.</p> <p>Section 310.040. Use Of Coasters, Roller Skates And Similar Devices Restricted.</p> <p>Section 310.050. Public Employees To Obey Traffic Regulations.</p> | <p>Section 310.060. Emergency Vehicles — Use Of Lights And Sirens — Right-Of-Way — Stationary Vehicles, Procedure — Penalty.</p> <p>Section 310.070. Sirens And Flashing Lights Emergency Use — Persons Authorized — Violation — Penalty.</p> <p>Section 310.080. Immediate Notice Of Accident Within City.</p> <p>Section 310.090. Written Report Of Accident.</p> <p>Section 310.100. When Driver Unable To Report.</p> |
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Section 310.010. Authority Of Police Department And Fire District Officials.

[CC 1990 App. C § 300.075]

- A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the City and all of the State vehicle laws applicable to street traffic in the City.
- B. Officers of the Police Department or such officers as are assigned by the Chief of Police are 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 District, 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 Department And Fire District Officials.**[CC 1990 App. C § 300.080]**

No person shall knowingly fail or refuse to comply with any lawful order or direction of a Police Officer or Fire District official.

Section 310.025. Obedience To Officers Directing Traffic.¹**[CC 1990 § 18-2; Ord. No. 161 § 1, 8-15-1988]**

No person shall knowingly fail or refuse to comply with any lawful order or direction of any Law Enforcement Officer or Fire District official invested by law with authority to direct, control or regulate traffic.

Section 310.030. Persons Propelling Pushcarts Or Riding Animals To Obey Traffic Regulations.**[CC 1990 App. C § 300.085]**

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 Chapter applicable to the driver of any vehicle, except those provisions of this Chapter which by their very nature can have no application.

Section 310.040. Use Of Coasters, Roller Skates And Similar Devices Restricted.**[CC 1990 App. C § 300.090]**

No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk and when so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinance of the City.

Section 310.050. Public Employees To Obey Traffic Regulations.**[CC 1990 App. C § 300.095]**

The provisions of this Section 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 provision of this Section, except as otherwise permitted in this Section.

1. Cross References: As to fire prevention and protection, ch. 203; as to police, ch. 200.

State Law Reference: Similar provisions, § 300.080, RSMo.

Section 310.060. Emergency Vehicles — Use Of Lights And Sirens — Right-Of-Way — Stationary Vehicles, Procedure — Penalty.

- A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.070 of this Chapter, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a Police or Traffic Officer.
- B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:
 - 1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
 - 2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.
- C. Responsibilities Of Driver Of Emergency Vehicle.
 - 1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.
 - 2. The driver of an emergency vehicle may:
 - a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;
 - d. Disregard regulations governing direction of movement or turning in specified directions.
 - 3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

- D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

Section 310.070. Sirens And Flashing Lights Emergency Use — Persons Authorized — Violation — Penalty.

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, which are operated by any member of an organized Fire District, ambulance association or rescue squad, whether paid or volunteer, may be operated on streets and highways in this City as an emergency vehicle under the provisions of Section 310.060 of this Chapter, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire District, organized ambulance association or rescue squad and no person shall use or display a siren or rotating blue lights on a motor vehicle, fire, ambulance or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes an ordinance violation.

Section 310.080. Immediate Notice Of Accident Within City.

The driver of a vehicle involved in an accident within the City resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall give or cause to be given notice of such accident to the Police Department as soon as reasonably possible.

Section 310.090. Written Report Of Accident.

[CC 1990 App. C § 300.115]

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 accident has been investigated at the scene by a Police Officer while such driver was present thereat.

Section 310.100. When Driver Unable To Report.

[CC 1990 App. C § 300.120]

- A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.080 and there was another occupant in the

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vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.

- B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.090 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall, within five (5) days after the accident, make such report not made by the driver.

Chapter 315

TRAFFIC CONTROL DEVICES

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| Section 315.010. Authority To Install Traffic Control Devices. | Section 315.070. Traffic Control Signal Legend — Right Turn On Red Light — When. |
| Section 315.020. Manual And Specifications For Traffic Control Devices. | Section 315.080. Pedestrian Control Signals. |
| Section 315.030. Obedience To Traffic Control Devices. | Section 315.090. Flashing Signals. |
| Section 315.040. When Official Traffic Control Devices Required For Enforcement Purposes. | Section 315.100. Lane Direction Control Signals. |
| Section 315.050. Official Traffic Control Devices — Presumption Of Legality. | Section 315.110. Display Of Unauthorized Signs, Signals Or Markings. |
| Section 315.060. Driver To Obey Traffic Control Devices — Exceptions — Procedure In Case Of Traffic Control Device Failure. | Section 315.120. Interference With Official Traffic Control Devices Or Railroad Signs Or Signals. |
| | Section 315.130. City Traffic Engineer To Designate Crosswalks And Establish Safety Zones. |
| | Section 315.140. Traffic Lanes. |

Section 315.010. Authority To Install Traffic Control Devices.

[CC 1990 App. C § 300.130; Ord. No. 2896, § 1, 6-6-2016]

- A. The City Traffic Engineer shall place and maintain traffic control signs, signals, and devices when and as required under the Model Traffic Ordinance of the City to make effective the provisions of said Ordinances, and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under the Model Traffic Ordinance of the City or under law or the guide or warn traffic.
- B. In the case of public emergency, road construction, or special conditions, the City Traffic Engineer shall install temporary regulatory traffic control signs and devices. These temporary signs and devices shall be obeyed in the same manner as permanent signs and devices installed by the Model Traffic Ordinance. Temporary traffic control signs and devices installed by the Missouri Department of Transportation or the St. Louis County Department of Transportation shall also be obeyed in the same manner as permanent signs and devices installed by this ordinance.

Section 315.020. Manual And Specifications For Traffic Control Devices.**[CC 1990 App. C § 300.135]**

All traffic control signs, signals and devices shall conform to the manual for uniform traffic control devices in 23 Code of Federal Regulations or resolution adopted by the legislative body of the City. All signs or signals required hereunder for a particular purpose shall go 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 Section shall be official traffic control devices.

Section 315.030. Obedience To Traffic Control Devices.**[CC 1990 App. C § 300.140]**

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 Section, unless otherwise directed by a Traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Chapter.

Section 315.040. When Official Traffic Control Devices Required For Enforcement Purposes.**[CC 1990 App. C § 300.145]**

No provision of this Section 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.**[CC 1990 App. C § 300.150]**

- A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Section, 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 Section and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements pertaining to such devices and shall be presumed to comply with the requirements of this Section, unless the contrary shall be established by competent evidence.

Section 315.060. Driver To Obey Traffic Control Devices — Exceptions — Procedure In Case Of Traffic Control Device Failure.**[CC 1990 § 18-25; Ord. No. 162 §§ 1 — 2, 8-15-1988]**

- A. The driver of any vehicle shall obey the instructions of any official traffic control device applicable to the driver placed in accordance with the provisions of City ordinances, unless otherwise directed by a Law Enforcement Officer. This Section is subject to the exceptions granted the driver of any authorized emergency vehicle.
- B. When a traffic signal is not operating due to mechanical failure or other reasons, all traffic shall come to a complete stop before proceeding through the intersection at which the non-operating signal is stationed.

Section 315.070. 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 315.080, 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 315.080, 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 315.080, 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 315.080. 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 315.090. Flashing Signals.**[CC 1990 App. C § 300.165]**

- 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.
- B. This Section Shall Not Apply At Railroad Grade Crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 335.090.

Section 315.100. Lane Direction Control Signals.**[CC 1990 App. C § 300.170]**

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 315.110. Display Of Unauthorized Signs, Signals Or Markings.**[CC 1990 App. C § 300.175]**

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

Section 315.120. Interference With Official Traffic Control Devices Or Railroad Signs Or Signals.**[CC 1990 App. C § 300.180]**

No person shall, without lawful authority, attempt to or in fact alter, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon or any other part thereof.

Section 315.130. City Traffic Engineer To Designate Crosswalks And Establish Safety Zones.**[CC 1990 App. C § 300.195]**

- A. The City 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 315.140. Traffic Lanes.**[CC 1990 App. C § 300.200]**

- 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.**

**Section 320.030. General Speed Limit
On Roadways And
Alleyways.**

**Section 320.020. Regulation Of Speed
By Traffic Signals.**

Section 320.010. State Speed Laws Applicable.

[CC 1990 App. C § 300.205]

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.

[CC 1990 App. C § 300.210]

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 On Roadways And Alleyways.

[CC 1990 § 18-43; Ord. No. 233 § 1, 1-16-1989]

No person shall operate a motor vehicle on any roadway or alleyway used by the general motoring public at a rate of speed in excess of twenty-five (25) miles per hour, except on highways or in zones otherwise provided for by ordinance or upon streets and highways otherwise posted at some speed other than twenty-five (25) miles per hour.

Chapter 325

TURNING MOVEMENTS

<p>Section 325.010. Required Position And Method Of Turning At Intersection.</p>	<p>Section 325.040. Obedience To No-Turn Signs.</p>
<p>Section 325.020. Authority To Place And Obedience To Turning Markers.</p>	<p>Section 325.050. Limitations On Turning Around.</p>
<p>Section 325.030. Authority To Place Restricted Turn Signs.</p>	<p>Section 325.060. U-Turn Movements At Electric Traffic Control Signals And Other Locations.</p>

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.**[CC 1990 App. C § 300.220]**

- 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.**[CC 1990 App. C § 300.225]**

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.**[CC 1990 App. C § 300.230]**

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.**[CC 1990 App. C § 300.235]**

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.

Section 325.060. U-Turn Movements At Electric Traffic Control Signals And Other Locations.**[CC 1990 App. C § 300.236; Ord. No. 2630 § 1, 11-15-2010]**

It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction at any intersection controlled by a Police Officer or electric traffic control signal; nor shall such turn be made at any place unless the movement can be made in safety

and without interfering with other traffic. The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, or at any place upon a roadway where such vehicle cannot be seen by the driver or any other vehicle approaching from either direction along the roadway where the same may create a traffic hazard.

Chapter 330

ONE-WAY STREETS AND ALLEYS

Section 330.010. Authority To Sign One-Way Streets And Alleys.

Section 330.020. One-Way Streets And Alleys.

Section 330.030. Authority To Restrict Direction Of Movement On Streets During Certain Periods.

Section 330.010. Authority To Sign One-Way Streets And Alleys.

[CC 1990 App. C § 300.240]

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.

[CC 1990 App. C § 300.245]

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.

[CC 1990 App. C § 300.250]

- 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, RAILROAD CROSSINGS,
ETC.**

Section 335.010. Through Streets Designated.	Section 335.070. Emerging From Alley, Driveway Or Building.
Section 335.020. Signs Required At Through Streets.	Section 335.080. Stop When Traffic Obstructed.
Section 335.030. Other Intersections Where Stop Or Yield Required.	Section 335.090. Obedience To Signal Indicating Approach Of Train.
Section 335.040. Stop And Yield Signs.	Section 335.100. Buses And Trucks — Certain Vehicles To Stop At Railroad Crossings.
Section 335.050. Vehicle Entering Stop Intersection.	
Section 335.060. Vehicle Entering Yield Intersection.	

Section 335.010. Through Streets Designated.

[CC 1990 App. C § 300.255]

Those streets and parts of streets described by ordinances of the City are declared to be through streets for the purposes of Sections 335.010 to 335.090.

Section 335.020. Signs Required At Through Streets.

[CC 1990 App. C § 300.260]

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.

[CC 1990 App. C § 300.265]

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 of Section 335.060, 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.

[CC 1990 App. C § 300.270]

- 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.

[CC 1990 App. C § 300.275]

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.

[CC 1990 App. C § 300.280]

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.

[CC 1990 App. C § 300.285]

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.

[CC 1990 App. C § 300.290]

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 335.090. Obedience To Signal Indicating Approach Of Train.

[CC 1990 App. C § 300.295]

- A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he/she can do so safely. The foregoing requirements shall apply when:
1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train:
 2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
 3. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Section 335.100. Buses And Trucks — Certain Vehicles To Stop At Railroad Crossings.

[CC 1990 § 18-42; Ord. No. 86 § 1, 6-1-1988]

Every motor vehicle transporting passengers for hire, every school bus and every motor vehicle transporting high explosives or poisonous or compressed inflammable gases and every motor vehicle used for the transportation of inflammable or corrosive liquids in bulk, whether loaded or empty, shall, upon approaching any railroad grade crossing, be brought to a full stop within fifty (50) feet, but not less than ten (10) feet, from the nearest rail of such railroad grade crossing and shall not proceed until due caution has been taken to ascertain that the course is clear; provided that such full stop shall not be required at a streetcar crossing within a business or residence district, nor at a railroad grade crossing protected by a watchman or traffic officer on duty or by a traffic control "stop and go" signal (not railroad flashing signal) giving positive indication to approaching vehicles to proceed.

Chapter 340

MISCELLANEOUS DRIVING RULES

- Section 340.010. Following Emergency Vehicle Prohibited.
- Section 340.020. Crossing Fire Hose.
- Section 340.030. Funeral Processions.
- Section 340.040. Driving In Procession.
- Section 340.050. Vehicle Shall Not Be Driven On A Sidewalk — Prohibition On Obstruction Of Bicycle Lanes — Drivers To Yield To Bicycles In Designated Bicycle Lanes.
- Section 340.060. Limitations On Backing.
- Section 340.070. Opening And Closing Vehicle Doors.
- Section 340.080. Riding On Motorcycles, Additional Passenger.
- Section 340.090. Riding Bicycle On Sidewalks — Limitations — Motorized Bicycles Prohibited.
- Section 340.100. Riding Bicycles, Sleds, Roller Skates By Attaching To Another Vehicle Prohibited — Pulling A Rider Behind Vehicle Prohibited.
- Section 340.110. Controlled Access.
- Section 340.120. Railroad Trains Not To Block Streets.
- Section 340.130. Driving Through Safety Zone Prohibited.
- Section 340.140. Leaving Children In Vehicles.
- Section 340.150. Leaving Animals In Vehicles.
- Section 340.160. Vendors Obstructing Traffic, Etc.
- Section 340.170. Passenger Limitations, Etc.
- Section 340.180. Leaving The Scene Of A Motor Vehicle Accident.
- Section 340.190. Careful Driving.
- Section 340.200. Excessive Acceleration Prohibited.
- Section 340.210. Passing Regulations.
- Section 340.220. Use Of Closed Roadways, Alleyways, Etc., Prohibited.
- Section 340.230. Stopping For School Bus.
- Section 340.235. Text Messaging While Operating A Motor Vehicle Prohibited.
- Section 340.240. Turning Movements — Hand And Mechanical Signals.
- Section 340.250. Handicapped Persons With White Cane Or Dog, Driver To Take All Necessary Precautions — Cane Or Dog Not Required To Enforce Rights, When.
- Section 340.260. Crossing Over Property To Avoid Traffic Control Devices.
- Section 340.270. Motor-Propelled Vehicles Prohibited On Common Land Of Subdivisions And On Private Property Without Consent.
- Section 340.280. Traffic On Private Streets And Private Parking Facilities.
- Section 340.290. Following Too Closely.

Section 340.300. Aggressive And Reckless Driving.**Section 340.310. Blocking Vehicular Traffic On Public Streets — Prohibited.****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.**[CC 1990 App. C § 300.305]**

No vehicle shall be driven over any unprotected hose of a Fire District when laid down on any street, private driveway or streetcar track, to be used at any fire or alarm of fire, without the consent of the Fire District 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.

[CC 1990 App. C § 300.315]

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. 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 340.060. Limitations On Backing.

[CC 1990 App. C § 300.335]

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 340.070. Opening And Closing Vehicle Doors.

[CC 1990 App. C § 300.340]

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 340.080. Riding On Motorcycles, Additional Passenger.

[CC 1990 App. C § 300.345]

- 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 340.090. 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 340.100. 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 340.110. Controlled Access.

[CC 1990 App. C § 300.355]

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 340.120. Railroad Trains Not To Block Streets.

[CC 1990 App. C § 300.360]

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes; provided that this Section shall not apply to a moving train or to one (1) stopped because of an emergency or for repairs necessary before it can proceed safely.

Section 340.130. Driving Through Safety Zone Prohibited.

[CC 1990 App. C § 300.365]

No vehicle shall at any time be driven through or within a safety zone.

Section 340.140. Leaving Children In Vehicles.¹

[CC 1990 § 18-3; Ord. No. 68 § 1, 6-1-1988]

No person shall leave any child in a standing, parked or locked motor vehicle. The Police Department of the City or any officer or agent thereof is authorized to use whatever force

1. Cross References: As to minors, §§ 210.170 et seq.

may be necessary to remove the child from the vehicle in order to protect the health, welfare and safety of such child.

Section 340.150. Leaving Animals In Vehicles.²

[CC 1990 § 18-4; Ord. No. 69 § 1, 6-1-1988]

No person shall leave any animal in any parked motor vehicle under conditions which in the opinion of a Police Officer may result in substantial harm to the animal. The Police Department of the City or any officer or agent thereof is authorized to use whatever force is reasonably necessary to remove the animal from the vehicle whenever it reasonably appears that such animal's health, welfare or safety is or will be substantially endangered.

Section 340.160. Vendors Obstructing Traffic, Etc.³

[CC 1990 § 18-6; Ord. No. 170 § 1, 8-15-1988]

It is unlawful to vend or distribute merchandise or material from a vehicle, stand or otherwise within the limits of any highway, roadway or alleyway in the City, except under such license, conditions and regulations prescribed by City ordinances; but in no instance shall such vending be permitted or authorized where the same causes stopping, standing or parking in or upon a highway, roadway or alleyway or when such vending or distributing causes traffic confusion and interferes with the free and unhindered mobile progression of traffic.

Section 340.170. Passenger Limitations, Etc.

[CC 1990 § 18-23; Ord. No. 156 § 1, 8-15-1988]

No person shall drive a motor vehicle which has more than three (3) persons over the age of sixteen (16) years in the front seat. No person shall extend any body parts outside the vehicle, except the hand and arm for signaling purposes only.

Section 340.180. 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.

2. Cross References: As to animals and fowl, ch. 205; as to abuse and neglect of animals, §§ 205.220 et seq.

3. Cross References: As to licenses and business regulations, ch. 605; as to sale of goods or services prohibited in public rights-of-way, § 605.350; as to vending or sale of merchandise along portions of certain state highways prohibited, § 605.360.

- 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.

Section 340.190. Careful Driving.

[CC 1990 § 18-29; Ord. No. 82 § 1, 6-1-1988]

Every person operating a motor vehicle on the highways and roadways of the City shall drive the vehicle in a careful and prudent manner 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 340.200. Excessive Acceleration Prohibited.

[CC 1990 § 18-30; Ord. No. 84 § 1, 6-1-1988]

It shall be unlawful for any person to operate a motor vehicle in the City at a rate of acceleration greater than is reasonably necessary to safely enter the existing flow of traffic or obtain the maximum speed limit. Tire friction marks or squealing of tires shall be evidence of such excessive acceleration.

Section 340.210. 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. Passing To The Right Of Another Vehicle.
1. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:
 - a. When the vehicle overtaken is making or about to make a left turn;
 - b. Upon a City street with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles in each direction; or
 - c. Upon a one-way street.
 2. The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in

safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

- C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
- D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
 2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing.

Section 340.220. Use Of Closed Roadways, Alleyways, Etc., Prohibited.⁴

[CC 1990 § 18-35; Ord. No. 171 § 1, 8-15-1988]

No person shall use or attempt to use any roadway, alleyway or driveway withdrawn from public use. Nor shall any person drive or attempt to drive any vehicle or animal on the same during the period such roadway, alley or driveway is withdrawn from public use.

Section 340.230. 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

4. Cross Reference: As to streets and sidewalks, ch. 505.

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 340.235. Text Messaging While Operating A Motor Vehicle Prohibited.**[CC 1990 § 18-49; Ord. No. 2824, 12-1-2014]**

- A. Except as otherwise provided in this Section, no person operating a moving motor vehicle on roads exclusively within the jurisdiction of the City of Chesterfield, Missouri, by means of a hand-held electronic wireless communications device shall send, read or write a text message or electronic message.
- B. The provisions of Section (1) of this section shall not apply to a person operating:
1. An authorized emergency vehicle; or
 2. A moving motor vehicle while using a hand-held electronic wireless communications device to:
 - a. Report illegal activity;
 - b. Summon medical or other emergency help;
 - c. Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.
- C. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a motor vehicle on roads exclusively within the jurisdiction of the City.
- D. Definitions. As used in this Section, the following terms shall have the meanings indicated:
- ELECTRONIC MESSAGE** — A self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message or a command or request to access an internet site.
- HAND-HELD ELECTRONIC WIRELESS COMMUNICATIONS DEVICE** — Includes any hand-held cellular phone, Palm Pilot, Blackberry or other mobile electronic devices used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.
- MAKING OR TAKING PART IN A TELEPHONE CALL** — Listening to or engaging in verbal communication through a hand-held electronic wireless communication device.
- SEND, READ OR WRITE A TEXT MESSAGE OR ELECTRONIC MESSAGE** — Using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending reading or writing a text message or electronic message does not include reading, selecting or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.
- E. The provisions of this Section shall not apply to:

1. The operator of a vehicle that is lawfully parked or stopped:
 2. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
 3. The use of voice-operated technology;
 4. The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.
- F. Violation of this section shall be a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed three (3) months or by both such fine and imprisonment.

Section 340.240. Turning Movements — Hand And Mechanical Signals.

[CC 1990 § 18-37; Ord. No. 37 § 1, 6-1-1988]

- 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 below:
1. An operator or driver when stopping or when checking the speed of his/her vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend his/her arm at an angle below horizontal so that the same may be seen in the rear of his/her vehicle.
 2. An operator or driver intending to turn his/her vehicle to the right shall extend his/her arm at an angle above horizontal so that the same may be seen in front of and in the rear of his/her vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which he/she is proceeding before turning.
 3. An operator intending to turn his/her vehicle to the left shall extend his/her arm in a horizontal position so that the same may be seen in the rear of his/her vehicle and shall slow down and approach the intersecting highway so that the left side of his/her vehicle shall be as near as practicable to the centerline of the highway along which he/she 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 paragraph 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 the 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 January 1, 1954.

Section 340.250. Handicapped Persons With White Cane Or Dog, Driver To Take All Necessary Precautions — Cane Or Dog Not Required To Enforce Rights, When.

The driver of a vehicle approaching a person with a visual, aural or physical disability who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, hearing dog or service dog shall yield to such pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian and any injury caused to the pedestrian's guide dog, hearing dog or service dog; provided that such a pedestrian not carrying such cane or using a guide dog, hearing dog or service dog in any of the places, accommodations or conveyances listed in Section 209.150, RSMo., shall have all of the rights and privileges conferred by law upon other persons.

Section 340.260. Crossing Over Property To Avoid Traffic Control Devices.⁵

[CC 1990 § 18-39; Ord. No. 40 § 1, 6-1-1988]

It shall be unlawful for any person to operate a motor vehicle upon private or public property for the purpose of avoiding a traffic control device.

Section 340.270. Motor-Propelled Vehicles Prohibited On Common Land Of Subdivisions And On Private Property Without Consent.⁶

[CC 1990 § 18-40; Ord. No. 41 §§ 1 — 2, 6-1-1988; Ord. No. 160 § 1, 8-15-1988]

- A. No person shall operate any motor-propelled vehicle on the common land of any subdivision, nor park any motor vehicle on the unpaved part of the common land of any subdivision without the consent of the trustees of the common land or if there be no such trustees, without the consent of the owners or other persons designated by the owners to be in control of the common land.
- B. It shall be unlawful for any person to operate any motor-propelled vehicle on or upon the yard or lawn of any real property of another person in the City without the permission of the owner or person in control of the property.

5. Cross References: As to offenses against property, §§ 210.500 et seq.

6. Cross References: As to offenses against property, §§ 210.500 et seq.; as to subdivision regulations, ch. 405.

Section 340.280. Traffic On Private Streets And Private Parking Facilities.**[CC 1990 § 18-44; Ord. No. 525 §§ 1 — 13, 11-19-1990]**

- A. Private streets and private parking facilities as contemplated within this Section shall include any street, roadway, parking facility, parking lot and public way or place upon which vehicular travel by the public, regardless of its legal status as public or private and regardless of whether it has been legally established by ordinance as a public thoroughfare, is used as a public street or highway.
- B. The term "parking lot", as used in this Section, shall mean any building or parcel of land used, in whole or in part, for the storing or parking of more than five (5) motor vehicles and which is open to the general public including, but not limited to, drive-in facilities, commercial free courtesy lots and lots for which a fee is charged. The term "parking lot" shall not include lots owned by a person and operated for the exclusive use of such person or his/her employees.
- C. Every person driving a vehicle in a parking lot shall drive the same in a careful and prudent manner and shall exercise ordinary care in the operation thereof. Vehicles shall not be driven at a rate of speed greater than fifteen (15) miles per hour unless otherwise posted and the operators are charged with the duty of operating at such lesser speed as will be consistent with the safety of others using such places, taking into consideration the amount of vehicular and pedestrian traffic, the visibility and atmospheric conditions and the condition of the pavement.
- D. All regulations of the City Code applicable to motor vehicles on streets and highways with respect to signaling, lights, backing, turning, sounding of horns, parking, equipment and any other code provisions shall apply to motor vehicles being operated on private streets or parking lots if such private streets or parking lots are accessible to the general public by motor vehicle. **[Ord. No. 2729, 12-3-2012]**
- E. No person shall park or leave a vehicle in any location in a parking lot so as to prevent the full and complete utilization of any space set aside for the loading or unloading of vehicles.
- F. No person shall park or leave a vehicle in any location in a parking lot with a designated fire lane or within fifteen (15) feet of a fire hydrant or in any manner so as to interfere with prompt access thereto by authorized personnel.
- G. No person shall leave or park any vehicle in any location in a parking lot so as to interfere with access to other parking spaces than the one (1) utilized by that vehicle or so as to interfere with the movement of traffic within the lot.
- H. Any person operating a motor vehicle departing from a parking lot shall bring the vehicle to a full and complete stop before entering any street unless otherwise marked. Signs requiring vehicles to stop at such locations may be erected in accordance with other provisions of this Code.
- I. Nothing contained in this Section shall be construed to prohibit the City from establishing effective traffic control by means of stop and go signals at intersections, stop signs or other appropriate controls whereby the flow of traffic shall go into or out of parking lots onto circumferential roadways on major thoroughfares.

Section 340.290. Following Too Closely.**[CC 1990 § 18-45; Ord. No. 1379 §§ 1 — 2, 3-2-1998]**

It shall be unlawful for the driver of a vehicle to 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 condition of the roadway. Vehicles being driven upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a fully 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.

Section 340.300. Aggressive And Reckless Driving.**[CC 1990 § 18-46; Ord. No. 1588 §§ 1 — 2, 1-3-2000]**

- A. It shall be unlawful for the operator of any motor vehicle intentionally to harass or alarm another person who is inside a motor vehicle by intentionally or knowingly:
1. Accelerating or decelerating the speed of his/her car beyond what is reasonably necessary to maintain the existing flow of traffic;
 2. Changing lanes;
 3. Following the other person's vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and his/her ability to stop if necessary the traffic, the condition of the roadway and the totality of the circumstances;
 4. Impeding or obstructing the operation of the other person's motor vehicle; or
 5. Operating his/her vehicle in a manner that endangers or would be likely to endanger any person or property.

Section 340.310. Blocking Vehicular Traffic On Public Streets — Prohibited.**[CC 1990 § 26-1; Ord. No. 1844 §§ 1 — 5, 5-6-2002]**

- A. **Blocking Of Vehicular Traffic.** No person or entity shall block vehicular traffic by placing an obstruction anywhere in a public roadway unless written permission has been granted by the City of Chesterfield. This includes, but is not limited to, construction materials, organic materials, traffic barricades and sports/recreation equipment.
- B. **Protest — Civil Disobedience.** No person or entity shall block vehicular traffic as a form of protest or civil disobedience.
- C. **Rights Of The City.** Nothing in this Section shall prevent the City of Chesterfield from implementing any traffic or roadway measures deemed necessary or prevent the City of Chesterfield or other public service agency serving Chesterfield from blocking streets, erecting barricades or using other means to protect life and/or property or preserve the peace.

- D. Continuing Violation. Each day that such obstruction shall be in place after notice shall be a separate violation punishable as set out in Section 100.080 of this Code.

Chapter 342

ALCOHOL-RELATED TRAFFIC OFFENSES

Section 342.010. Driving While Intoxicated Or Under The Influence Of A Controlled Substance.

Section 342.030. Passengers In Motor Vehicles Prohibited From Having Open Alcohol Containers.

Section 342.020. Driving With Excessive Blood Alcohol Content.

Section 342.010. Driving While Intoxicated Or Under The Influence Of A Controlled Substance.¹

[CC 1990 § 18-27; Ord. No. 80 § 1, 6-1-1988]

A person shall not operate a motor vehicle while in an intoxicated or drugged condition.

Section 342.020. Driving With Excessive Blood Alcohol Content.²

- A. A person commits the offense of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this City with eight-hundredths of one percent (0.08%) or more by weight of alcohol in such person's blood.
- B. As used in this Section, "percent by weight of alcohol" in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

Section 342.030. Passengers In Motor Vehicles Prohibited From Having Open Alcohol Containers.

[CC 1990 § 18-28.2; Ord. No. 1537 §§ 1 — 6, 8-2-1999]

- 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

1. Cross References: As to alcoholic beverages, ch. 600; as to controlled substances, §§ 210.800 et seq.

State Law Reference: Similar provisions, § 577.010, RSMo.

2. Note: As to provisions concerning sentencing and suspended imposition of sentence under certain conditions, § 577.012, RSMo.

Cross Reference: As to alcoholic beverages, ch. 600.

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 — Includes 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. Nothing herein shall prevent any motor vehicle being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered.

- B. No person shall consume alcoholic beverages while operating a motor vehicle upon a public street, highway or alley or while they are passengers in a vehicle upon a public street, highway or alley unless they are exempt per Subsection (D) of this Section.
- 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, 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, but the driver of such motor vehicle may not possess, have ready access to or consume any alcoholic beverage while the motor vehicle is operated on a public highway, street, road or alley.
- E. Nothing in this Section shall be construed to prohibit the otherwise legal consumption of an alcoholic beverage by passengers riding in the living quarters of a recreational motor vehicle. Nothing contained in this Section shall prevent any motor vehicle from being registered as a commercial motor vehicle if it could otherwise be so registered.

Chapter 342A

ALCOHOL-RELATED TRAFFIC OFFENSES (UPDATED MODEL)

Section 342A.010. Definitions.		When — How —
Section 342A.020. Driving While Intoxicated.		Videotaping Of
Section 342A.030. Driving With Excessive Blood Alcohol Content.		Chemical Or Field Sobriety Test Admissible Evidence.
Section 342A.040. Chemical Test For Alcohol Content — Consent Implied — Administered —	Section 342A.050. Consumption Of Alcoholic Beverages While Driving.	

Cross Reference: As to reimbursement of certain costs related to arrest under this chapter, § 125.320(A)(10) of this Code.

Section 342A.010. Definitions.

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

DRIVE, DRIVING, OPERATES or OPERATING — Physically driving or operating a vehicle or vessel.

INTOXICATED or INTOXICATED CONDITION — When a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

INTOXICATION-RELATED TRAFFIC OFFENSE — Driving while intoxicated, driving with excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of a State law, County or Municipal ordinance, any Federal offense, or any military offense, or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any State law, County or Municipal ordinance, any Federal offense, or any military offense.

LAW ENFORCEMENT OFFICER or ARRESTING OFFICER — Includes the definition of "Law Enforcement Officer" in Section 556.061, RSMo., and military Policemen conducting traffic enforcement operations on a Federal military installation under military jurisdiction in the State of Missouri. (RSMo. §577.001, 2014, 2015 effective 1-1-2017, 2016, 2017)

Section 342A.020. Driving While Intoxicated.¹

A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition. (RSMo. §577.010, 2014, 2015 effective 1-1-2017)

Section 342A.030. Driving With Excessive Blood Alcohol Content.²

- A. A person commits the offense of driving with excessive blood alcohol content if such person operates:
1. A vehicle while having eight-hundredths of one percent (0.08%) or more by weight of alcohol in his or her blood; or
 2. A commercial motor vehicle while having four-hundredths of one percent (0.04%) or more by weight of alcohol in his or her blood.
- B. As used in this Section, "percent by weight of alcohol" in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo. (RSMo. §577.012, 2014, 2015 effective 1-1-2017)

Section 342A.040. Chemical Test For Alcohol Content — Consent Implied — Administered — When — How — Videotaping Of Chemical Or Field Sobriety Test Admissible Evidence.

- A. Consent Implied; Test Administered.
1. Any person who operates a motor vehicle upon the public highways of this City shall be deemed to have given consent, subject to the provisions of Sections 577.019 to 577.041, RSMo., 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 pursuant to the following circumstances:
 - a. 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 while in an intoxicated condition;
 - b. 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 operating a vehicle with a blood alcohol content of two-hundredths of one percent (0.02%) or more by weight;

1. Note: As to provisions concerning sentencing and suspended imposition of sentence under certain conditions, see § 577.010, RSMo.

2. Note: As to provisions concerning sentencing and suspended imposition of sentence under certain conditions, see § 577.012, RSMo.

- c. 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;
 - d. 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; or
 - e. 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.
2. The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been stopped, detained, or arrested for any reason.
- B. The implied consent to submit to the chemical tests listed in Subsection (A) of this Section shall be limited to not more than two (2) such tests arising from the same stop, detention, arrest, incident or charge.
 - C. To be considered valid, 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.
 - 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.
 1. "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, breath or urine sample 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 the most recent maintenance of such instrument.
2. "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.
- F. Any person given a chemical test of the person's breath pursuant to Subsection (A) 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 at any trial of such person for a violation of any State law or County or Municipal ordinance, and at any license revocation or suspension proceeding held pursuant to the provisions of Chapter 302, RSMo. (RSMo. §577.020, 2006, 2014 effective 1-1-2017)

Section 342A.050. Consumption Of Alcoholic Beverages While Driving.

- A. A person commits the offense of consumption of an alcoholic beverage while driving if he or she operates a moving motor 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.
- B. The offense of consumption of an alcoholic beverage while driving is an ordinance violation and shall not be reflected on any records maintained by the Department of Revenue. (RSMo. §577.017, 2014 effective 1-1-2017)

Chapter 345

PEDESTRIANS RIGHTS AND DUTIES

<p>Section 345.010. Pedestrians Subject To Traffic Control Devices.</p> <p>Section 345.020. Pedestrians' Right-Of-Way In Crosswalk.</p> <p>Section 345.030. Pedestrians To Use Right-Half Of Crosswalks.</p> <p>Section 345.040. Crossing At Right Angles.</p> <p>Section 345.050. When Pedestrian Shall Yield.</p>	<p>Section 345.060. Prohibited Crossing.</p> <p>Section 345.070. Obedience Of Pedestrians To Bridge And Railroad Signals.</p> <p>Section 345.080. Pedestrians Walking Along Roadways.</p> <p>Section 345.090. Drivers To Exercise Highest Degree Of Care.</p>
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Section 345.010. Pedestrians Subject To Traffic Control Devices.

[CC 1990 App. C § 300.370]

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 315.070 and 315.080 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in Sections 345.010 to 345.090.

Section 345.020. Pedestrians' Right-Of-Way In Crosswalk.

[CC 1990 App. C § 300.375]

- 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) of this Section 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.**[CC 1990 App. C § 300.380]**

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.

Section 345.040. Crossing At Right Angles.**[CC 1990 App. C § 300.385]**

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.**[CC 1990 App. C § 300.390]**

- 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.**[CC 1990 App. C § 300.395]**

- 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. Obedience Of Pedestrians To Bridge And Railroad Signals.**[CC 1990 App. C § 300.400]**

- A. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

- B. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

Section 345.080. Pedestrians Walking Along Roadways.

[CC 1990 App. C § 300.405]

- 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 345.090. Drivers To Exercise Highest Degree Of Care.

[CC 1990 App. C § 300.410]

Notwithstanding the foregoing provisions of Sections 345.070 to 345.090, 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.

Chapter 350

METHOD OF PARKING

Section 350.010. Standing Or Parking Close To Curb.

Section 350.020. Signs Or Markings Indicating Angle Parking.

Section 350.030. Obedience To Angle Parking Signs Or Markers.

Section 350.040. Permits For Loading Or Unloading At An Angle To The Curb.

Section 350.050. Lamps On Parked Vehicles.

Section 350.010. Standing Or Parking Close To Curb.

[CC 1990 App. C § 300.415]

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.

[CC 1990 App. C § 300.420]

- 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 Highway Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- 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 or upon any streetcar tracks.

Section 350.030. Obedience To Angle Parking Signs Or Markers.

[CC 1990 App. C § 300.425]

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.**[CC 1990 App. C § 300.430]**

- 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.**[CC 1990 App. C § 300.435]**

- A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half (1/2) hour after sunset and a half (1/2) 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 (1/2) hour after sunset and a half (1/2) 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

**ARTICLE I
Generally**

- Section 355.010. Stopping, Standing Or Parking Prohibited.**
- Section 355.020. Parking Not To Obstruct Traffic.**
- Section 355.030. Parking In Alleys.**
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**ARTICLE II
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- Section 355.100. Parking Of Vehicles For Sale.**
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- Section 355.150. Automobile Trespass Prohibited.**
- Section 355.160. Parking Prohibited In Specified Places.**
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- Section 355.180. Parking Of Recreational Vehicles In Residential Areas.**

**ARTICLE I
Generally**

Section 355.010. Stopping, Standing Or Parking Prohibited.

[CC 1990 App. C § 300.440]

- 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;
 - h. On any railroad tracks;
 - i. 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 fifteen (15) feet of a fire hydrant;
 - c. Within twenty (20) feet of a crosswalk;
 - d. Within thirty (30) feet upon the approach to any intersection, or any flashing signal, stop sign or traffic control signal located at the side of a roadway;
 - e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);
 - f. 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:
 - a. Within fifty (50) feet of the nearest rail of a railroad crossing;
 - b. At any place where official signs prohibit parking;
 - c. Within eight (8) feet of a public or private mailbox;
 - d. Upon any portion of the right-of-way of any controlled or limited access highway;
 - e. Upon any portion of the road so as to obstruct any snow removal operation;
 - f. Upon any portion of an emergency snow route as listed in Schedule XVI when there are accumulations of snow or ice of more than two (2) inches;
 - g. Upon any unpaved shoulder or other unpaved portion of the right-of-way;

- h. Upon any portion of the roadway or right-of-way on abutting streets as designated by the Public Works Director pursuant to the requirements contained in any zoning regulations during construction being undertaken pursuant to any specific zoning ordinances as set out in the zoning ordinance and any conditions or attachments thereto.
- 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.

Section 355.020. Parking Not To Obstruct Traffic.

[CC 1990 App. C § 300.445]

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.

[CC 1990 App. C § 300.450]

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.

[CC 1990 App. C § 300.455]

- 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.

[CC 1990 App. C § 300.460]

- 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.**[CC 1990 App. C § 300.465]**

- 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.**[CC 1990 App. C § 300.470]**

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.**[CC 1990 App. C § 300.475]**

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.**[CC 1990 App. C § 300.480]**

- 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.

ARTICLE II

Stopping, Standing And Parking**Section 355.100. Parking Of Vehicles For Sale.****[CC 1990 § 18-101; Ord. No. 42 § 1, 6-1-1988]**

It shall be unlawful for any person to park any vehicle displayed "for sale" upon any public or private parking lot within the City without the consent of the owner. The provisions of this Section shall not apply to any motor vehicle dealer duly licensed to do such business within the City.

Section 355.110. 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: "fifty dollars (\$50.00) to three hundred dollars (\$300.00) 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 355.120. Parking In Designated Areas Only.**[CC 1990 § 18-103; Ord. No. 159 § 1, 8-15-1988]**

The parking of vehicles on grassy areas is not permitted; vehicles must park only in areas designated for such use.

Section 355.130. Time Limitation On Parking.**[CC 1990 § 18-105; Ord. No. 164 § 1, 8-15-1988]**

No person shall park a vehicle, including a boat, trailer or camper, on any roadway for an uninterrupted period of time longer than twenty-four (24) hours except in an emergency.

Section 355.140. Parking Of Certain Motor Vehicles On Residential Lots And In Residential Areas Prohibited.

[CC 1990 § 18-107; Ord. No. 166 §§ 1 — 2, 8-15-1988; Ord. No. 2345 § 1, 4-16-2007; Ord. No. 2759, 9-9-2013]

- A. The parking restriction provisions of this section shall become effective as of April 1, 2014.
- B. This section shall regulate the following types of motor vehicles when parked on residential lots and in residential areas:
1. Construction vehicles and equipment including, but not limited to, tractors, backhoes, blades, buckets, bulldozers, compactors, crane scrapppers, excavators, and front-end loaders.
 2. Vehicles licensed as trucks and designed or modified to serve a special purpose including, but not limited to, tow trucks, dump trucks, stake bed trucks, flatbed trucks, box trucks, step vans, refuse or garbage trucks, buses, fire engines, ambulances, and ice cream trucks with the following exceptions:
 - a. Government owned emergency response vehicles.
 - b. Vehicles with bicycle racks, roof racks, or similar mounting accessories, which shall not be considered "modified for a special purpose."
 3. Vehicles designed or modified for advertising or business identification purposes, not including stock motor vehicles with business name, logo, or advertisements painted or otherwise affixed when operated by an occupant of the dwelling where they are parked.
 4. Agricultural, lawn, or landscaping vehicles, equipment, and attachments including, but not limited to, agricultural tractors, farm implements, mowing equipment, bush hogs, trimmers, spreaders, and their attachments, not including such vehicles, equipment, and attachments used exclusively to farm established agricultural property on which they are kept or to maintain property on which they are kept.
 5. Tractor or tractor-trailer or tractor-trailer truck unit.
- C. Parking Of Defined Vehicles On Residential Lots And In Residential Areas.
1. No motor vehicle defined in sub-section (b) above shall be parked outside of an enclosed structure on any paved or unpaved portion, including driveways, of any parcel of land whose primary use is residential or on any street in a residential area except for:
 - a. Vehicles parked temporarily while engaged in providing products or services to the owner of the property.
 - b. Vehicles parked temporarily during active construction work at a permitted site or building construction activity authorized by these regulations.

- c. Emergency vehicles on call including utility vehicles during the course of repairs.
- D. Parking Of Defined Motor Vehicles On Public Or Private Streets In Residential Areas.
1. No motor vehicle defined in sub-section (b) above shall be parked on any roadway or highway in a residential district or area between the hours of 12:00 Midnight and 6:00 A.M. of any day, except in an emergency.
 2. No tractor or tractor-trailer or tractor-trailer truck unit shall be parked on any roadway in a residential district or area at any time, except while loading or unloading, with the exception of governmental vehicles during work-in-progress.
 3. In addition, no commercial motor vehicle having a gross weight in excess of twelve thousand (12,000) pounds shall be parked on any roadway or highway in a residential district or area between the hours of 12:00 Midnight and 6:00 A.M. of any day, except in an emergency.
- E. Visual Explanation Of Definition. The following figures illustrate which types of vehicles would be included in the definition of regulated motor vehicles.
1. Construction vehicles and equipment including, but not limited to, tractors, backhoes, blades, buckets, bulldozers, compactors, crane scappers, excavators, and front-end loaders.

Figure 1: Backhoes (prohibited)

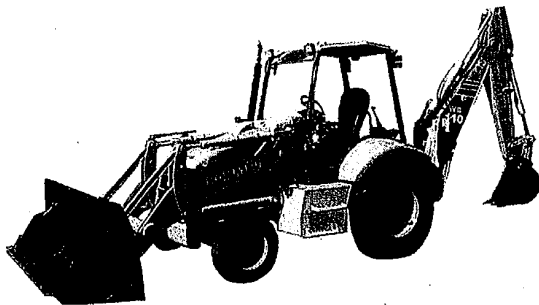


Figure 2: Construction Equipment (prohibited)



2. Vehicles licensed as trucks and designed or modified to serve a special purpose including, but not limited to, tow trucks, dump trucks, stake bed trucks, flatbed trucks, box trucks, step vans, refuse or garbage trucks, buses, fire engines, ambulances, and ice cream trucks with the following exceptions:
 - a. Government owned emergency response vehicles.
 - b. Vehicles with bicycle racks, roof racks, or similar mounting accessories, which shall not be considered "modified for a special purpose."

Figure 3: Stake Bed Truck (prohibited)

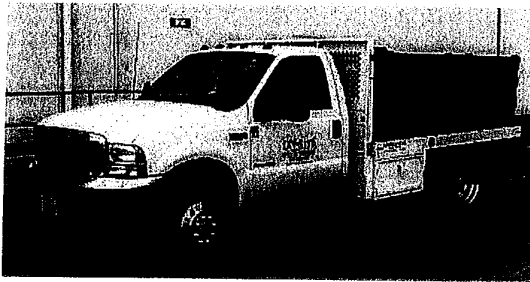


Figure 4: Step Van (prohibited)

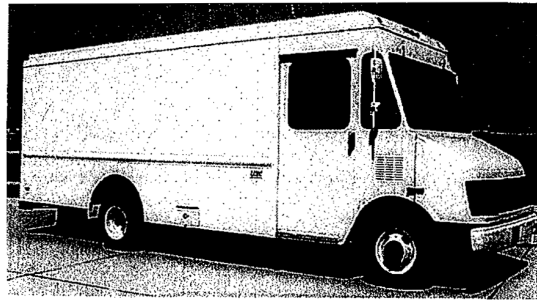


Figure 5: Box Truck (prohibited)



Figure 6: Bicycle Rack (allowed)

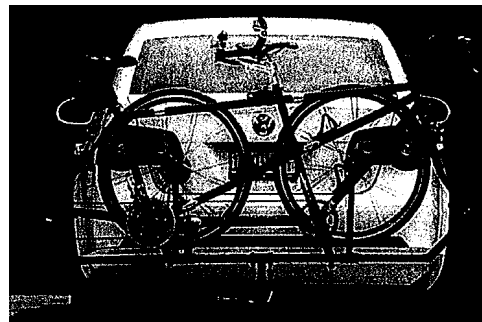


Figure 7: Mounting Accessories (allowed)



3. Vehicles designed or modified for advertising or business identification purposes, not including stock motor vehicles with business name, logo, or advertisements painted or otherwise affixed when operated by an occupant of the dwelling where they are parked.

Figure 8: Modified for Advertising (prohibited)

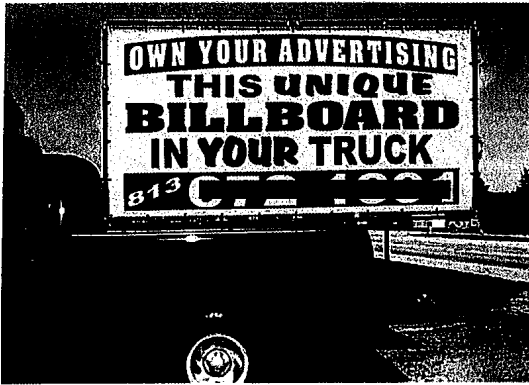


Figure 9: Modified for Advertising (prohibited)

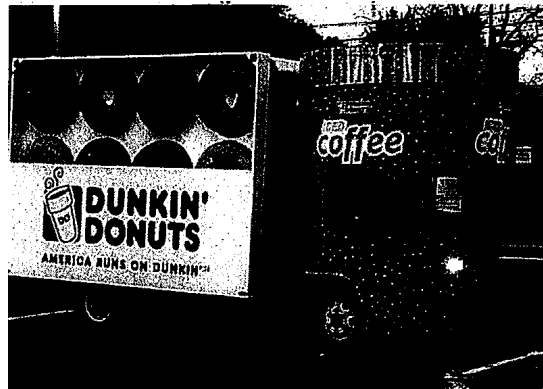


Figure 10: Stock Motor Vehicle with Business Name (allowed)

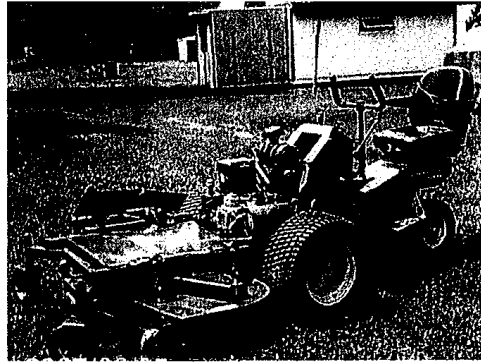


4. Agricultural, lawn, or landscaping vehicles, equipment, and attachments including, but not limited to, agricultural tractors, farm implements, mowing equipment, bush hogs, trimmers, spreaders, and their attachments, not including such vehicles, equipment, and attachments used exclusively to farm established agricultural property on which they are kept or to maintain property on which they are kept.

Figure 11: Agricultural vehicle (allowed if only used on the property)



Figure 12: Mowing Equipment (allowed if only used on property)



Section 355.150. Automobile Trespass Prohibited.¹

[CC 1990 § 18-108; Ord. No. 168 §§ 1 — 5, 8-15-1988]

- A. No person shall park or stand a motor vehicle whether occupied or not in a private driveway, on a private parking lot or on private property without express or implied consent of the owner or other person in lawful charge of such driveway, parking lot or property.
- B. For the purpose of Subsection (A), the parking or standing of a motor vehicle in a handicapped parking space is without the consent of the owner or other person in charge of the property unless the vehicle bears a distinguishing license plate or placard issued pursuant to Section 301.142 or Section 301.171, RSMo.
- C. For the purpose of Subsection (A), the parking or standing of a motor vehicle in a handicapped parking space is without the consent of the owner or other person in charge of the property unless the operator of the vehicle or a passenger is presently handicapped.
- D. As used in this Section, the following terms shall have these prescribed meanings:

HANDICAPPED — Has the meaning ascribed to "physically disabled" in Section 301.142, RSMo., or "eligible person" in 38 U.S.C. Section 1901.

HANDICAPPED PARKING SPACE — A space adjacent to which, and visible from which, there is posted a sign upon which is inscribed the international symbol of accessibility and the words "handicapped parking" in white on a blue background.

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

PRIVATE DRIVEWAY, PRIVATE PARKING LOT AND PRIVATE PROPERTY — Any driveway, parking lot or property other than public streets and including any other driveway, parking lot or property, even if owned by a governmental entity.

¹ Cross References: As to offenses against property, §§ 210.500 et seq.

- E. If any motor vehicle is found in violation of this Section, the owner or person whose name such vehicle is registered in the records of any City, County or State shall be held prima facie responsible for such violation, if the owner thereof is not present.

Section 355.160. Parking Prohibited In Specified Places.

[CC 1990 § 18-109; Ord. No. 169 §§ 1 — 3, 8-15-1988; Ord. No. 1780 § 1, 9-5-2001]

- A. No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a Law Enforcement Officer or traffic control device.
- B. Where it is determined by the City Traffic Engineer, upon the basis of an engineering and traffic investigation, that it is to the best interest and safety of the general public to increase the distances set out above, the Public Works Director is hereby empowered to lengthen the distances set out in Section 355.010(A)(2)(c), (d), and (e); (A)(3)(a) and (c), not to exceed one hundred (100) feet in length and when official signs are erected, no person shall stop, stand or park a vehicle at such designated places.
- C. No person shall move a vehicle not lawfully under such person's control into any such prohibited area or away from a curb such distance is unlawful.

Section 355.170. Fire Lanes.²

[CC 1990 § 18-110; Ord. No. 29 §§ 1 — 5, 6-1-1988]

- A. Defined. The term "fire lane", as used in this Section, shall mean an unobstructed area not less than twenty (20) feet in width extending from a building to a public street, highway or other thoroughfare and providing a means of access for firefighting equipment on such public street, highway or other thoroughfare to such building.
- B. Where Required. The owner, occupant or lessee of any building not situated within twenty (20) feet of a public highway, street or other thoroughfare shall provide a fire lane from a public street, highway or other thoroughfare to such building.
- C. Signs. The owner, occupant or lessee of any building, who is required by Subsection (B) of this Section to provide a fire lane, shall post suitable signs, which shall either be erected on standards immediately adjacent to such fire lanes or be painted on the pavement of such fire lane, on which signs shall be imprinted and the words "FIRE LANE — DO NOT BLOCK". Such signs or markings shall be of sufficient size and clarity so as to be readily observed from a distance of at least forty (40) feet from such sign or markings. The Chief of Police or his/her designee shall determine the manner of posting and number of such signs.
- D. Obstruction Prohibited. Fire lanes shall not be obstructed by parking of vehicles, equipment or the placement of any other materials thereon, which would tend to hinder or delay the evacuation of the building or in any way to obstruct the access of firefighting equipment to said building.

² Cross References: As to buildings and building regulations, ch. 500; as to fire prevention and protection, ch. 203; as to planning, ch. 400; as to streets and sidewalks, ch. 505.

- E. No Parking. In addition to the above, the following designated as fire lanes shall be regulated by no parking at anytime.

Section 355.180. Parking Of Recreational Vehicles In Residential Areas.

[CC 1990 § 18-111; Ord. No. 2641 § 1, 2-7-2011]

- A. Off-Street Parking Of Recreational Vehicles.
1. Recreational vehicles shall not be parked outside of a fully enclosed building or structure on:
 - a. Any lot or parcel of land whose primary use is residential.
 - b. Any lot or parcel of land within five hundred (500) feet of a lot whose primary use is residential.
 2. Exceptions.
 - a. A recreational vehicle may temporarily park on a residential property or a property within five hundred (500) feet of a residential property, for a period of not more than seventy-two (72) hours per occurrence.
 - b. A recreational vehicle may temporarily park on a residential property or a property within five hundred (500) feet of a residential property, not more than two (2) occurrences per month.
 - c. For properties containing two (2) acres or more in land area, recreational vehicles shall be excluded from the requirements of Subsection (A) above and shall adhere to all other parking requirements of the City of Chesterfield City Code.
- B. On-Street Parking Of Recreational Vehicles.
1. Recreational vehicles may temporarily park on streets within five hundred (500) feet of a residential property for a period of not more than twenty-four (24) hours per occurrence.
 2. Recreational vehicles may temporarily park on streets within five hundred (500) feet of a residential property for a period of not more than two (2) occurrences per month.
- C. Parking of recreational vehicles must comply with all other regulations of the City of Chesterfield City Code.
- D. "Recreational vehicle" shall be defined as "A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include, but are not limited to, travel trailers, motor homes, boats, jet skis, etc. This term shall also include the trailers used for transporting recreational vehicles. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes."
- E. For the purposes of this Section, an occurrence shall begin at the time when a recreational vehicle parks in a restricted area and shall terminate at the end of the time

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limit specified in Subsection (A) or (B) above. The duration of permitted temporary parking as specified in Subsection (A) or (B) above, shall run continuously from the initial time of the parking occurrence, even though the recreational vehicle may be parked intermittently during that time duration.

Chapter 360

STOPPING FOR LOADING OR UNLOADING ONLY

Section 360.010. City Traffic Engineer To Designate Curb Loading Zones.

Section 360.050. City Traffic Engineer To Designate Public Carrier Stops And Stands.

Section 360.020. Permits For Curb Loading Zones.

Section 360.060. Stopping, Standing And Parking Of Buses And Taxicabs Regulated.

Section 360.030. Standing In Passenger Curb Loading Zone.

Section 360.070. Restricted Use Of Bus And Taxicab Stands.

Section 360.040. Standing In Freight Curb Loading Zones.

Section 360.010. City Traffic Engineer To Designate Curb Loading Zones.

[CC 1990 App. C § 300.485]

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.

[CC 1990 App. C § 300.490]

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.

[CC 1990 App. C § 300.495]

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.**[CC 1990 App. C § 300.500]**

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 provision applicable to such zones are in effect.

Section 360.050. City Traffic Engineer To Designate Public Carrier Stops And Stands.**[CC 1990 App. C § 300.505]**

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.**[CC 1990 App. C § 300.510]**

- 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.**[CC 1990 App. C § 300.515]**

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

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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.

Section 365.020. Regulation Not Exclusive.

Section 365.030. Parking Prohibited At All Times On Certain Streets.

Section 365.040. Parking Prohibited During Certain Hours On Certain Streets.

Section 365.050. Stopping, Standing Or Parking Prohibited During Certain Hours On Certain Streets.

Section 365.060. Parking Signs Required.

Section 365.070. Commercial Vehicles Prohibited From Using Certain Streets.

Section 365.010. Application Of Chapter.

[CC 1990 App. C § 300.520]

The provisions of this Chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

Section 365.020. Regulation Not Exclusive.

[CC 1990 App. C § 300.525]

The provisions of this Chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Section 365.030. Parking Prohibited At All Times On Certain Streets.

[CC 1990 App. C § 300.530]

When signs are erected giving notice thereof, no person shall park a vehicle at anytime upon any of the streets described by ordinance.

Section 365.040. Parking Prohibited During Certain Hours On Certain Streets.

[CC 1990 App. C § 300.535]

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.**[CC 1990 App. C § 300.540]**

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.**[CC 1990 App. C § 300.545]**

Whenever by this Chapter or any ordinance of the City any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the City Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

Section 365.070. Commercial Vehicles Prohibited From Using Certain Streets.**[CC 1990 App. C § 300.550]**

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe, and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.

Chapter 370

VEHICLE EQUIPMENT

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**Age — Restraint
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ARTICLE I
Light Regulations

Section 370.010. Definitions.¹

[CC 1990 § 18-61; Ord. No. 44 § 1, 6-1-1988]

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

APPROVED — Approved by the Director of Revenue of the State and when applied to lamps and other illuminating devices means that such lamps and devices must be in good and working order.

AUXILIARY LAMP — An additional lighting device on a motor vehicle used primarily to supplement the headlamps in providing general illumination ahead of the vehicle.

HEADLAMP — A major lighting device capable of providing general illumination ahead of a vehicle.

MOUNTING HEIGHT — The distance from the center of the lamp to the surface on which the vehicle stands.

MULTIPLE-BEAM HEADLAMPS — Headlamps or similar devices arranged so as to permit the driver of the vehicle to use one (1) of two (2) or more distributions of light on the road.

REFLECTOR — An approved device designed and used to give an indication by reflected light.

ROADWAY — Any public thoroughfare for vehicles, including State roads, County roads and public streets, avenues, boulevards, parkways or alleys.

SINGLE-BEAM HEADLAMPS — Headlamps or similar devices arranged so as to permit the driver of the vehicle to use but one (1) distribution of light on the road.

VEHICLE — Every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

WHEN LIGHTED LAMPS ARE REQUIRED — Means at any time from a half-hour after sunset to a half-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

1. Cross Reference: As to definitions and rules and construction, § 100.020.

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.

Section 370.020. Compliance — Penalty.

[CC 1990 § 18-62; Ord. No. 44 § 2, 6-1-1988]

- A. It shall be unlawful for any person to operate a motor vehicle on the roadway within the City limits, which does not comply with this Article.
- B. Violation of this Article shall be a misdemeanor, punishable by a fine not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed three (3) months, or by both such fine and imprisonment, except that with regard to mechanical equipment, a grace period of seven (7) days shall be allowed during which time defendant may submit proof to the Police Department that such equipment violation has been corrected to comply with this Article.

Section 370.030. Exceptions.

[CC 1990 § 18-63; Ord. No. 44 § 3, 6-1-1988]

The provisions of this Article with respect to equipment and lights on vehicles shall not apply to agricultural machinery and implements, road machinery, road rollers, traction engines, motorized bicycles or farm tractors except when in this Article made applicable.

Section 370.040. When Lights Required.

[CC 1990 § 18-64; Ord. No. 45 § 1, 6-1-1988]

No person shall drive, move, park or be in custody of any vehicle or combination of vehicles during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter required. No person shall use on any vehicle an 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. Brake lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.

Section 370.050. Headlamp On Motor Vehicles.

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

Section 370.060. Dimming Of Lights — When.

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

Section 370.070. 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 ordinance violation.

Section 370.080. Auxiliary Lamps — Number And Location.**[CC 1990 § 18-68; Ord. No. 45 § 5, 6-1-1988]**

No motor vehicle may be equipped with more than three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands.

Section 370.090. Spotlamps Authorized.**[CC 1990 § 18-69; Ord. No. 45 § 6, 6-1-1988]**

No motor vehicle shall be equipped with more than one (1) spotlamp, with the exception of emergency vehicles. The spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person.

Section 370.100. Vehicle Lamps — Color Defined, Restriction Of Red Lights.**[CC 1990 § 18-70; Ord. No. 45 § 7, 6-1-1988]**

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowl lamps and spotlamps, when lighted, shall exhibit light 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, within the City with any lamp or device thereon displaying a red light visible for directly in front hereof.

Section 370.110. Limitations On Total Of Lamps Lighted At One Time.**[CC 1990 § 18-71; Ord. No. 45 § 8, 6-1-1988]**

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, Section 307.110, RSMo. Whenever a motor vehicle equipped with headlamps as in this Article required is also equipped with an auxiliary lamp 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 (1) time when upon a highway.

Section 370.120. Other Vehicles — How Lighted.**[CC 1990 § 18-72; Ord. No. 45 § 9, 6-1-1988]**

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engine and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the time 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 vehicles.

Section 370.130. Animal-Driven Vehicles — Lighting Requirements — Penalty.

- A. Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this City any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half (1/2) 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 (1/2) 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 (1/2) 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
Vehicle Equipment

Section 370.140. Emblems On Slow-Moving Equipment — Required.

[CC 1990 § 18-74; Ord. No. 46 § 1, 6-1-1988]

No person shall operate on any public highway of this City any slow-moving vehicle or equipment after sunset to one-half (1/2) hour before sunrise, any animal-drawn vehicle or any other machinery designed for use or normally operated at speeds less than twenty-five (25) miles per hour, including all road construction or maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flagman or clearly visible warning signs, which normally travels or is normally used at a speed of less than twenty-five (25) miles per hour unless there is displayed on the rear thereof an emblem as described in and displayed as provided in Section 370.150 of this Article. The requirement of such emblem shall be in addition to any lighting devices required by this Article.

Section 370.150. Emblems On Slow-Moving Equipment — Construction — Mounting — Maintenance.**[CC 1990 § 18-75; Ord. No. 46 § 2, 6-1-1988]**

The emblem required by Section 370.140 of this Article shall be of substantial construction and shall be a base-down equilateral triangle of fluorescent yellow orange film or equivalent quality paint with a base of not less than fourteen (14) inches and altitude of not less than twelve (12) inches. Such triangle shall be bordered with reflective red strips having a minimum width of one and three-fourths (1 3/4) inches, with the vertices of the overall triangle truncated such that the remaining altitude shall be a minimum of fourteen (14) inches. Such emblem shall be mounted on the rear of such vehicle near the horizontal geometric center of the rearmost vehicle at a height of not less than four (4) feet above the roadway and shall be maintained in a clean, reflective condition. The provisions of this Section shall not apply to any vehicle or equipment being operated on a gravel or dirt surfaced public highway.

Section 370.160. Emblems On Slow-Moving Equipment — Exceptions.**[CC 1990 § 18-76; Ord. No. 46 § 3, 6-1-1988]**

No emblem shall be required on machinery or equipment pulled or attached to a farm tractor providing the machinery or equipment does not extend more than twelve (12) feet to the rear of the tractor and permits a clear view of the emblem on the tractor by vehicles approaching from the rear.

Section 370.170. Horn — Required And Unnecessary Use.²**[CC 1990 § 18-77; Ord. No. 47 § 1, 6-1-1988]**

- A. Every motor vehicle shall be equipped with a horn 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 streets and pedestrians. Such signaling device shall be used for warning purposes.
- B. No person shall use the horn as described above to make any unnecessary noise; and no other sound-producing device shall be used at anytime.

Section 370.180. 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

2. Cross Reference: As to unnecessary noise unlawful, § 210.710.

and shall be so arranged that it cannot automatically open, or be opened or operated, while such vehicle is in motion.

Section 370.190. Brakes Required.

[CC 1990 § 18-79; Ord. No. 47 § 3, 6-1-1988]

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.

Section 370.195. Engine Braking Restricted.

[CC 1990 § 18-88; Ord. No. 2926, 12-5-2016; Ord. No. 2943, 3-6-2017]

- A. It shall be unlawful for the operator of a motor vehicle on any public street, roadway, or highway within the limits of the City of Chesterfield to cause his or her vehicle to slow or brake by any method which produces an excessive and unnecessary noise, including but not limited to un-muffled engine braking.
- B. As used in this Section, "engine braking" shall refer to compression release braking systems as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes.

Section 370.200. Mirrors Required.

[CC 1990 § 18-80; Ord. No. 47 § 4, 6-1-1988]

All motor vehicles which are constructed to load 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 review the road behind and be visible from the operator's seat.

Section 370.210. Projections On Vehicles.

[CC 1990 § 18-81; Ord. No. 47 § 5, 6-1-1988]

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 Article, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.

Section 370.220. 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 Section 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.

Section 370.230. Studded Tires Prohibited.

[CC 1990 § 18-83; Ord. No. 47 § 7, 6-1-1988]

No person shall operate a motor vehicle between the first (1st) day of April and the first (1st) day of November while the motor vehicle is equipped with snow tires containing metal or carbide studs.

Section 370.240. Windshield Wipers.

[CC 1990 § 18-84; Ord. No. 48 § 1, 6-1-1988]

All motor vehicles, except motorcycles, shall be equipped with windshield wipers kept in good working order for cleaning rain, snow or other moisture from the windshield.

Section 370.250. 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 ($\pm 3\%$) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent ($\pm 3\%$). 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 Police Department 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 Chief of Police 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 370.260. Adequate Equipment Required On Commercial Vehicles And Trailers.

[CC 1990 § 18-86; Ord. No. 49 § 1, 6-1-1988]

Commercial motor vehicles and trailers when being operated on any street shall be equipped with adequate and proper 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.

Section 370.270. Motorcycle Headgear.

[CC 1990 § 18-87; Ord. No. 50 § 1, 6-1-1988]

Every person operating or riding as a passenger on any motorcycle upon any highway of this City shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet the requirements and specifications established by the State.

Section 370.280. 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 (inches)	Maximum Rear Bumper Height (inches)
Motor vehicles except commercial motor vehicles	22	22
Commercial motor vehicles (GVWR) 4,500 lbs. and under	24	26
4,501 lbs. through 7,500 lbs.	27	29
7,501 lbs. through 9,000 lbs.	28	30
9,001 lbs. through 11,500 lbs.	29	31

- C. Any person knowingly violating the provisions of this Section is guilty of an ordinance violation.

Section 370.290. Seat Belts.³

- A. As used in this Section, the term "truck" means a motor vehicle designed, used or maintained for the transportation of property.
- B. As used in this Section, the term "passenger car" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term "passenger car" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.
- C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the City, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this City shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section and Section 370.300 of this Chapter, shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this Subsection shall not apply to the transporting of children under sixteen (16) years of age, as provided in Section 370.300 of this Chapter.

3. State Law Reference: Similar provisions, § 307.178, RSMo.

- D. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Section 370.300 of this Chapter.
- E. Except as otherwise provided for in Section 370.300 of this Chapter, each person found guilty of violating the provisions of Subsection (B) of this Section is guilty of an ordinance violation for which a fine not to exceed ten dollars (\$10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section.
- F. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this Subsection is not in violation of this Section. This Subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under Section 302.178, RSMo.

Section 370.300. Transporting Children Under 16 Years Of Age — Restraint Systems.⁴

- 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. Requirement; Applicability.

- 1. 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:
 - a. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.
 - b. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.
 - c. 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

⁴ Cross References: As to minors, §§ 210.170 et seq.

- in a child passenger restraint system or booster seat appropriate for that child.
- d. 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.
 - e. 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.
 - f. 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.
2. 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 ordinance violation and upon conviction may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein, shall be subject to the penalty in Subsection (E) of Section 370.290 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.

Chapter 373

BICYCLES

Section 373.010. Obedience To Traffic Control Devices And Signs.

Section 373.020. Bicycle Riding Regulations Generally.

Section 373.030. Minors To Wear Protective Headgear.

Section 373.010. Obedience To Traffic Control Devices And Signs.

[CC 1990 § 18-151; Ord. No. 172 §§ 1 — 2, 8-15-1988]

- A. Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a Law Enforcement Officer.
- B. Whenever authorized signs are erected indicating that no right or left U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign. Where such person dismounts from the bicycle to make any such turn, the person shall then obey the regulations applicable to pedestrians.

Section 373.020. Bicycle Riding Regulations Generally.

[CC 1990 § 18-152; Ord. No. 173 §§ 1 — 9, 8-15-1988]

- A. Permanent Seat Required. A person propelling a bicycle shall not ride on a seat other than a permanent and regularly attached seat.
- B. Number Of Persons. No bicycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.
- C. Rider To Exercise Care — To Ride On Right Side Of Road. Every person operating a bicycle upon a highway, roadway or alleyway shall ride as near to the right side of the highway, roadway or alleyway as practicable and shall exercise due care when passing a standing vehicle or one (1) proceeding in the same direction.
- D. Riders Not To Ride More Than Two (2) Abreast — Exceptions. Persons riding bicycles upon a road shall not ride more than two (2) abreast except on paths or parts of roads set aside for the exclusive use of bicycles.
- E. Riders To Use Path. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway.
- F. Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the existing conditions nor shall the bicycle rider exceed the legal speed limit for the roadway while riding upon the roadway.
- G. Rider To Yield Right-Of-Way To Pedestrians And Vehicles — When. The operator of a bicycle emerging from an alleyway, private roadway, driveway or building shall,

upon approaching a sidewalk or the sidewalk area, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the highway or roadway, the operator shall yield the right-of-way to all vehicles approaching on the highway or roadway.

- H. Carrying Of Packages, Bundles, Etc. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one (1) hand upon the handlebars.
- I. Parking. No person shall park a bicycle upon a highway, roadway or sidewalk in such a manner as to obstruct vehicular or pedestrian traffic.

Section 373.030. Minors To Wear Protective Headgear.

[CC 1990 § 18-153; Ord. No. 2525 § 1, 6-1-2009]

- A. It shall be unlawful for a parent or guardian to permit a child of at least one (1) year of age and who has not reached the age of seventeen (17) to operate or be a passenger on a bicycle, a scooter, roller skates, roller blades or a skateboard unless the child shall wear protective headgear which properly fits and is fastened securely upon the head of the operator or passenger. The headgear shall meet or exceed the impact standard for protective bicycle helmets set by the U.S. Consumer Products Safety Commission, the American National Standards Institute (ANSI), the Snell Memorial Foundation or the American Society of Testing and Materials (ASTM).
- B. Every person reasonably believed by a Law Enforcement Officer to have violated the provisions of this Section shall be issued a notice of violation on a form approved by the Chief of Police. The notice of violation shall advise persons to whom it is issued of the dangers to children under the age of seventeen (17) associated with operating bicycles and the items set out in Subsection (A) hereof without protective headgear. The Chief of Police shall keep and maintain records of all persons issued a notice of violation. Any person receiving more than two (2) notices of violation within a twelve-month period shall be mailed a summons charging such person with having violated this Section.
- C. Every person convicted of a violation of this Section shall be punished by a fine of not more than ten dollars (\$10.00).

Chapter 375

PARADES

Section 375.010. Definitions.

Section 375.020. Permit Required.

Section 375.030. Permit Application.

Section 375.040. Standards For Issuance.

**Section 375.050. Notice Of Permit
Rejection.**

Section 375.060. Alternative Permit.

Section 375.070. Contents Of Permit.

Section 375.080. Possession Of Permit.

**Section 375.090. Compliance With Law
Required.**

Section 375.100. Revocation Of Permit.

Section 375.110. Exceptions.

Cross Reference: As to licenses and business regulations, ch. 605.

Section 375.010. Definitions.

[CC 1990 § 26-16; Ord. No. 92 § 1, 6-1-1988]

The following words, terms and phrases, when used in this Chapter, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

CHIEF OF POLICE — Any designated Chief of Police for the City of Chesterfield or if a contract police service is employed, then the appropriate officer of that force.

PARADE — Any parade, march, ceremony, show, exhibition, pageant or procession of any kind or any similar display in or upon any street, park or other public place in this City.

PARADE PERMIT — A permit as required by this Chapter.

Section 375.020. Permit Required.

[CC 1990 § 26-17; Ord. No. 92 § 2, 6-1-1988]

No person shall engage in, participate in, aid, form or stage any parade, unless a parade permit shall have been obtained from the Chief of Police.

Section 375.030. Permit Application.

[CC 1990 § 26-18; Ord. No. 92 § 3, 6-1-1988]

- A. A person seeking issuance of a parade permit shall file an application with the Chief of Police not less than five (5) days nor more than ten (10) days before the date on which it is proposed to conduct the parade on forms provided by such officer.
- B. The application for a parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct such parade;
 2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and reasonable heads of such organization;
 3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
 4. The date when the parade is to be conducted;
 5. The route to be traveled, the starting point and the termination point;
 6. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles;
 7. The hours when such parade will start and terminate;
 8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 9. The location by streets of any assembly areas for such parade;
 10. The time at which units of the parade will begin to assemble at any such assembly area or areas;
 11. The intervals of space to be maintained between the units of such parade;
 12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his/her behalf;
 13. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should issue.
- C. The Chief of Police, where good cause is shown therefore, shall have the authority to consider hereunder any application which is filed less than five (5) days before the date such parade is proposed to be conducted.

Section 375.040. Standards For Issuance.

[CC 1990 § 26-19; Ord. No. 92 § 4, 6-1-1988]

- A. The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:
1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

2. The conduct of the parade will not require the diversion of so great a number of Police Officers of this City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to this City.
3. The conduct of any such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this City other than that to be occupied by the proposed line of march and areas contiguous thereto.
4. The concentration of persons, animals and vehicles at assembly points of parade will not unduly interfere with proper fire and police protection of, or areas contiguous to, such assembly areas.
5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.
6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

Section 375.050. Notice Of Permit Rejection.

[CC 1990 § 26-20; Ord. No. 92 § 5, 6-1-1988]

If the Chief of Police disapproves the permit application, he/she shall mail the applicant within three (3) days after the date upon which the application was filed a notice of his/her action.

Section 375.060. Alternative Permit.

[CC 1990 § 26-21; Ord. No. 92 § 6, 6-1-1988]

The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days of notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this Chapter.

Section 375.070. Contents Of Permit.

[CC 1990 § 26-22; Ord. No. 92 § 7, 6-1-1988]

- A. Each parade permit shall state the following information:
 1. Starting time;
 2. Minimum speed;
 3. Maximum speed;

4. Maximum interval of space to be maintained between the units of the parade;
5. The portions of the streets to be traversed that may be occupied by the parade;
6. The maximum length of the parade in miles or fractions thereof;
7. Such other information as the Chief of Police shall find necessary to the enforcement of this Chapter.

Section 375.080. Possession Of Permit.

[CC 1990 § 26-23; Ord. No. 92 § 8, 6-1-1988]

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his/her person during the conduct of the parade.

Section 375.090. Compliance With Law Required.

[CC 1990 § 26-24; Ord. No. 92 § 9, 6-1-1988]

A permittee hereunder shall comply with all permit directions and conditions with all applicable laws and ordinances.

Section 375.100. Revocation Of Permit.

[CC 1990 § 26-25; Ord. No. 92 § 10, 6-1-1988]

The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

Section 375.110. Exceptions.

[CC 1990 § 26-26; Ord. No. 92 § 11, 6-1-1988]

- A. This Chapter shall not apply to:
1. Funeral processions;
 2. Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proposed school authorities;
 3. A governmental agency acting within the scope of its functions.

Chapter 380
LICENSING

ARTICLE I
Driver's Licenses

- Section 380.010. Operation Of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License.**
- Section 380.020. Driving While License Suspended Or Revoked.**
- Section 380.030. False Declaration Of One's Name, Address And/Or Driving Status.**
- Section 380.040. Prohibited Uses Of License.**
- Section 380.050. Exemptions From License Law.**
- Section 380.060. Unlawful To Alter A Motor Vehicle Operator's License Or Identification Card.**

ARTICLE II
License And Registration Regulations.

- Section 380.070. Vehicles On Roads To Be Licensed.**
- Section 380.080. License Plates And Safety Inspection Stickers Required.**
- Section 380.090. Vehicle Registration.**

ARTICLE III
Financial Responsibility

- Section 380.100. Financial Responsibility Required.**
- Section 380.110. Display Of False Evidence Of Insurance — Penalty — Confiscation Of False Evidence.**
- Section 380.120. Alteration, Production Or Sale Of Invalid Insurance Card.**

ARTICLE I
Driver's Licenses¹

Section 380.010. Operation Of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License.²

- A. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 380.050, 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;

¹ Cross Reference: As to alcoholic beverages, ch. 600.

² Note: Under certain circumstances this offense can be a felony under state law.

2. Operate a motorcycle or motortricycle upon any highway of this City unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;
3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
4. Operate a motor vehicle with an instruction permit, intermediate driver's license or license issued to another person;
5. Operate a motor vehicle in violation of the provisions of Sections 302.130 and 302.178, RSMo., regarding accompaniment by a qualified driver or stated hours of operation; or
6. Drive a commercial motor vehicle, unless fully licensed in compliance with Chapter 302, RSMo., except when operating under an instruction permit as provided for in Section 302.720, RSMo.

Section 380.020. Driving While License Suspended Or Revoked.³

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 380.030. False Declaration Of One's Name, Address And/Or Driving Status.

[CC 1990 § 18-48; Ord. No. 1997 § 1, 1-5-2004]

- A. It is unlawful for any person, while being taken into custody, arrested or while being issued a citation or summons charging a violation of this Code or any State or Federal law, to give as his/her name verbally or in writing any false or fictitious name or any name other than either his/her legal name or the name that he/she is commonly known by and is employed under or to give a false or fictitious address or an address other than the address of his/her permanent residence or to give any other false or fictitious information required to fill out the citation or summons.
- B. It shall be unlawful for any person to represent to any officer either that he/she was the driver of a motor vehicle when in fact he/she was not, or that he/she was not the driver of a motor vehicle when in fact he/she was, or that the driver was some other person

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

other than the actual driver for the purpose either of having the actual driver avoid receiving or of having some other person receive a citation or summons under the provisions of either this Title or the State Statutes relating to offenses in the State motor vehicle laws.

Section 380.040. 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 380.050. 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.

Section 380.060. Unlawful To Alter A Motor Vehicle Operator's License Or Identification Card.⁴

[CC 1990 § 21-10; Ord. No. 1307 §§ 1 — 2, 9-15-1997]

It shall be unlawful for 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.

ARTICLE II

License And Registration Regulations.⁵**Section 380.070. Vehicles On Roads To Be Licensed.**

[CC 1990 § 18-131; Ord. No. 158 § 1, 8-15-1988]

No person, firm or corporation shall operate or park a motor vehicle or trailer upon a highway, roadway or alleyway unless the vehicle or trailer has attached to it registration plates in accordance with Chapter 301, Sections 301.010 to 301.440, RSMo., providing for the registration and licensing of motor vehicles.

4. Cross Reference: As to motor vehicles and traffic, Title III.

5. Cross Reference: As to licenses and business regulations, ch. 605.

State Law Reference: Authority of city to levy and collect motor vehicle license tax, § 301.340, RSMo.

Section 380.080. License Plates And Safety Inspection Stickers Required.**[CC 1990 § 18-132; Ord. No. 76 §§ 1 — 2, 6-1-1988]**

- A. Every owner of a motor vehicle or trailer which shall be operated or driven upon the highways and roadways of the City shall in accordance with Section 301.160, RSMo., display two (2) State license plates.
- B. It shall be unlawful for any person to park upon any street or upon any public property any motor vehicle not bearing or displaying current license plates specifically issued for such motor vehicle and a current safety inspection certificate sticker, if applicable. Two (2) license plates as required by law will be required before the vehicle can be parked on a public street or public property.

Section 380.090. Vehicle Registration.**[CC 1990 § 18-133; Ord. No. 77 § 1, 6-1-1988]**

Every owner of a motor vehicle or trailer which shall be operated or driven upon the highways and roadways of the City shall annually file by mail or otherwise in the office of the Director of Revenue of the State an application for registration on a blank to be furnished by the Director of Revenue for that purpose. The registration shall be in accordance with Section 301.020, RSMo.

ARTICLE III

Financial Responsibility**Section 380.100. 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. No non-resident shall operate or permit another person to operate in this State a motor vehicle registered to such non-resident unless the non-resident maintains the financial responsibility which conforms to the requirements of the laws of the non-resident's State of residence. 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 or non-resident shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.
- B. For purposes of this Section, the term "financial responsibility" shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars

(\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) accident.

- C. Proof of financial responsibility may be shown by any of the following:
1. A current insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card.
 2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.
 3. A surety bond according to Section 303.230, RSMo.
- D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.
- E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time the Peace Officer wrote the citation.
- F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for each and every violation.

Section 380.110. Display Of False Evidence Of Insurance — Penalty — Confiscation Of False Evidence.

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of an ordinance violation.

Section 380.120. Alteration, Production Or Sale Of Invalid Insurance Card.

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of an ordinance violation.

Chapter 385

ABANDONED, WRECKED OR INOPERABLE VEHICLES

ARTICLE I Generally

**Section 385.010. Abandonment
Defined — Unlawful.**

Section 385.030. Warning Notice.
Section 385.040. Recurring Nuisance.
**Section 385.050. Failure To Abate —
Summons —
Abatement By City —
Costs — Etc.**

ARTICLE II On Private Property

**Section 385.020. Declared Nuisance —
Defined.**

Cross References: As to health and sanitation, ch. 240; as to nuisances, ch. 215; as to police, ch. 200; as to streets and sidewalks, ch. 505.

ARTICLE I Generally

Section 385.010. Abandonment Defined — Unlawful.

[CC 1990 § 18-141; Ord. No. 70 § 1, 6-1-1988]

A person commits the ordinance violation of abandoning a motor vehicle if he/she abandons any motor vehicle on the right-of-way of any public road or highway or on or in any of the waters of the City or on the banks of any stream or any land or water owned, operated or leased by the State or City, any board, department, agency or commission thereof or any political subdivision of this State 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.

ARTICLE II On Private Property

Section 385.020. Declared Nuisance — Defined.

[CC 1990 § 18-146; Ord. No. 313 § 1, 6-19-1989]

It is hereby declared a nuisance to maintain any partly dismantled, wrecked, dilapidated, abandoned or non-operative automobile or other motor vehicle or parts thereof which are found upon any private property and which are not housed in a garage, basement or other enclosed building or except as authorized by Section 405.830(O)(3)(e) of the Zoning Ordinance of the City. Any motor vehicle or automobile or any elements thereof found

disassembled upon private property shall be considered to be dismantled, abandoned, wrecked or dilapidated for the purpose of this Article when such automobile or other vehicle is found lacking essential component parts which prevent it from being immediately operative under its own power or which vehicle or automobile is not properly licensed.

Section 385.030. Warning Notice.

[CC 1990 § 18-147; Ord. No. 313 § 2, 6-19-1989]

- A. No person shall create, cause, permit or maintain a nuisance as defined by this Article.
1. Whenever it comes to the attention of the City or the City becomes aware of the existence of a nuisance, the City shall investigate the nuisance and have prepared a report concerning the same. If a nuisance is found to exist, a warning notice shall be left with any person occupying such property, whether such person is the owner, renter or lessee thereof, by delivering such warning notice to such person or if no one is present in the property or refuses to accept the notice, then by posting the warning notice on the front or side or rear entrance to the residence or building.
 2. The warning notice provided in Subsection (1) shall contain:
 - a. The address or legal description of the property;
 - b. The ordinance number of the Section being violated;
 - c. The nature of the violation and the date by which such violation shall be removed or abated;
 - d. A notice of the penalty for failure to remove or abate the nuisance, stating that if the nuisance reoccurs by the same occupier, owner or person in charge, a summons will be issued without further notice.
 3. If the nuisance occurs on unimproved property or where the residence or building is unoccupied, the property may be posted as provided in Subsection (2) and if the property is unimproved by placing the notice upon a tree or other object upon such property as may be available.
 4. A notice in writing containing the same information as provided on the warning notice provided in Subsection (2) shall be sent to the owner or any other person having control of the property at the last known address of the owner or at the address of the person having control by ordinary mail, postage prepaid.

Section 385.040. Recurring Nuisance.

[CC 1990 § 18-148; Ord. No. 313 § 3, 6-19-1989]

Once a notice has been given to the head of the household, the renter, the lessee or the person having control or the owner of a lot or tract of land in or on which a nuisance has been created or maintained and after abatement thereof, the same nuisance recurs in or on the same lot or tract of land by the same person or persons responsible therefore, no further notice need be given. Thereafter, such responsible person or persons may be summoned into

Municipal Court to answer to the charges against him/her. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City in abating the nuisance as set out in Section 385.050.

Section 385.050. Failure To Abate — Summons — Abatement By City — Costs — Etc.

[CC 1990 § 18-149; Ord. No. 313 § 4, 6-19-1989]

- A. Upon neglect or failure to act upon the warning notice by the property owner, the City shall issue a summons as follows:
1. **Summons, Service Of.** If a warning notice is given as provided in Section 385.030 and if after the time for removal or abatement has lapsed the property is reinspected and the inspecting officer finds and determines that the nuisance has not been removed or abated, the inspecting officer shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed by name to the occupant, owners or person in charge of the property, showing the address or legal description of property on which the nuisance is located and such other information as may be available to the inspecting officer as shown on the summons and specifying the Section of the Chapter which is being violated and setting forth in general the nature of the nuisance and may serve the summons on the occupant, owners or person in charge or any or all of such persons. The summons shall contain a date on which the case will be on the Municipal Court docket for hearing. The City Attorney or Assistant City Attorney shall sign the original copy of all such summons and the original thereof shall be forwarded to the Clerk of the Municipal Court for inclusion on the court's docket for the date shown on the summons.
 2. **Summons, Delivery By Mail.** If no one is found at the property to accept a summons for failure to remove or abate a nuisance, the inspecting officer shall fill out and sign the summons as the complainant as provided in Subsection (1) and deliver the original and one (1) copy of the summons to the Clerk of the Municipal Court who shall verify or insert the date that the case has been set for hearing before the Municipal Court. The Clerk shall then mail the copy of the summons by ordinary mail, postage prepaid to the person named therein at the address shown on the summons or at such other address as the person charged therewith may be found or shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person to whom addressed.
 3. **Abatement By City — Costs Assessed To Person Responsible.** If the occupant, owner or person in charge of property for which a warning notice has been given to remove or abate a nuisance fails to remove or abate the nuisance in the time specified in the notice, whether on public or private property, the City may remove the same and thereby abate the nuisance and, if necessary, may lawfully enter upon the property on which the nuisance remains unabated to remove or abate such nuisance at the costs of the person or persons responsible for creating or maintaining the nuisance, if the cause therefor lies with any of the persons as defined in Section 385.030.

4. Payment Of Costs — Special Tax Bill Or Judgment. All costs and expenses incurred by the City in removing or abating any nuisance on any private property may be assessed against the property in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the nuisance, whether on public or private property, may be made a part of the judgment by the Municipal Judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, creating or maintaining a nuisance on public or private property.
5. Warning Notice, First (1st) Offense. In all cases where the nuisance on public or private property is the first (1st) offense for the person charged therewith, the warning notice provisions of Section 385.030 shall be observed. The notice shall specify the number of days in which the nuisance shall be removed or abated, which time shall not be less than three (3) days nor more than ten (10) days, except in emergency cases.
6. Warning Notice, Subsequent Offenses. In all cases where the nuisance on public or private property is a repeat offense on such property, the warning notice provisions of Section 385.040 shall be observed.

Chapter 385A

ABANDONED VEHICLES (UPDATED MODEL)

Section 385A.010. Abandoned Vehicles Or Trailers Prohibited.	On Public Real Property.
Section 385A.020. Obstructing The Flow Of Traffic Prohibited.	Section 385A.040. General Provisions And Procedures.
Section 385A.030. Towing Of Abandoned Property	Section 385A.050. Maximum Charges.
	Section 385A.060. Sale Of Abandoned Property By City.

Section 385A.010. Abandoned Vehicles Or Trailers Prohibited.¹

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway as set out in Section 217.020 of this Code.

Section 385A.020. Obstructing The Flow Of Traffic Prohibited.²

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 385A.030. Towing Of Abandoned Property On Public Real Property.³

- A. Any Law Enforcement Officer or an official of the City, within the officer's or official's jurisdiction, may authorize a towing company to remove to a place of safety:
 - 1. Any abandoned property on the right-of-way of:
 - a. Any interstate highway or freeway in an urbanized area of the City left unattended for ten (10) hours, or immediately if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
 - b. Any interstate highway or freeway outside of an urbanized area of the City left unattended for twenty-four (24) hours, or after four (4) hours if a Law

1. State Law Reference: For similar provisions, § 577.080, RSMo.
 2. State Law Reference: For similar provisions, § 304.151, RSMo.
 3. State Law References: For similar provisions, §§ 304.155.1(2009), 304.155.3, RSMo.

Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;

- c. Any State highway, other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four (24) hours;

provided that commercial motor vehicles referred to in Subsection (A)(1)(a) through (c) not hauling waste designated as hazardous under 49 U.S.C. § 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; or

- d. Any State highway, other than an interstate highway or freeway in an urbanized area, left unattended for more than ten (10) hours.

2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
 3. Any abandoned property which has been abandoned under Section 385.010 herein or Section 577.080, RSMo.
 4. Any abandoned property which has been reported as stolen or taken without consent of the owner.
 5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's timely removal.
 6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
 7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
 8. Any abandoned property illegally left standing on the waters of this State as defined in Section 306.010, RSMo., where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten (10) hours or is floating loose on the water.
 9. Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.
- B. When the City 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 385A.040. General Provisions And Procedures.⁴

- A. **Payment Of Charges.** The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. **Crime Inquiry And Inspection Report.** Upon the towing of any abandoned property pursuant to Section 385.030 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 217.040, the City 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 tower 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;
 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

4. **State Law References:** For similar provisions, §§ 304.155.5 and 304.155.6 (2004), 304.155.11 and 304.155.12(2004), 304.158.1, 304.158.5, 304.158.7, RSMo.

- 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;
 9. The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the Department's records; and
 10. Any additional information the Missouri Director of Revenue deems appropriate.
- C. Reclaiming Property. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. Lienholder Repossession. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. Notice To Owner/Tow Lien Claim. Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
1. The name, address and telephone number of the storage facility;
 2. The date, reason and place from which the abandoned property was removed;
 3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
 4. A statement that the storage firm claims a possessory lien for all such charges;
 5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;

6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
 7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property, free of all prior liens; and
 8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. **Physical Search Of Property.** In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "good faith effort" means that the following checks have been performed by the company to establish the prior State of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
 2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
 3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
 4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. **Petition In Circuit Court.** The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue, who shall not issue title to such abandoned property pursuant to this Section until the petition is finally decided.
- H. **Notice To Owner.**

1. Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
 - a. The public agency authorizing the removal; or
 - b. The towing company, where authorization was made by an owner or lessee of real property.
 2. If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.
- I. **Tow Truck Requirements.** Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. **Storage Facilities.** Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. **Disposition Of Towed Property.** Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

Section 385A.050. Maximum Charges.⁵

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Chapter.
- B. The City Council may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the City, and which are consistent with this Chapter and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.220.
- C. A towing company may impose a charge of not more than one-half (1/2) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Chapter if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

Section 385A.060. Sale Of Abandoned Property By City.⁶

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.

5. State Law References: For similar provisions, §§ 304.156.2, 304.158.6, 304.158.10, RSMo.

6. State Law Reference: For similar provisions, § 304.156, RSMo.

Chapter 390

SALE OF MOTOR VEHICLES ON PRIVATE OR COMMERCIAL PARKING LOTS

<p>Section 390.010. Prohibited Generally.</p> <p>Section 390.020. Owner Of Vehicle And Owner Of Property To Be Held Responsible.</p> <p>Section 390.030. Warning Notices — Recurring Violations.</p> <p>Section 390.040. Failure To Abate — Summons.</p>	<p>Section 390.050. Failure To Abate — Abatement By City.</p> <p>Section 390.060. Costs And Expenses.</p> <p>Section 390.070. Warning Notices For First And Repeat Offenses.</p>
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Section 390.010. Prohibited Generally.

[CC 1990 § 18-161; Ord. No. 314 § 1, 6-19-1989; Ord. No. 681 § 1, 5-18-1992]

No person or legal entity shall park or stand a motor vehicle on a private non-residential lot or commercial lot advertising the same "for sale", where the sale of motor vehicles is not a permitted or conditional use of the property under the zoning ordinance of the City of Chesterfield. However, an exception shall be made that shall allow individual residential property owners who currently reside in such home, members of such residential owner's immediate family who currently reside at or on the premises or their tenants and the immediate family members of any such tenants who currently live at or on the premises to park one (1) licensed vehicle at a time, which is registered in the name of any residential owner, immediate family member, tenant or immediate family member of such tenant currently residing at the house as above with a "for sale" sign displayed on such vehicle. Such vehicle shall only be parked upon the driveway (not upon the grass or yard area) of the residential property where such person currently resides. In multi-family residential developments, tenants who reside at such multi-family residential development and their immediate family members who reside on the premises may park one (1) licensed vehicle at a time that is registered in the name of such tenant or immediate family residing with such tenant member in the parking lot of such property with a "for sale" sign displayed on such vehicle.

Section 390.020. Owner Of Vehicle And Owner Of Property To Be Held Responsible.

[CC 1990 § 18-162; Ord. No. 314 § 2, 6-19-1989]

If any motor vehicle or property is found in violation of this Section, the owner of the property where said vehicle is located and the owner whose name such vehicle is registered on the records of any City, County or State shall be held prima facie responsible for such violation.

Section 390.030. Warning Notices — Recurring Violations.**[CC 1990 § 18-163; Ord. No. 314 § 3, 6-19-1989]**

- A. A warning notice shall be left with the owner of the real property by delivering such warning notice to such person and notice shall be given to the owner of the vehicle by posting the warning notice on the front windshield of the vehicle or delivering to the owner of the vehicle if found.
1. The warning notice shall contain:
 - a. The vehicle license and identification number and address of the property where the vehicle was or is parked.
 - b. The ordinance number of the ordinance being violated.
 - c. The nature of the violation and date by which such violation shall be removed or abated.
 - d. A notice of the penalty for failure to remove the vehicle, stating that if the violation recurs or is not abated by the date shown by the same owner of said vehicle or the property owner, a summons will be issued without further notice.
 2. Once a notice has been given to the owner of the property and/or owner of the vehicle on which a violation has occurred and after removal thereof, if the same ordinance violation recurs in or on the same property by the same person or persons responsible therefore, no further notice need to be given. Thereafter, such responsible person or persons may be summoned into Municipal Court to answer charges against him/her. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City in abating the violation as set out in Section 390.040.

Section 390.040. Failure To Abate — Summons.**[CC 1990 § 18-164; Ord. No. 314 § 4, 6-19-1989]**

- A. Upon neglect or failure to act upon the warning notice by the property owner or motor vehicle owner, the City shall issue a summons.
1. Summons, Service Of. If a warning notice is given as provided in Section 390.030 and if after the time for removal or abatement has lapsed, the property is reinspected and it has been determined that the vehicle has not been removed or remains on the property, the inspecting officer shall fill out and sign as complainant, a complaint and information form, hereinafter referred to as a summons, directed by name to the owner of the property on which the vehicle is located and to the owner of said vehicle, showing the address of the property on which the vehicle is located and such other information as may be available to the inspecting officer as shown on the summons and specifying the Section of the Chapter which is being violated and setting forth in general the nature of the violation. The inspecting officer may serve the summons on the owner of the property and the owner of the vehicle. The summons shall contain a date on

which the case will be heard on the Municipal Court docket for a hearing. The City Prosecuting Attorney, Assistant Prosecuting Attorney, City Attorney or Assistant City Attorney shall sign the original copy of all such summons and the original thereof shall be forwarded to the Clerk of the Municipal Court for inclusion on the court's docket for the date shown on the summons.

2. If no one is found at the property to accept a summons or the owner of the vehicle cannot be found to accept the summons, for failure to remove or abate the violation, the inspecting officer shall fill out and sign the summons as the complainant as provided in Subsection (1) and deliver the original and one (1) copy of the summons to the Clerk of the Municipal Court who shall verify or insert the date that the case has been set for hearing before the Municipal Court. The Clerk shall then mail the copy of the summons by ordinary mail, postage prepaid to the person named therein at the address shown on the summons or at such other address as the person charged therewith may be found or shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person to whom addressed.

Section 390.050. Failure To Abate — Abatement By City.

[CC 1990 § 18-165; Ord. No. 314 § 5, 6-19-1989]

If the owner of the property and/or owner of the vehicle for which a warning notice has been given to remove or abate a violation fails to remove or abate the violation in the time specified in the notice, whether on public or private property, the City may remove said vehicle(s) and thereby abate the violation and, if necessary, may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the costs of the person(s) responsible for creating or maintaining the violation, if the cause therefor lies with any of the persons as defined in Section 390.020.

Section 390.060. Costs And Expenses.

[CC 1990 § 18-166; Ord. No. 314 § 6, 6-19-1989]

- A. All costs and expenses incurred by the City in removing or abating any violation on any private or commercial or City property may be assessed against the property in the form of a special tax bill in the same manner and with the same effect as special tax bills issued for the paving of streets, which special tax bill shall become a lien on the property.
- B. Alternatively, the cost of removing or abating the violation, whether on public or private property, may be made a part of the judgment by the Municipal Judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, creating or maintaining a violation on public or private property.

Section 390.070. Warning Notices For First And Repeat Offenses.**[CC 1990 § 18-167; Ord. No. 314 § 7, 6-19-1989]**

In all cases where the violation on public or private property is the first (1st) offense for the person charged therewith, the warning provisions of Section 390.030 shall be observed. The notice shall specify the number of days in which the vehicle shall be removed or abated, which time shall not be less than two (2) days nor more than seven (7) days. In all cases where the violation on public or private property is a repeat offense on such property or said vehicle, the warning notice provisions of Section 390.030(2) shall be observed.

Schedule I

ELECTRIC TRAFFIC CONTROL SIGNALS

Table I-A. Signals Maintained By State. Table I-B. Signals Maintained By County.

[CC 1990 App. C Sch. I; Ord. No. 339, § 1, 8-21-1989; Ord. No. 370 § 1, 11-6-1989; Ord. No. 540 § 1, 1-7-1991; Ord. No. 713 § 1, 9-21-1992; Ord. No. 1292 § 1, 8-18-1997; Ord. No. 1497 §§ 1, 2, 3-1-1999; Ord. No. 1498 § 1, 3-1-1999; Ord. No. 1590 §§ 1, 2, 1-3-2000; Ord. No. 1603 § 1, 2-23-2000; Ord. No. 2168 § 1, 5-2-2005; Ord. No. 2809 §§ 1, 2, 9-15-2014]

In accordance with Chapter 315 of this Code (Code of the City of Chesterfield, Missouri), all traffic at the following listed locations shall be controlled by electrically operated signals.

Table I-A. Signals Maintained By State.

Boone's Crossing and Route I-64 eastbound on/off-ramp
 Boone's Crossing and Route I-64 westbound on/off-ramp
 Boone's Crossing and I-64 North Outer Road
 Clarkson Road (Route 340) and Baxter Road
 Clarkson Road (Route 340) and Country Ridge Drive
 Clarkson Road (Route 340) and I-64 eastbound on-ramp/Chesterfield Airport Road
 Clarkson Road (Route 340) and Kehrs Mill Road
 Clarkson Road (Route 340) and Lea Oak Drive
 Clarkson Road (Route 340) and South Outer Forty Road
 Clarkson Road (Route 340) and Wilson Road
 Long Road and Edison Avenue
 Olive Boulevard (Route 340) and Appalachian Trail/Village View Drive
 Olive Boulevard (Route 340) at Chesterfield Fire Station, 14898 Olive Boulevard
 Olive Boulevard (Route 340) and Chesterfield Parkway West and East
 Olive Boulevard (Route 340) and Creve Coeur Mill Road
 Olive Boulevard (Route 340) and Highway 141
 Olive Boulevard (Route 340) and I-64 westbound off-ramp
 Olive Boulevard (Route 340) and Ladue Road
 Olive Boulevard (Route 340) and North Woods Mill Road
 Olive Boulevard (Route 340) and River Valley Drive-Four Seasons Plaza Entrance
 Olive Boulevard (Route 340) and Swingley Ridge Road
 Olive Boulevard (Route 340) and Wood Chase Lane
 Timberlake Manor Drive and I-64 North Outer Road

Timberlake Manor Drive and I-64 South Outer Road
 Wild Horse Creek Road and Chesterfield Elementary Entrance
 Wild Horse Creek Road and Kehrs Mill Road
 Wild Horse Creek Road and Long Road
 Highway 141 and Ladue Road
 Highway 141 and St. Luke's Hospital Road and Brooking Park Drive

Table I-B. Signals Maintained By County.

Baxter Road and Cedarmill Drive
 Baxter Road and Chesterfield Airport Road
 Baxter Road and Chesterfield Bluffs/Highland Acres
 Baxter Road and Clayton Road (Route HH)
 Baxter Road and Country Ridge Drive
 Baxter Road and Dierbergs-The Market Place Entrance
 Baxter Road and Edison Avenue
 Baxter Road and Highcroft Drive/Old Clarkson
 Baxter Road and Justus Post Road
 Baxter Road and Parkway West Middle School Entrance
 Baxter Road and Wild Horse Creek Road
 Chesterfield Airport Road and Boone's Crossing/Chesterfield Commons Entrance
 Chesterfield Airport Road and Chesterfield Commons Drive
 Chesterfield Airport Road and Chesterfield Commons East Entrance
 Chesterfield Airport Road and Chesterfield Commons West Entrance
 Chesterfield Airport Road and JW Drive/First Community
 Chesterfield Airport Road and Long Road
 Chesterfield Airport Road and Olive Street Road
 Chesterfield Airport Road and Public Works Drive/Arnage Boulevard
 Chesterfield Airport Road and Spirit Commerce Drive
 Chesterfield Airport Road and Spirit of St. Louis Boulevard
 Chesterfield Parkway East and Clarkson Road (Route 340)
 Chesterfield Parkway East and Conway Road
 Chesterfield Parkway East and Elbridge Payne Road
 Chesterfield Parkway East and I-64 North Outer Road
 Chesterfield Parkway East and I-64 South Outer Road
 Chesterfield Parkway East and Schoettler Valley Drive
 Chesterfield Parkway East and Swingley Ridge Road/Peach Hill Lane
 Chesterfield Parkway West and Fontaine Drive/Chesterfield Mall Entrance
 Chesterfield Parkway West and Forest Trace Drive-Monsanto Company east entrance

Chesterfield Parkway West and Hilltown Village Center Drive
Chesterfield Parkway West and I-64 North Outer Road/I-64 westbound on-ramp
Chesterfield Parkway West and Justus Post Drive
Chesterfield Parkway West and Lydia Hill Drive/Chesterfield Mall Entrance
Chesterfield Parkway West and Swingley Ridge Drive
Chesterfield Parkway West and Wild Horse Creek Road/Chesterfield Airport Road
Clayton Road (Route HH) and Henry Road/Schoettler Road
Clayton Road (Route HH) and Parkway West High School Entrance
Clayton Road (Route HH) and Village Green Parkway-Commercial Entrance
Kehrs Mill Road at Kehrs Mill Elementary School Entrance/Sportsman Hill Drive
Olive Street Road and Outlet Boulevard
Wild Horse Creek Road and I-64 eastbound off-ramp
Wild Horse Creek Road and Wild Horse Elementary/Benton Taylor
North Woods Mill Road and Ladue Road
North Woods Mill Road and Parkway Central High School entrance
South Woods Mill Road and Conway Road

Schedule II

SPEED LIMITS ON HIGHWAYS, ROADS OR STREETS

**Table II-A. Speed Limits On Highways,
Roads Or Streets.**

Table II-A. Speed Limits On Highways, Roads Or Streets.

[CC 1990 App. C Sch. II, Tbl. II-A; Ord. No. 1154 § 1, 4-15-1996; Ord. No. 2168 § 2, 5-2-2005; Ord. No. 2720 § 1, 9-19-2012; Ord. No. 2775 § 1, 2-3-2014; Ord. No. 2810 § 1, 9-15-2014]

In accordance with Chapter 300 of this Code (Code of the City of Chesterfield, Missouri), and when signs are erected giving notice thereof, the maximum speed limits on State, county, and City highways, roads or streets on portions thereon listed in this schedule shall be specified in this schedule.

Location	Speed Limit (miles per hour)
Appalachian Trail, from Olive Boulevard to White Road, with 1 exception as follows:	30
Exception 1: Shenandoah Elementary School zone: 8:00 a.m. to 5:00 p.m., school days, between Beaver Creek Road and Hitchcock Road	20
August Hill Drive	30
Baxter Road, from southern City limits of Chesterfield to Clarkson Road (Missouri Route 340), with 1 exception as follows:	35
Exception 1: Parkway West Middle School zone: 200 feet north of Manor Koll Drive to Claymont Estates Drive	25
Baxter Road, from Clarkson Road (Missouri Route 340) to Wild Horse Creek Road	40
Baxter Road, from Wild Horse Creek Road to Chesterfield Airport Road	35
Chesterfield Airport Road	45
Chesterfield Parkway East, from Clarkson Road (Missouri Route 340) to Olive Boulevard (Missouri Route 340)	40
Chesterfield Parkway West, from Olive Boulevard (Missouri Route 340) to Clarkson Road (Missouri Route 340)	40

Location	Speed Limit (miles per hour)
Clarkson Road (Missouri Route 340), from Interstate 64 to southern City limits of Chesterfield	45
Clayton Road, from eastern to western City limits of Chesterfield	40
Conway Road, from Missouri Route 141 to Chesterfield Parkway East	35
North Eatherton Road, from Olive Street Road to Centaur Road	45
Edison Avenue, from Goddard Avenue to Long Road	30
Edison Avenue, from Long Road to Baxter Road	45
Highcroft Drive, from Schoettler Valley Drive east to Schoettler Road, with 1 exception as follows:	25
Exception 1: Highcroft Ridge Elementary School zone: 8:00 a.m. to 5:00 p.m., school days, between Spring Branch Court and 220 feet east of Prindable Court	20
Highway 141, from south City limits to Brooking Park	50
Highway 141, from Brooking Park north to north City limits	55
I-64, from City limits of Chesterfield to St. Charles County line	60
I-64 North Service Road (North Outer Forty), from Olive Boulevard (Missouri Route 340) westwardly to Chesterfield Parkway West	40
I-64 North Service Road (North Outer Forty), westwardly from intersection with Spirit of St. Louis Boulevard	40
I-64 North and South Service Roads (North and South Outer Forty), from the western City limit of Town and Country westwardly to Chesterfield Parkway East	45
I-64 South Service Road (South Outer Forty), from Chesterfield Parkway West eastwardly to Clarkson Road	40
I-64 South Service Road (South Outer Forty), from Elbridge Payne Road north and east to its terminus	45
Kehrs Mill Road, from Clarkson Road (Missouri Route 340) to City limits of Ballwin, with 1 exception as follows:	35
Exception 1: Kehrs Mill Elementary School zone: 675 feet west of Sportsmen Hill Drive to Laurenwood Drive	25
Kehrs Mill Road, from Wild Horse Creek Road to Clarkson Road	30
Ladue Road, from Highway 141 to Olive Boulevard	35
Long Road, from Wild Horse Creek Road to Chesterfield Airport Road	45

MANUSCRIPT
SPEED LIMITS ON HIGHWAYS, ROADS OR
STREETS

Table II-A

Table II-A

Location	Speed Limit (miles per hour)
Lydia Hill Drive	30
North Woods Mill Road, from Ladue Road to Olive Boulevard (Route 340)	40
Old Chesterfield Road	35
Olive Boulevard (Missouri Route 340), from Interstate 64 to North Woods Mill Road	45
Olive Boulevard (Missouri Route 340), from North Woods Mill Road to the City limits of Creve Coeur	40
Olive Street Road, from North Eatherton Road to Chesterfield Airport Road	45
Portico Drive, with 1 exception as follows:	25
Exception 1: Green Trails Elementary School zone: 8:00 a.m. to 4:00 p.m., school days, between 116 feet north of Ladue Road and 90 feet south of Chellington Court	20
River Valley Drive, from Olive Boulevard (Missouri Route 340) south to southern City limits of Chesterfield, with 1 exception as follows:	25
Exception 1: Riverbend Elementary School zone: 8:00 a.m. to 5:00 p.m., school days, between River Valley Court and 512 feet north of Ridge Trail Drive	20
Schoettler Road, from Clayton Road (Missouri Route HH) to Grantley Drive	40
Schoettler Road, from Grantley Road to South Outer Forty	30
South Woods Mill Road, from Brooking Park Drive south to southern City limits of Chesterfield	35
South Woods Mill Road, from Ladue Road to Brooking Park Drive	40
Spirit of St. Louis Boulevard	35
Strecker Road, from Kehrs Mill Road to Wildwood City limits	30
Swingley Ridge Drive, from Olive Boulevard (Missouri Route 340) northwestwardly to its terminus	35
White Road, between Olive Boulevard (Missouri Route 340) and Conway Road	30
Wild Horse Creek Road, from Baxter Road to Chesterfield Parkway West	40
Wild Horse Creek Road, from Baxter Road to Missouri Route 109/ Eatherton Road, with 2 exceptions as follows:	45

Table II-A

CHESTERFIELD CITY CODE

Table II-A

Location	Speed Limit (miles per hour)
Exception 1: Chesterfield Elementary School Zone when flashing, 70 feet east of Greystone Manor Parkway to Wildhorse Parkway Drive	35
Exception 2: Wild Horse Elementary School Zone when flashing, from Appaloosa Drive to 635 feet west of Baxter Road	35
Wildhorse Parkway Drive, from Wild Horse Creek Road to 186 feet north of Wildridge Drive	35
Wilson Avenue, from Clarkson Road (Missouri Route 340) to Wild Horse Creek Road	30

Schedule III
(RESERVED)

[Original Schedule III, Special Speed Limits on Highways, Roads or Streets, of Appendix C of the 1990 City Code was repealed 9-15-2014 by § 3 of Ord. No. 2810. Said original Schedule included the following ordinances prior to its repeal: Ord. Nos. 321, 382, 419, 798, 1105, 1155, 1291, 1497, 1796, 2083, 2149, 2159, 2168, 2660, and 2776. See now Schedule II, Speed Limits On Highways, Roads Or Streets.]

Schedule IV

TURNING AND DIRECTIONAL MOVEMENT RESTRICTIONS

Table IV-A. Turning And Directional Movement Restrictions.

Table IV-A. Turning And Directional Movement Restrictions.

[CC 1990 App. C Sch. IV, Tbl. IV-A; Ord. No. 307 § 1, 6-19-1989; Ord. No. 323 § 1, 7-17-1989; Ord. No. 644 § 1, 2-3-1992; Ord. No. 825 § 1, 9-7-1993; Ord. No. 1164 § 1, 5-20-1996; Ord. No. 1278 § 1, 6-16-1997; Ord. No. 1497 §§ 5, 6, 3-1-1999; Ord. No. 1498 §§ 2, 3, 3-1-1999; Ord. No. 1926 § 1, 5-5-2003; Ord. No. 2160 § 1, 3-21-2005; Ord. No. 2168 § 5, 5-2-2005; Ord. No. 2809 §§ 3, 9-15-2014]

In accordance with Chapter 325 of this Code (Code of the City of Chesterfield, Missouri), vehicular traffic shall, at certain intersections or locations, be prohibited from making a right turn, left turn, or U-turn, or from proceeding straight ahead, as specified in this schedule, provided that proper signs have been posted.

Intersection or Location	Turn Restrictions
Baxter Road and Chesterfield Manor Drive	No left turn shall be permitted into and exiting from the south entrance of 16801 Baxter Road (nearest Wild Horse Creek Road) between the hours of 6:00 a.m. and 9:00 a.m. and 4:00 p.m. and 7:00 p.m. Monday through Friday
16464 Burkhardt Place	No left turn for northbound traffic on Burkhardt Place into the south entrance of the YMCA (nearest Veterans Place Drive)
Chesterfield Airport Road, 1,500 feet west of Olive Street Road	No U-turn for eastbound traffic on Chesterfield Airport Road
Chesterfield Mall entrance at Clarkson Road (Route 340)	No left turn for traffic exiting Chesterfield Mall
Chesterfield Parkway East and Conway Road	No left turn for northbound traffic on Chesterfield Parkway East
Chesterfield Parkway East at North Outer Forty Road	No right turn for northbound traffic on Chesterfield Parkway East
Chesterfield Parkway East at northbound Clarkson Road off ramp	No left turn for westbound traffic on Chesterfield Parkway East

Intersection or Location	Turn Restrictions
Chesterfield Parkway West at east entrance of 16100 Chesterfield Parkway West	No left turn for westbound traffic on Chesterfield Parkway West into east entrance of 16100 Chesterfield Parkway West
Clarkson Road (Route 340) at Lea Oak Drive	No U-turn for westbound traffic on Clarkson Road
1789 Clarkson Road	No left turn for traffic exiting Clarkson Square Shopping Center onto Clarkson Road at entrance just north of 1789 Clarkson Road
14905 Clayton Road	No left turn for traffic exiting Mobile on the Run at Clayton Road and Baxter Road onto Baxter Road
Country Ridge Drive at Sycamore Hill Court	No U-turn for eastbound and westbound traffic on County Ridge Drive
Country Ridge Drive at White Cedar Court	No U-turn for eastbound traffic on Country Ridge Drive
Country Ridge Drive at Willow Forest Court	No U-turn for eastbound traffic on Country Ridge Drive
High Valley Drive, at end of island median 100 feet south of Olive Boulevard	No U-turn for southbound traffic on High Valley Drive
Ladue Road, 540 feet west of North/South Woods Mill Road	No U-turn for westbound traffic on Ladue Road
Olive Boulevard (Route 340) at Chesterfield Parkway East and West	No U-turn for eastbound traffic on Olive Boulevard
Olive Boulevard at Cordovan Commons Parkway	No left turn for eastbound traffic on Olive Boulevard
Olive Boulevard (Route 340) at Swingley Ridge Road	No U-turn for westbound traffic on Olive Boulevard
Olive Street Road at Old Olive Street Road	No left turn for eastbound traffic on Olive Street Road
RHL Drive at Chesterfield Airport Roads	No left turn for northbound RHL Drive traffic
Stablestone Drive, at end of island median 148 feet south of Olive Boulevard	No U-turn for southbound traffic on Stablestone Drive
St. Lukes Hospital entrance at Ladue Farms Road	No left turn for eastbound traffic on St. Lukes Hospital entrance drive
Timberlake Manor Drive at North Outer Forty Road	No right turn for northbound traffic on Timberlake Manor Drive

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TURNING AND DIRECTIONAL MOVEMENT
RESTRICTIONS

Table IV-A

Table IV-A

Intersection or Location	Turn Restrictions
Timberlake Manor Drive at South Outer Forty Road	No left turn for northbound traffic on Timberlake Manor Drive

Schedule V

THROUGH HIGHWAYS, ROADS OR STREETS

**Table V-A. Through Highways, Roads
Or Streets.**

Table V-A. Through Highways, Roads Or Streets.

[CC 1990 App. C Sch. V, Tbl. V-A; Ord. No. 321 §§ 4, 5, 7-17-1989; Ord. No. 339 § 3, 8-21-1989; Ord. No. 420 § 1, 3-5-1990; Ord. No. 620 § 1, 10-7-1991; Ord. No. 713 §§ 2, 3, 9-21-1992; Ord. No. 934 § 1, 7-18-1994; Ord. No. 1497 §§ 7, 8, 3-1-1999; Ord. No. 1515 § 1, 5-3-1999; Ord. No. 1589 § 1, 1-3-2000; Ord. No. 1712 § 1, 2-21-2001; Ord. No. 1770 §§ 1, 2, 8-6-2001; Ord. No. 1771 § 1, 8-6-2001; Ord. No. 1939 § 1, 7-7-2003; Ord. No. 2676 § 1, 10-17-2011; Ord. No. 2809 §§ 5, 6, 9-15-2014]

In accordance with the provisions of Chapter 335 of this Code, on the following designated through highways, roads or streets vehicular traffic is given preferential right-of-way and vehicular traffic from intersecting streets shall yield right-of-way in obedience to either a stop sign or a yield sign, when such signs are erected.

Appalachian Trail, except for all-way stop control at Hidden Oak Road, Still House Creek Road, and Winema Drive

August Hill Drive, except for all-way stop at Willow Weald Path/Stonebrook Court

Baxter Road, as posted by St. Louis County

Chesterfield Airport Road, as posted by St. Louis County

Chesterfield Parkway East, as posted by St. Louis County

Chesterfield Parkway West, as posted by St. Louis County

Clarkson Road, as posted by Missouri Department of Transportation

Claymont Estates Drive from Clayton Road to Baxter Road, except for all-way stop control at Forsheer Drive and Redondo Drive

Clayton Road, as posted by St. Louis County

Conway Road east of Chesterfield Parkway East, as posted by St. Louis County

Conway Road, west of Chesterfield Parkway East

Country Ridge Drive, except for all-way stop control at Cedarmill Drive, Fairway Bend, Federal Way, and Parasol Drive

Edison Avenue, east of South Goddard Avenue, except for all-way stop control at Chesterfield Industrial Boulevard, and a stop at the Central Midland Railroad spur track crossing

Edison Avenue, west of South Goddard Avenue, as posted by St. Louis County

Forest Crest Drive, except for all-way stop control at Calcutta Drive, Forestvale Drive and Manson Drive

Highcroft Drive, except for all-way stop control at Heathercroft Drive, Howehill Court, and Chequer Drive

Justus Post Road, except for all-way stop control at Walpole Drive and Milbridge Drive

Kehrs Mill Road, as posted by St. Louis County

Ladue Road (except for all-way stop control at North Greentrails Drive and South Greentrails Drive)

Long Road, as posted by Missouri Department of Transportation

Lydia Hill Drive

Highway 141, as posted by Missouri Department of Transportation

North Eatherton Road as posted by St. Louis County

North Greentrails Drive (except for all-way stops at intersections with other through streets Ladue Road and Stablestone Drive)

North Outer Forty Road, as posted by Missouri Department of Transportation or St. Louis County

North Woods Mill Road from Ladue Road to Olive Boulevard, as posted by St. Louis County

Old Baxter Road from Highcroft Drive to Baxter Road

Old Chesterfield Road

Olive Boulevard, as posted by Missouri Department of Transportation

Olive Street Road, as posted by St. Louis County

River Valley Drive, except for all-way stop control at Ridge Trail Drive and roundabout yield control at River Bend Drive

Schoettler Road

Schoettler Road Spur

Schoettler Valley Drive, except for all-way stop control at Clover Ridge Drive, and Squires Way Drive and all-way stop at intersection with other through street Highcroft Drive

South Eatherton Road, as posted by St. Louis County

South Goddard Avenue, as posted by St. Louis County

South Greentrails Drive, except for all-way stop control at Dinsmoor Drive (and all-way stop at intersection with other through street Ladue Road)

South Outer Forty Road, as posted by Missouri Department of Transportation

South Woods Mill Road, as posted by St. Louis County

Spirit of St. Louis Boulevard, as posted by St. Louis County

Stablestone Drive, except for all-way stop control at Marmont Drive and Markham Lane/Windcreek Drive

Strecker Road

Swingley Ridge Road

White Road, as posted by St. Louis County

Wild Horse Creek Road east of Baxter Road, as posted by St. Louis County

Wild Horse Creek Road west of Baxter Road, as posted by Missouri Department of Transportation

Table V-A

THROUGH HIGHWAYS, ROADS OR STREETS

Table V-A

Wildhorse Parkway Drive

Wilson Avenue

Schedule VI

INTERSECTION STOPS

Table VI-A. Intersection Stops.

Table VI-A. Intersection Stops.

[CC 1990 App. C Sch. VI, Tbl. VI-A; Ord. No. 301 § 1, 6-5-1989; Ord. No. 339 § 2, 8-21-1989; Ord. No. 403 § 1, 2-5-1990; Ord. No. 418 §§ 1, 2, 3-5-1990; Ord. No. 547 § 1, 1-21-1991; Ord. No. 593 § 1, 7-15-1991; Ord. No. 612 § 1, 9-16-1991; Ord. No. 630 § 1, 11-18-1991; Ord. No. 652 §§ 1, 2, 2-18-1992; Ord. No. 669 § 1, 4-6-1992; Ord. No. 670 § 1, 4-6-1992; Ord. No. 671 § 1, 4-6-1992; Ord. No. 683 § 1, 6-15-1992; Ord. No. 691 § 1, 7-20-1992; Ord. No. 699 § 1, 8-17-1992; Ord. No. 700 § 8-17-1992; Ord. No. 713 § 4, 9-21-1992; Ord. No. 726 § 1, 10-5-1992; Ord. No. 729 § 1, 10-19-1992; Ord. No. 742 § 1, 12-7-1992; Ord. No. 770 § 1, 4-19-1993; Ord. No. 771 § 1, 4-19-1993; Ord. No. 793 § 1, 6-21-1993; Ord. No. 794 § 1, 6-21-1993; Ord. No. 810 § 1, 7-19-1993; Ord. No. 824 § 1, 9-7-1993; Ord. No. 864 § 1, 12-20-1993; Ord. No. 908 § 1, 5-16-1994; Ord. No. 920 § 1, 6-20-1994; Ord. No. 980 § 1, 1-4-1995; Ord. No. 1046 § 1, 7-17-1995; Ord. No. 1064 § 1, 8-21-1995; Ord. No. 1065 § 1, 8-21-1995; Ord. No. 1066 § 1, 8-21-1995; Ord. No. 1077 § 1, 9-5-1995; Ord. No. 1084 § 1, 9-18-1995; Ord. No. 1085 § 1, 9-18-1995; Ord. No. 1086 § 1, 9-18-1995; Ord. No. 1087 § 1, 9-18-1995; Ord. No. 1094 § 1, 10-2-1995; Ord. No. 1095 § 1, 10-2-1995; Ord. No. 1190 § 1, 7-15-1996; Ord. No. 1191 § 1, 7-15-1996; Ord. No. 1192 § 1, 7-15-1996; Ord. No. 1258 § 1, 5-19-1997; Ord. No. 1288 § 1, 8-18-1997; Ord. No. 1289 § 1, 8-18-1997; Ord. No. 1290 § 1, 8-18-1997; Ord. No. 1323 § 1, 10-6-1997; Ord. No. 1408 § 1, 6-1-1998; Ord. No. 1429 § 1, 7-20-1998; Ord. No. 1460 § 1, 10-7-1998; Ord. No. 1476 § 1, 12-7-1998; Ord. No. 1491 § 1, 1-20-1999; Ord. No. 1497 § 9, 3-1-1999; Ord. No. 1498 §§ 4, 5, 3-1-1999; Ord. No. 1591 § 1, 1-19-2000; Ord. No. 1598 § 1, 2-7-2000; Ord. No. 1323 § 1, 10-6-1997; Ord. No. 1616 § 1, 4-17-2000; Ord. No. 1642 § 1, 7-17-2000; Ord. No. 1713 § 1, 2-21-2001; Ord. No. 1714 § 1, 2-21-2001; Ord. No. 1743 § 1, 5-21-2001; Ord. No. 1769 §§ 1, 2, 8-6-2001; Ord. No. 1897 § 1, 11-18-2002; Ord. No. 1991 § 1, 12-12-2003; Ord. No. 2051 § 1, 1-5-2004; Ord. No. 2135 § 1, 11-1-2004; Ord. No. 2136 § 1, 11-1-2004; Ord. No. 2153 § 1, 2-7-2005; Ord. No. 2168 § 6, 5-2-2005; Ord. No. 2434 § 1, 2-20-2008; Ord. No. 2435 § 1, 2-20-2008; Ord. No. 2436 § 1, 2-20-2008; Ord. No. 2629 § 1, 10-18-2010; Ord. No. 2639 § 1, 2-7-2011; Ord. No. 2684 § 1, 1-4-2012; Ord. No. 2809 §§ 7, 8, 9-15-2014; Ord. No. 2836 § 1, 3-16-2015; Ord. No. 2863 § 1, 8-17-2015]

In accordance with Chapter 335 of this Code [Code of the City of Chesterfield, Missouri], and when signs are erected giving notice thereof, traffic at the intersection listed in this schedule shall be required to stop as specified in this schedule.

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Amherst Green Court and Amherst Terrace	All-way stop

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Annasarra Court and White Lane Drive	All-way stop
Appalachian Trail and Beaver Creek Road	Beaver Creek Road (northbound)
Appalachian Trail and Cedar Creek Road	Cedar Creek Court (northbound)
Appalachian Trail and Duxbury Way	Duxbury Way (northbound)
Appalachian Trail and Eaglepass Drive	Eaglepass Drive (westbound)
Appalachian Trail and Harrisburg Court	Harrisburg Court (eastbound and westbound)
Appalachian Trail and Hidden Oak Drive	All-way stop
Appalachian Trail and Hitchcock Road	Hitchcock Road (eastbound)
Appalachian Trail and Jonesborough Road	Jonesborough Road (southbound)
Appalachian Trail and Pickett Court	Pickett Court (westbound)
Appalachian Trail and Rutland Circle	Rutland Circle (northbound)
Appalachian Trail and Salt Box Drive	Salt Box Drive (southbound)
Appalachian Trail and Still-House Creek Road	All-way stop
Appalachian Trail and Ticonderoga Drive	Ticonderoga Drive (westbound)
Appalachian Trail and Traverton Drive	Traverton Drive (northbound)
Appalachian Trail and Winema Drive	All-way stop
August Hill Drive and Stonebrook Court and Willow Weald Path	All-way stop
Baxter Crossing Lane and Westmeade Drive	Westmeade Drive (northbound and southbound)
Baxter Road and Baxter Village Drive	Baxter Village Drive (westbound)
Baxter Road and Baxton Way	Baxton Way (eastbound)
Baxter Road and Chateau Village Drive	Chateau Village Drive (westbound)
Baxter Road and Claymont Estates Drive	Claymont Estates Drive (eastbound and westbound)
Baxter Road and Country Field Drive	Country Field Drive (northbound)
Baxter Road and Heathercroft Drive	Heathercroft Drive (northbound)
Baxter Road and Isleview Drive	Isleview Drive (westbound and eastbound)
Baxter Road and Manor Creek Drive	Manor Creek Drive (southbound)

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Baxter Road and Royalbrook Drive	Royalbrook Drive (westbound)
Baxter Road and Summer Lake Drive	Summer Lake Drive (westbound)
Baxter Road and Summer Ridge Drive	Summer Ridge Drive (eastbound and westbound)
Beagle Lane and Walfield Lane	Walfield Lane (northbound)
Beechcraft Avenue and Edison Avenue	Beechcraft Avenue
Bell Avenue and Edison Avenue	Bell Avenue (northbound, southbound)
Bent Tree Drive and Wilson Road	Bent Tree Drive (westbound)
Benton Taylor Drive and Benton Taylor Lane	Benton Taylor Lane (southbound)
Blue Hill Road and Kehrs Mill Road	Blue Hill Road (southbound and northbound)
Blue Valley Avenue and Brasher Street [Ord. No. 2917 §1, 10-19-2016]	Blue Valley Avenue (west- and eastbound)
Blue Valley Avenue and Outlet Boulevard [Ord. No. 2917 §1, 10-19-2016]	Blue Valley Avenue (eastbound)
Blue Valley Avenue and Premium Way [Ord. No. 2917 §1, 10-19-2016]	Blue Valley Avenue (westbound)
Bow Tree Court and Clarkson Road	Bow Tree Court (southbound)
Boxford Court and Saylesville Drive	All-way stop
Bramblewood Court and Stablestone Drive	Bramblewood Court (northbound)
Brasher Street and Outlet Boulevard [Ord. No. 2917 §1, 10-19-2016]	Brasher Street (northbound)
Brittania Court and Brittania Drive	Brittania Court
Brittania Drive and Buckingham Drive	Buckington Drive
Brittania Drive and Gatemont Drive	Gatemont Drive
Brittania Drive and Oxborough Court	Oxborough Court
Brittania Drive and Schoettler Road	Brittania Drive (westbound)
Brook Hill Court and Brook Hill Drive	Brook Hill Court (northbound and southbound)
Brook Hill Drive and Brook Hill Ridge Drive	All-way stop
Brook Hill Lane and White Lane Drive	White Lane Drive

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Burkhardt Place and Veterans Place Drive	Veterans Place Drive (northbound)
Carriage Crossing Lane and Wild Horse Creek Road	Carriage Crossing Lane (northbound)
Cedar Forest Court and Country Ridge Drive	Cedar Forest Court (southbound)
Cedarmill Drive and Clover Ridge Drive	Clover Ridge Drive (northbound and southbound)
Cedarmill Drive and Country Ridge Drive	All-way stop
Cedarmill Drive and Summer Ridge Drive and Summer Lake Drive (east of Baxter Road)	All-way stop
Cedarmill Drive and Summer Ridge Drive (west of Baxter Road)	All-way stop
Century Lake Drive and Old Baxter Road	Century Lake Drive (westbound)
Cepi Drive and Chesterfield Airport Road	Cepi Drive (northbound)
Chamfers Farm Road and Wilson Road	Chamfers Farm Road (westbound)
Chateaugay Lane and Heather Crest Drive	Heather Crest Drive
Chequer Drive and Highcroft Drive	All-way stop
Chermore Drive and Schoettler Road	Chermore Drive (northbound and southbound)
Chesterfield Airport Road and Chesterfield Industrial Boulevard	Chesterfield Industrial Boulevard (northbound)
Chesterfield Airport Road and Goddard Avenue	Goddard Avenue (northbound and southbound)
Chesterfield Commons Drive and Commons Frontage Road	All-way stop
Chesterfield Commons Drive and THF Boulevard	THF Boulevard (eastbound and westbound)
Chesterfield Commons East Road and THF Boulevard	THF Boulevard (eastbound)
Chesterfield Commons East Road and Commons Frontage Road	Commons Frontage Road (eastbound)

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Chesterfield Estates Drive and Riverdale Circle	All-way stop
Chesterfield Industrial Boulevard and Edison Avenue	All-way stop
Chesterfield Mall North Entrance and Chesterfield Center	Chesterfield Mall North Entrance (southbound)
Chesterfield Manor Drive and LeHigh Meadows Drive	All-way stop
Chesterfield Trails Drive and Schoettler Road	Chesterfield Trails Drive (westbound)
Chesterton Lane and Clayton Road	Chesterton Lane (southbound)
Clarkson Road and Leiman Road	Leiman Road (westbound)
Clarkson Road and Park Forest Drive	Park Forest Drive (northbound)
Clarkson Road and Walden Pond Lane	Walden Pond Lane (eastbound)
Clarkson Woods Drive and Woodlet Park Court	All-way stop
Clarkwood Court and Windfall Ridge Drive	Clarkwood Court
Claymills Drive and Country Ridge Drive	Claymills Drive (southbound)
Claymont Estates Drive and Clayton Road	Claymont Estates Drive (southbound)
Claymont Estates Drive and Denwoods Drive	Denwoods Drive
Claymont Estates Drive and Forsheer Drive	All-way stop
Claymont Estates Drive and Redondo Drive	All-way stop
Claymont Estates Drive and Woodsbluff Drive	Woodsbluff Drive (eastbound)
Claymoor Drive and Clayton Road	Clayton Road
Clayton Road and Wild Wood Parkway	Wild Wood Parkway (westbound)
Clover Ridge Drive and Schoettler Valley Drive	All-way stop
Cobble Hill Court and Greentrails Drive South	Cobble Hill Court (eastbound and westbound)

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Commons Frontage Road and RHL Drive	Commons Frontage Road
Conway Road and Hunters Hill Drive	Hunters Hill Drive (northbound)
Conway Road and Still House Creek Road	Still House Creek Road (southbound)
Conway Road and Swingley Ridge Road	Conway Road
Cooperstown Drive and Greentrails Drive South	Cooperstown Drive (eastbound)
Cooperstown Drive and White Road	Cooperstown Drive (westbound)
Country Field Drive and Country Ridge Drive	Country Field Drive (southbound)
Country Field Drive and Golden Rain Drive	Golden Rain Drive (eastbound and westbound)
Southbound Country Manor Parkway and Countryside Manor Place	All-way stop
Country Mill Court and Summer Lake Drive	All-way stop
Country Ridge Drive and Courtleigh Lane	Courtleigh Lane (northbound)
Country Ridge Drive and Fairway Bend	All-way stop
Country Ridge Drive and Federal Way	All-way stop
Country Ridge Drive and Honey Ridge Court	Honey Ridge Court (northbound)
Country Ridge Drive and Kempwood Drive	Kempwood Drive (westbound)
Country Ridge Drive and Lake Clay Drive	Lake Clay Drive (eastbound)
Country Ridge Drive and Parasol Drive	All-way stop
Country Ridge Drive and Pheasant Hill Court	Pheasant Hill Court (southbound)
Country Ridge Drive and Setters Hill Court	Setters Hill Court (southbound)
Country Ridge Drive and Silverwood Lane	Silverwood Lane (eastbound and westbound)
Country Ridge Drive and Sunflower Court	Sunflower Court (southbound)

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Country Ridge Drive and Sycamore Hill Court	Sycamore Hill Court (southbound)
Country Ridge Drive and Valley Ridge Drive	Valley Ridge Drive (westbound)
Country Ridge Drive and Vineyard Lane	Vineyard Lane (southbound)
Country Ridge Drive and White Cedar Court	White Cedar Court (northbound)
Country Ridge Drive and Wide Oak Court	Wide Oak Court (southbound)
Country Ridge Drive and Willow Forest Court	Willow Forest Court (southbound)
Country Ridge Drive and Willow Lake Drive	Willow Lake Drive (northbound)
Country Ridge Drive and Winterhaven Court	Winterhaven Court
Country Ridge Drive and Woodland Field Court	Woodland Field Court
Countryside Manor Parkway and Countryside Forrest Court	All-way stop
Countryside Manor Parkway and Countryside Manor Court	All-way stop
Countryside Manor Parkway and Countryside Manor Place	All-way stop
Creve Coeur Mill Road and Amiot Court	Amiot Court (eastbound)
Creve Coeur Mill Road and Terra Vista Drive	Terra Vista Drive (eastbound)
Crosstrails Drive and Ladue Road	Crosstrails Drive (southbound)
Crossway Court and Gatemont Drive	Crossway Court
Cypress Hill Drive and Stablestone Drive	Cypress Hill Drive (westbound)
Deerhorn Drive and Greenleaf Valley Drive	All-way stop
Denwoods Drive and Isleview Drive	All-way stop
Dinsmoor Drive and Dungate Drive (east intersection)	Dungate Drive

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Dinsmoor Drive and Greentrails Drive South	All-way stop
Dungate Drive and White Road	Dungate Drive (westbound)
Eads Avenue and Goddard Avenue	Eads Avenue
Eagle Bluff Court and Riverdale Drive	All-way stop
Eagle Winds Court and Riverdale Drive	All-way stop
Edison Avenue and Goddard Avenue	Goddard Avenue (northbound and southbound)
Edison Avenue and Spirit of St. Louis Boulevard	Spirit of St. Louis Boulevard
Edison Avenue and Turbine Avenue	Turbine Avenue
Englewood Terrace and Sycamore Drive (two (2) stop signs)	All-way stop
Englewood Terrace and Terrimill Terrace	All-way stop
Farm Valley Drive and Grantley Drive	Farm Valley Drive
Forest Crest Drive and Forest Vale Drive and Calcutta Drive (west intersection)	All-way stop
Forest Crest Drive and Forest Vale Drive (east intersection)	All-way stop
Forest Crest Drive and Manson Drive	All-way stop
Georgetown Road and Schoettler Road	Georgetown Road (eastbound)
Glen Cove Drive and High Valley Drive (east intersection)	Glen Cove Drive
Glen Valley Drive and Glen Hollow Drive	Glen Hollow Drive (northbound)
Golden Rain Drive and Country Ridge Drive	Golden Rain Drive (eastbound and westbound)
Grantley Drive and Hollowtree Court	All-way stop
Grantley Drive and Schoettler Road	Grantley Drive (eastbound and westbound)
Grantley Drive and Schoettler Valley Drive	Grantley Drive (westbound)
Grantley Drive and Sycamore Manor Drive	All-way stop

Table VI-A

INTERSECTION STOPS

Table VI-A

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Green Trails Drive South and West Manor Drive	West Manor Drive (westbound)
Greentrails Drive and Ladue Road	All-way stop
Greenleaf Valley Drive and Schoettler Road	Greenleaf Valley Drive (eastbound)
Greentrails Drive North and Stablestone Drive	Greentrails Drive North
Greentrails Drive South and Hartwell Court	Hartwell Court (northbound)
Greentrails Drive South and Minitree Court	Minitree Court (southbound)
Greentrails Drive South and Tealcrest Drive	Tealcrest Drive (eastbound)
Greentrails Drive South and Trailtop Drive	Trailtop Drive northbound (two (2) stop signs)
Heather Crest Drive and Villar Hill Drive	Villar Hill Drive (southbound and northbound)
Heathercroft Drive and Highcroft Drive	Judson Manor Drive (northbound and southbound)
Heathercroft Drive and Summer Ridge Drive	Summer Ridge Drive
High Valley Drive and Olive Boulevard	High Valley Drive (northbound)
Highcroft Drive and Heffington Drive and driveway to Parkway Elementary School	Heffington Drive and the driveway to Parkway Elementary School
Highcroft Drive and Howehill Court	All-way stop
Highcroft Drive and Old Baxter Road	All-way stop
Highcroft Drive and Schoettler Road	Highcroft Drive (eastbound)
Highcroft Drive and Schoettler Valley Drive	All-way stop
Hillcrest Meadow Drive and Somerset Field Drive	All-way stop
Hunters Point and Schoettler Road	Hunters Point (southbound)
Jeffrimill Circle and Wendimill Drive	All-way stop
Judson Manor Drive and Land-O-Woods Drive	All-way stop

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Justus Post Road and Milbridge Drive	All-way stop
Justus Post Road and Walpole Drive	All-way stop
Kehrs Mill Road and Wendimill Drive	Wendimill Drive (westbound)
La Barge Drive and Land-O-Woods Drive	La Barge Drive (eastbound) and Land-O-Woods Drive (northbound)
Ladue Bluffs Crossing Drive and New Holland Drive	Ladue Bluffs Crossing Drive
Ladue Road and Lake Trails Court	Lake Trails Court (northbound)
Ladue Road and Palladian Court	Palladian Court (southbound)
Ladue Road and Portico Drive	Portico Drive (southbound)
Ladue Road and San Angelo Drive	San Angelo Drive (southbound)
Ladue Road and Saylesville Drive	Saylesville Drive (eastbound)
Ladue Road and Seabrook Drive	Seabrook Drive (southbound)
Ladue Road and Trailswest Drive (both intersections)	Trailswest Drive
Land-O-Woods Drive and Judson Manor Drive	Judson Manor Drive (eastbound and westbound)
Long Castle Forest Court and Parasol Drive	All-way stop
Markham Lane and Strawbridge Drive	All-way stop
Markham and Marmont and Stablestone Drive	All-way stop
Millbriar Circle and Westernmill Drive	All-way stop
Missouri Central Railway crossing located west of Cepi Drive and east of Goddard Avenue	Edison Avenue (eastbound and westbound)
Monterra Drive and Olive Boulevard	Monterra Drive (northbound)
New Bedford Court and Saylesville Drive	New Bedford Court (eastbound)
Oak Post Lane and Old Baxter Road	Oak Post Lane (westbound)
Oak Stand path, Oak Stand Court and Willow Weald path	Oak Stand Court (northbound)
Oak Stand path and Pine Copse Path	Oak Stand Path (northbound and southbound)
Old Baxter Road and Hedgeford Drive	Hedgeford Drive (westbound)

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Old Baxter Road and Baxter Lane	Baxter Lane (westbound)
Old Baxter Road and Century Lake Drive	Century Lake Drive (westbound)
Old Chesterfield Road and Santa Maria Drive	Santa Maria Drive (northbound)
Olive Boulevard and River Bend Drive	River Bend Drive (southbound)
Olive Boulevard and Sunbridge Drive	Sunbridge Drive (southbound)
Olive Boulevard and West Drive	West Drive (eastbound)
Olive Boulevard and Westbury Drive	Westbury Drive (northbound)
Olive Boulevard and Westernmill Drive	Westernmill Drive (northbound)
Olive Boulevard and White Plains Drive	White Plains Drive (westbound)
Outlet Boulevard and Convenience Way [Ord. No. 2917 §1, 10-19-2016]	Convenience Way (southbound)
Parasol Drive and Shadyford Court	All-way stop
Pine Copse Path and Willow Weald Path	Pine Copse Path (eastbound)
Premium Way and Outlet Boulevard [Ord. No. 2917 §1, 10-19-2016]	Premium Way (northbound)
Public Works Drive and THF Boulevard and Chesterfield Valley Drive	THF Boulevard (westbound); Chesterfield Valley Drive (eastbound)
Rainey Lake Drive and White Road	Rainey Lake Drive (westbound)
RHL Drive and THF Boulevard	THF Boulevard (eastbound, westbound)
RHL Drive and Commons Frontage Road	All-way stop
Ridge Trail Drive and River Valley Drive	All-way stop
River Valley Drive and River Way Drive	River Way Drive (westbound)
Rockmoor Drive and Schoettler Valley Drive	Rockmoor Drive (eastbound)
Rogue River Drive and White Road	Rogue River Drive (southbound)
Rogue River Drive and Winema Drive	All-way stop
Royal Crest Court and South Outer Forty	Royal Crest Court (northbound)
Santa Maria Drive and Wild Horse Creek Road	Santa Maria Drive (southbound)

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Saylesville Drive and Wethersfield Terrace Court	Wethersfield Terrace (eastbound)
Schoettler Road and Summer Blossom Lane	Summer Blossom Lane (southbound)
Schoettler Road and Sycamore Manor Drive	Sycamore Manor Drive (southbound)
Schoettler Road and Windsor Valley Court	Windsor Valley Court (westbound)
Schoettler Valley Drive and Squireway and Pine Run Drive	All-way Stop
Seven Gables Court and White Road	Seven Gables Court (eastbound)
South Outer Forty and Woodroyal East Drive	Woodroyal East Drive
South Outer Forty and Woodroyal West Drive	Woodroyal West Drive
South Outer Forty and Yarmouth Point	Yarmouth Point
Springrun Drive and Still House Creek Road	Springrun Drive (westbound)
Stablestone Court and Stablestone Drive	Stablestone Court (eastbound)
Stablestone Drive and Strawbridge Drive	Strawbridge Drive (southbound)
Stablestone Drive and Westernmill Drive	Westernmill Drive (eastbound and westbound)
Stablestone Drive and Windcreek Drive	All-way stop
Stonebriar Manor Drive and Stonebriar Ridge Drive	All-way stop
Straub Hill Lane and White Lane Drive	All-way stop
Swingley Ridge Drive and Timbervalley Road	Timbervalley Road (westbound)
Sycamore Drive and Terrimill Terrace	All-way stop
Timberlake Manor Parkway and Timberbluff Drive	Timberbluff Drive (northbound)
White Birch Valley Lane and White Road	White Birch Valley Lane (northbound)
White Lane Drive and Brookhaven Place	Brookhaven Place (southbound)
White Road and Whitree Lane	Whitree Lane (northbound)

Table VI-A

INTERSECTION STOPS

Table VI-A

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Stop
Wilson Farm Drive and Wilson Ridge Lane	All-way stop
Wilson Farm Drive and Wilson Avenue	Wilson Farm Drive (eastbound)
Wilson Forest View Court and Wilson Avenue	Wilson Forest View Court (westbound)
Wilson Manor Drive and Wilson Avenue	Wilson Manor Drive (eastbound)
Wilson Avenue and Wild Horse Creek Road	Wilson Avenue (northbound)
Wilson Avenue and Wilson Woods Court	Wilson Woods Court (westbound)

Schedule VII
YIELD INTERSECTIONS

Table VII-A. Yield Intersections.

Table VII-A. Yield Intersections.

[CC 1990 App. C Sch. VII, Tbl. VII-A; Ord. No. 547 § 2, 1-21-1991; Ord. No. 1067 § 1, 8-21-1995; Ord. No. 1177 § 1, 6-17-1996; Ord. No. 1293 § 1, 8-18-1997; Ord. No. 1497 §§ 10, 11, 3-1-1999; Ord. No. 1598 § 2, 2-7-2000; Ord. No. 1714 § 2, 2-21-2001; Ord. No. 1764 § 1, 7-16-2001; Ord. No. 2168 § 7, 5-2-2005; Ord. No. 2481 § 1, 9-15-2008; Ord. No. 2744 § 1, 5-20-2013; Ord. No. 2809 §§ 9, 10, 9-15-2014; Ord. No. 2863 § 3, 8-17-2015]

In accordance with Chapter 335 of this Code [Code of the City of Chesterfield, Missouri], and when signs are erected giving notice thereof, traffic at the intersection listed in this schedule shall be required to yield the right-of-way as specified in this schedule.

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Yield
Baxter Road and Old Baxter Road	Old Baxter Road (northbound)
Bent Tree Drive and Windfall Ridge Drive [Ord. No. 2898 § 1, 7-18-2016]	Windfall Ridge Drive (southbound)
Big Timber Lane and Chesterfield Trails Drive	Big Timber Lane (southbound)
Brittania Drive and Crossway Court	Crossway Court (eastbound and westbound)
Cedarmill Drive and Baxter Ridge Drive	Baxter Ridge Drive (northbound)
Cedarmill Drive and Ridge Lake Drive	Ridge Lake Drive (eastbound and westbound)
Chesterfield Parkway and Forest Trace Drive	Forest Trace Drive (southbound)
City Center Drive and Stemme Drive	Stemme Drive (eastbound), City Center Drive (westbound)
Clarkson Woods Drive and Federal Way	Federal Way (northbound)
Claymont Drive and Greenbriar Lane	Greenbriar Lane (northbound)
Cross Trails Drive and Parliament Drive (south intersection)	Parliament Drive (southbound)
Cross Trails Drive and Parliament Drive (north intersection)	Parliament Drive (northbound)

Intersection	Traffic on Highway, Road, Street or Alley Listed Below Shall Yield
Forest Crest Drive and Forest Vale Drive	Forest Vale Drive (southbound)
Glen Cove Drive and Westernmill Drive	Westernmill Drive (northbound and southbound)
Main Circle Drive	Main Circle Drive at Roundabout (northbound)
Monterra Drive and San Angelo Drive	San Angelo Drive (northbound)
Nooning Tree Drive and Brightfield Manor Drive	Nooning Tree (northbound and southbound) Brightfield Manor Drive (westbound)
Old Baxter Road	Old Baxter Road at Roundabout (southbound)
Park Circle Drive and Main Circle Drive	Park Circle Drive (westbound)
Summer Ridge Drive and York Ridge Court	York Ridge Court (eastbound and westbound)
Summer Ridge Drive and Sumter Ridge Court	Sumter Ridge Court (eastbound and westbound)
West Manor Drive and Penshurst Place, (western intersection)	Penshurst Place (westbound)
Yarmouth Point Drive and Candish Lane	Candish Lane (northbound)

Schedule VIII

(RESERVED)

[Original Schedule VIII, School Stops, of Appendix C of the 1990 City Code was repealed 9-15-2014 by § 1 of Ord. No. 2811. Prior to its repeal, Schedule VIII was adopted and amended 11-19-1990 by Ord. No. 527 § 1, and 5-2-2005 by Ord. No. 2168 § 8.]

Schedule IX
PARKING RESTRICTIONS

Table IX-A. Parking Restrictions.

Table IX-A. Parking Restrictions.

[CC 1990 App. C Sch. IX, Tbl. IX-A; Ord. No. 321 § 3, 7-17-1989; Ord. No. 342 § 1, 9-5-1989; Ord. No. 417 § 1, 3-5-1990; Ord. No. 702 § 1, 8-17-1992; Ord. No. 1007 § 1, 3-6-1995; Ord. No. 1047 § 1, 7-17-1995; Ord. No. 1076 § 1, 9-5-1995; Ord. No. 1104 § 1, 11-6-1995; Ord. No. 1163 § 1, 5-20-1996; Ord. No. 2007 § 1, 8-19-1996; Ord. No. 2041 § 1, 10-7-1996; Ord. No. 1234 § 1, 3-3-1997; Ord. No. 1380 § 1, 3-2-1998; Ord. No. 1381 § 1, 3-2-1998; Ord. No. 1392 § 1, 5-4-1998; Ord. No. 1497 §§ 12, 13, 3-1-1999; Ord. No. 1508 § 1, 3-15-1999; Ord. No. 1516 § 1, 5-3-1999; Ord. No. 1529 § 1, 7-19-1999; Ord. No. 1530 § 1, 7-19-1999; Ord. No. 1744 § 1, 5-21-2001; Ord. No. 1797 § 1, 10-15-2001; Ord. No. 1896 § 1, 11-18-2002; Ord. No. 1916 § 1, 2-19-2003; Ord. No. 1925 § 1, 5-5-2003; Ord. No. 1972 § 1, 10-20-2003; Ord. No. 2121 § 1, 9-8-2004; Ord. No. 2127[a] § 1, 10-4-2004; Ord. No. 2127 §§ 1, 2, 11-1-2004; Ord. No. 2168 § 9, 5-2-2005; Ord. No. 2210 § 1, 10-17-2005; Ord. No. 2233 § 1, 1-18-2006; Ord. No. 2311 § 1, 11-6-2006; Ord. No. 2472 § 1, 8-4-2008; Ord. No. 2473 § 1, 8-4-2008; Ord. No. 2485 § 1, 10-6-2008; Ord. No. 2503 § 1, 12-1-2008; Ord. No. 2514 §§ 1, 2, 3-16-2009; Ord. No. 2601 § 1, 4-21-2010; Ord. No. 2602 § 1, 4-21-2010; Ord. No. 2659 § 1, 8-15-2011; Ord. No. 2693 § 1, 2-22-2012; Ord. No. 2730 § 1, 12-3-2012; Ord. No. 2788 § 1, 4-23-2014; Ord. No. 2809 §§ 11, 12, 9-15-2014]

In accordance with Chapters 355 and 365 of this Code (Code of the City of Chesterfield, Missouri), parking shall, on certain roads or streets or parts thereof, be prohibited or limited as described in this schedule.

Part of Road Or Street Where Parking Is Regulated	Parking Restrictions
Amiot Court, east side, from south curb of Creve Coeur Mill Road, 75 feet south	No parking anytime
Amiot Court, west side, from south curb of Creve Coeur Mill Road, 55 feet south	No parking anytime
Appalachian Trail, both sides (with the exception of marked parking spaces), from Olive Boulevard south to Beaver Creek Road	No parking anytime
August Hill Drive, north and south sides of August Hill Drive, from its intersection with Baxter Road, eastwardly to a point 200 feet east of the intersection with Willow Weald Path [Ord. No. 2882 §1, 1-20-2016]	No parking anytime

Part of Road Or Street Where Parking Is Regulated	Parking Restrictions
August Hill Drive, south sides of August Hill Drive, from its intersection with Baxter Road, eastwardly to its terminus, when it becomes Lydia Hill Drive [Ord. No. 2882 §1, 1-20-2016]	No parking anytime
Baxter Ridge Drive, east side, from its intersection with Cedarmill Drive southwardly for 150 feet	No parking anytime
Baxter Ridge Drive, west side, from its intersection with Cedarmill Drive southwardly to its intersection with Kersten Ridge Drive	No parking anytime
Beechcraft Avenue, both sides, from Edison Avenue south to its terminus	No parking anytime
Bell Avenue, both sides, from Edison Avenue south to its terminus	No parking anytime
Carriage Crossing Lane, fire lane, southwest end of cul-de-sac at its southern terminus	No parking anytime
Chesterfield Airport Road, north side, from Baxter Road to Chesterfield Commons East Road	No parking anytime
Chesterfield Airport Road, south side, from Baxter Road to entrance of Petropolis - Silver Maple Farms at 16830 Chesterfield Airport Road	No parking anytime
Chesterfield Airport Road, south side, from Long Road to a point approximately 471 feet east of Long Road	No parking anytime
Chesterfield Industrial Boulevard, from Chesterfield Airport Road south to its termination at the cul-de-sac	No parking on both sides of the street
Chesterfield Mall, on all driveways within the mall complex except the Sears merchandise pickup drive	No parking anytime, fire lanes included
Chesterfield Mall, Sears merchandise pickup drive, both sides	Assigned parking for call-in pickups
Chesterfield Ridge Circle, fire lane, at its southern terminus	No parking anytime
Chesterfield Ridge Circle, fire lane, west side of road, from Clarkson Road north and east approximately 550 feet	No parking anytime
City Center Drive, both sides, Stemme Drive to Chesterfield Parkway West	No parking anytime
Clarkson Woods Drive, both sides, from Clarkson Road to Federal Way	No parking, 8:00 a.m. to 10:00 a.m., and 2:30 p.m. to 3:30 p.m., school days
Conway Road, both sides, from Chesterfield Parkway East for a distance approximately 310 feet west of Chesterfield Parkway East	No parking anytime

Part of Road Or Street Where Parking Is Regulated	Parking Restrictions
Cordovan Commons Parkway, south side only	No parking anytime
Country Lake Estates Drive, fire lane, south side of 1439 Country Lake Estate Drive	No parking anytime
Country Ridge Drive, both sides, from a distance approximately 130 feet east of Clarkson Road to Clarkson Road	No parking, 8:00 a.m. to 10:00 a.m., and 2:30 p.m. to 3:30 p.m., school days
Country Ridge Drive, both sides, from a distance approximately 130 feet east of Clarkson Road to White Cedar Court	No parking, 8:00 a.m. to 10:00 a.m., and 2:30 p.m. to 3:30 p.m., school days
Country Ridge Drive, both sides, from White Cedar Court to Federal Way	No parking, 8:00 a.m. to 10:00 a.m., school days
Cross Trails Drive, west side, from Ladue Road to Augusta Drive	No parking anytime
Crystal Springs Drive, fire lane, at its intersection of Chesterfield Farms and Wildhorse Springs subdivisions	No parking anytime
Deerhorn Drive, both sides, from Greenleaf Valley Drive to its terminus, including cul-de-sac	No parking anytime
Eagle Point Court, both sides	No parking, 8:00 a.m. to 10:00 a.m., school days
Edison Avenue, both sides, from Goddard Avenue eastwardly to Baxter Road	No parking anytime
Edison Avenue, both sides, from Goddard Avenue westward to its terminus at a point approximately 1,000 feet west of Turbine Avenue	No parking anytime
Equestrian Pointe Court, fire lane, east side of cul-de-sac at its northeastern terminus	No parking anytime
Federal Way, both sides, from the intersection with Country Ridge Drive, northwardly to a point 150 feet north of the intersection with Eagle Point Court	No parking, 8:00 a.m. to 10:00 a.m., school days
Goddard Avenue, both sides, from Chesterfield Airport Road to Edison Avenue	No parking anytime
Goddard Avenue, west side of road, from Edison Avenue south to its terminus at the airport	No parking anytime
Jeffreys Crossing Lane, cul-de-sac at northern terminus	No parking anytime
Jonesborough Road, fire lane, at end of cul-de-sac at its northern terminus	No parking anytime

Part of Road Or Street Where Parking Is Regulated	Parking Restrictions
Judson Manor Drive, west side, from the intersection of Land-O-Woods Drive northwardly to the cul-de-sac	No parking anytime
Justus Post Road, both sides, its entire length extending from its intersection with Chesterfield Parkway West southwardly to its intersection with Baxter Road	No parking anytime
Kehrs Mill Road, east side, fire lane, across from Goddard School	No parking anytime
Ladue Bluffs Crossing Drive, south side only, from Olive Boulevard to New Holland Drive	No parking anytime
Ladue Road, south side, from Greentrails Drive to eastern lot line of 14270 Ladue Road	No parking anytime
Ladue Road, south side, between the two entrances to 14000 Ladue Road, or from east entrance of 14000 Ladue Road to Saylesville Drive	No parking anytime
Land-O-Woods Drive, north side, from North Woods Mill Road to its terminus	No parking anytime
Leiman Drive (both sides) from its intersection with Old Clarkson Road westward to its intersection with Clarkson Road	No parking anytime
Long Road Crossing Drive, both sides, from Chesterfield Airport Road north to eastern entrance of business at 722 Long Road Crossing Drive	No parking anytime
Lydia Hill Drive, south side, from Chesterfield Parkway West to its terminus when it becomes August Hill Drive	No parking anytime
Lydia Hill Drive, north side, from Veteran's Place Drive east to Chesterfield Parkway West	No parking anytime
New Holland Drive, west side only, from Cordovan Commons Parkway to Ladue Bluffs Crossing Drive	No parking anytime
New Holland Drive, no parking fire lane, east side, from a point 120 feet southwest of and to Ladue Bluffs Crossing Drive	No parking anytime
Nooning Tree Drive, both sides, from the intersection with Olive Boulevard to its intersection with Nooning Tree Court	No parking school days 9:00 a.m. till 3:00 p.m.
Nooning Tree Drive at its intersection with Brightfield Manor Drive, no parking fire lane	No parking anytime
North Beechcraft Avenue, both sides, from Edison Avenue north to its terminus	No parking anytime
North Bell Avenue, both sides, from Edison Avenue north to its terminus	No parking anytime

Table IX-A

PARKING RESTRICTIONS

Table IX-A

Part of Road Or Street Where Parking Is Regulated	Parking Restrictions
North Eatherton Road, east side, from Centaur Road to Wings Corporate Drive	No parking anytime
North Outer Forty Road, between the eastern and western entrances to Bonhomme Presbyterian Church	No parking anytime
North Outer Forty, north side, from roundabout at its western terminus eastwardly to east end of CVAC property line (822 feet east of most eastern entrance to CVAC)	No parking anytime
North Woods Mill Road, both sides, from Olive Boulevard north to its terminus	No parking anytime
Old Baxter Road, west side of cul-de-sac, at its northern terminus	No parking anytime
Old Clarkson Road, cul-de-sac at its southern terminus	No parking anytime
Olive Boulevard, south side, from North Woods Mill Road to Woodchase Lane	No parking anytime
Olive Boulevard, north side, from North Woods Mill Road west to first entrance of Forum Shopping Center	No parking anytime
Palomino Hill Court, no parking fire lane, between 355 and 361 Palomino Hill Court	No parking anytime
Portico Drive, east side only, from Ladue Road to Chellington Court	No parking anytime
Post Road, both sides, from North Woods Mill Road eastwardly 1,100 feet	No parking anytime
Public Works Drive, both sides, from Chesterfield Airport Road to Edison Avenue	No parking anytime
Rainy Lake Drive, north side, from Wainridge Drive to a point 70 feet east of Wainridge Drive	No parking anytime
RHL Drive, both sides, from Chesterfield Airport Road to Edison Avenue	No parking anytime
River Valley Drive, both sides, from Ridgecrest Drive to the northern City limits [Ord. No. 2892 § 1, 5-15-2016]	No parking anytime
Rustic Carousel Court, fire lane, west side of 15100 Rustic Carousel Court	No parking anytime
Santa Maria Drive, west side only, from Old Chesterfield Road to Wild Horse Creek Road	No parking anytime
Schoettler Road, both sides, from South Outer Forty southwardly to Highcroft Drive	No parking anytime

Part of Road Or Street Where Parking Is Regulated	Parking Restrictions
Schoettler Road, east side, fire lane at the adjoining lot lines of 1862 and 1962 Schoettler Road	No parking anytime
Schoettler Valley Drive, east side, from Chesterfield Parkway East north 212 feet	No parking anytime
Schoettler Valley Drive at South Outer Forty, east side of Schoettler Valley Drive, from South Outer Forty south 100 feet	No parking anytime
Schoettler Valley Drive, east side, 20 feet north and south of entrance to 15450 South Outer Road Office Building parking lot Schoettler Valley Drive entrance	No parking anytime
Schoettler Valley Drive, west side, Chesterfield Parkway East to Black Birch Drive	No parking anytime
Schoettler Valley Drive, west side, Wishwood Court to Chesterfield Parkway East	No parking anytime
Silver Buck Lane, east side, from its intersection with Wild Horse Creek Road to approximately 1,350 feet north, transitioning to the south side for the next approximate 400 feet, transitioning to the west side for the next approximate 350 feet, transitioning to the south side for the next approximate 150 feet to the terminus of Silver Buck Lane at the western property line of 17655 Wild Horse Creek Road. The regulated part of Silver Buck Lane can also be described as the side of the street with even numbered addresses in Bur Oaks subdivision [Ord. No. 2885 §1, 2-1-2016]	No parking anytime
Silverthorne Lane, fire lane, at terminus	No parking anytime
Spirit of St. Louis Airport Terminal, entrance driveway, both sides, between Edison Avenue and Edison Avenue	No parking anytime
Spirit of St. Louis Boulevard, both sides, from Chesterfield Airport Road to Edison Avenue	No parking anytime
Sportsmen Hill Drive, east side, no parking here to corner, 65 feet south of and to Kehrs Mill Road	No parking anytime
Sportsmen Hill Drive, west side, Kehrs Mill Road to Scenic Green Court	No parking anytime
Squires Way Drive, fire lane, east side of cul-de-sac at its eastern terminus	No parking anytime
Stemme Drive, both sides, Swingley Ridge Drive to City Center Drive	No parking anytime

Part of Road Or Street Where Parking Is Regulated	Parking Restrictions
Straub Hill Lane, both sides, along its entire length from the eastern terminus at the cul-de-sac within Brookhill Estates Addition, Plat Three, and extending to its intersection with White Lane Drive	No parking, school days between the hours of 8:00 a.m. and 10:00 a.m., and 2:00 p.m. and 4:00 p.m.
Summer Blossom Lane, fire lane access next to driveway of address 14510 Summer Blossom Lane	No parking anytime
Swingley Ridge Drive, both sides, from Olive Boulevard north and west to its terminus west of Chesterfield Parkway West	No parking anytime
Swingley Ridge Road both sides, from Olive Boulevard to its eastern intersection with Chesterfield Parkway East	No parking anytime
Sycamore Hill Court, both sides	No parking, 8:00 a.m. to 10:00 a.m., and 2:30 p.m. to 3:30 p.m., school days
Thornhill Terrace Drive, no parking fire lane, north side, 505 feet west of White Road	No parking anytime
Timberlake Manor Parkway, on the east side from the South Forty Outer Road to Timberbluff Drive	No parking anytime
Timberlake Manor Parkway, north side only, from Timberway Court to Timberbluff Drive	No parking anytime
Timberlake Manor Parkway, on the west side, from the South Forty Outer Road to Timberbluff Drive	No parking anytime
Trailtop Drive, both sides and cul-de-sac, from southern lot lines of 14161 and 14164 Trailtop Drive through to end of cul-de-sac	No parking, 6:00 p.m. to 6:00 a.m.
Turbine Avenue, both sides, from Edison Avenue south to its terminus	No parking anytime
Veterans Place Drive, both sides (excluding marked parallel parking spots), from Burkhardt Place to Lydia Hill Drive	No parking anytime
W.F. Dierberg Meditation Park parking lot	No parking 10:00 p.m. to 6:00 a.m.
Wellington Estates Drive, along its entire length from the northern terminus at the cul-de-sac within Wellington Estates Subdivision and extending to its intersection with Clayton Road	No parking, both sides, school days between the hours of 8:00 a.m. and 10:00 a.m., and 2:00 p.m. and 4:00 p.m.
Wellington Estates Manor along its entire length from the southern terminus at the cul-de-sac within Wellington Estates Subdivision, and extending to its intersection with Wellington Estates Drive	No parking, both sides, school days between the hours of 8:00 a.m. and 10:00 a.m., and 2:00 p.m. and 4:00 p.m.

Part of Road Or Street Where Parking Is Regulated	Parking Restrictions
Westridge Meadow Drive at end of cul-de-sac, no parking fire lane between lot lines of 17100 and 17101 Westridge Meadow Drive	No parking anytime
West Drive, both sides, from Olive Boulevard (Missouri Route 340) northwardly to its terminus	No parking anytime
White Cedar Court	No parking, 8:00 a.m. to 12:00 p.m., school days
White Plains Drive, west side (southbound), sign at entrance to subdivision	No parking anytime
White Road, both sides, from Olive Boulevard to Thornhill Terrace Drive	No parking anytime
Wild Horse Creek Road, south side in front of Chesterfield Elementary School, from 70 feet east of west entrance to 70 feet west of east entrance	No parking anytime
Wildhorse Parkway Drive, southbound, west side, from Wild Horse Creek Road to Blackwood Court and Little Leaf Court to Horse Creek Court	No parking anytime
Wildhorse Parkway Drive, northbound, east side, from Horse Creek Court to Wild Horse Creek Road	No parking anytime
Willow Forest Court, both sides	No parking 8:00 a.m. to 10:00 a.m. and 2:30 p.m. to 3:30 p.m., school days
Willow Ridge Lane, both sides, north of Country Ridge Drive	No parking 8:00 a.m. to 10:00 a.m., school days
Willow Ridge Lane, both sides, south of Country Ridge Drive	No parking 8:00 a.m. to 10:00 a.m., school days
Wings of Hope Boulevard, from its intersection with Spirit of St. Louis Boulevard, westward and northwardly to Chesterfield Airport Road	No parking anytime

Schedule X
TAXICAB STANDS

Table X-A. Taxicab Stands.

Table X-A. Taxicab Stands.

[CC 1990 App. C Sch. X, Tbl. X-A]

Part of Highway, Road or Street Where Taxicab Stands Are Established

(Reserved)

Schedule XI

ONE-WAY ROADS, STREETS AND ALLEYS

**Table XI-A. One-Way Roads, Streets
And Alleys.**

Table XI-A. One-Way Roads, Streets And Alleys.

[CC 1990 App. C Sch. XI, Tbl. XI-A; Ord. No. 2168 § 10, 5-2-2005; Ord. No. 2809 §§ 13, 14, 9-15-2014]

In accordance with Chapter 330 of this Code (Code of the City of Chesterfield, Missouri), vehicular traffic within the limits of the roads, streets or alleys herein described, 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.

Description of Road, Street or Alley	Direction of Traffic
North I-64 service road (North Outer Forty, from Olive Boulevard (Missouri Route 340) westward to Chesterfield Parkway West	Westbound
North I-64 service road (North Outer Forty, from the western City limit of Town and Country westward to Chesterfield Parkway East	Westbound
South I-64 service road (South Outer Forty), from Clarkson Road (Missouri Route 340) westward to Chesterfield Parkway West	Eastbound
South I-64 service road (South Outer Forty), from the western City limit of Town and Country westward to Chesterfield Parkway East	Eastbound
Schoettler Road Spur from Schoettler Road to Chesterfield Parkway East	Westbound
Spirit of St. Louis Boulevard, east side, between Chesterfield Airport Road and Edison Avenue	Northbound
Spirit of St. Louis Boulevard, west side, between Chesterfield Airport Road and Edison Avenue	Southbound

Schedule XII

REGULATION OF THE KINDS AND CLASSES OF TRAFFIC ON CERTAIN ROADS

Table XII-A. Regulation Of Kinds And Classes Of Traffic On Certain Roads.

Table XII-A. Regulation Of Kinds And Classes Of Traffic On Certain Roads.

[CC 1990 App. C Sch. XII, Tbl. XII-A; Ord. No. 592 § 1, 7-15-1991; Ord. No. 690 § 1, 7-20-1992; Ord. No. 1497 §§ 14, 15, 3-1-1999; Ord. No. 2168 § 11, 5-2-2005; Ord. No. 2784 § 1, 3-3-2014, Ord. No. 2809 §§ 15, 16, 9-15-2014]

In accordance with Chapter 365 of this Code (Code of the City of Chesterfield, Missouri), no person shall operate any commercial motor vehicle or other designated vehicle at any time on roads or streets described in this schedule, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise upon the restricted streets.

Part of Road or Street	Regulation
Appalachian Trail from Olive Boulevard to White Road	Commercial vehicles prohibited
Cedarmill Drive from Baxter Road to Country Ridge Drive	Commercial vehicles prohibited
Clarkson Woods Drive from Clarkson Road to Park Forest Drive	Commercial vehicles prohibited
Claymont Estates Drive from Clayton Road to Baxter Road	Commercial vehicles prohibited
Country Field Drive from Baxter Road to Country Ridge Drive	Commercial vehicles prohibited
Country Ridge Drive from Baxter Road to Schoettler Valley Drive	Commercial vehicles prohibited
Grantley Drive from Schoettler Road to Schoettler Valley Drive	Commercial vehicles prohibited
Greentrails Drive South from White Road to Ladue Road	Commercial vehicles prohibited
Heathercroft Drive from Baxter Road to Highcroft Drive	Commercial vehicles prohibited

Part of Road or Street	Regulation
Highcroft Drive from Schoettler Road to Baxter Road	Commercial vehicles prohibited
Isleview Drive from Baxter Road to terminus	Commercial vehicles prohibited
Monterra Drive from Olive Boulevard to Portico Drive	Commercial vehicles prohibited
Portico Drive from Monterra Drive to Ladue Road	Commercial vehicles prohibited
River Valley Drive from Olive Boulevard to Waterworks Road	Commercial vehicles prohibited, except when Creve Coeur Mill Road is flooded and impassable between Waterworks Road and Olive Street Road
San Angelo Drive from Monterra Drive to Ladue Road	Commercial vehicles prohibited
Schoettler Valley Drive from Chesterfield Parkway East to Country Ridge Drive	Commercial vehicles prohibited
Spirit of St. Louis Boulevard, median crossover, 600 feet north of Edison Avenue	Through trucks in excess of 6 tons prohibited
Stablestone Drive from Ladue Road to Olive Boulevard	Commercial vehicles prohibited
Summer Lake Drive from Baxter Road to Cedarmill Drive	Commercial vehicles prohibited
Summer Ridge Drive from Baxter Road to Cedarmill Drive	Commercial vehicles prohibited
South Eatherton Road from Centaur Road to Wild Horse Creek Road	No through tractor trailers
Wilson Road from Clarkson Road to Wild Horse Creek Road	Commercial vehicles prohibited

Schedule XIII

PARKING RESTRICTIONS ON CERTAIN PARKING LOTS

**Table XIII-A. Parking Restrictions On
Certain Parking Lots.**

Table XIII-A. Parking Restrictions On Certain Parking Lots.

[CC 1990 App. C Sch. XIII, Tbl. XIII-A; Ord. No. 2809 §§ 17, 18, 9-15-2014]

Part of Parking Lot Where Parking Is Regulated	Regulation
Chesterfield Plaza, within 25 feet of the west side of the commercial building at 13463 through 13419 Olive Boulevard	No parking anytime
Hilltown Village Center, on all driveways within the complex located on the northeast corner of Olive Boulevard and Chesterfield Parkway West	No parking anytime
Spirit of St. Louis Airport Terminal building parking lot, directly east of terminal building	No parking except for county officials and employees designated by the Director of the Spirit of St. Louis Airport
Spirit of St. Louis Airport Terminal parking lot, directly west of terminal building	No parking except for county officials and employees designated by the Director of the Spirit of St. Louis Airport

Schedule XIV
(RESERVED)

[Original Schedule XIV, No Turn on Red Traffic Signal, of Appendix C of the 1990 City Code, adopted and amended by Ord. No. 921, § 1, 6-20-1994; Ord. No. 2168, § 12, 5-2-2005, was repealed 9-15-2014 by § 2 of Ord. No. 2811.]

Schedule XV
(RESERVED)

[Original Schedule XV, Through Traffic Prohibited, of Appendix C of the 1990 City Code, adopted and amended by Ord. No. 303 §§ 1, 2, 6-5-1989; Ord. No. 2168 § 13, 5-2-2005, was repealed 9-15-2014 by § 3 of Ord. No. 2811.]

Schedule XVI

EMERGENCY SNOW ROUTES

Table XVI-A. Emergency Snow Routes.

Table XVI-A. Emergency Snow Routes.

[CC 1990 App. C Sch. XVI, Tbl. XVI-A; Ord. No. 542 §§ 1, 2, 1-21-1991; Ord. No. 1497 §§ 16, 17, 3-1-1999; Ord. No. 2681 § 1, 11-21-2011; Ord. No. 2809 §§ 19, 20, 9-15-2014]

In accordance with the provisions of Chapter 355 of this Code, on the following designated Emergency Snow Routes, parking is prohibited if Emergency Snow Route signs are erected and snow or ice accumulation is over two (2) inches.

Emergency Snow Route	Limits of Emergency Snow Route
Appalachian Trail	Olive Boulevard to cul-de-sac south of White Road
August Hill Drive	Baxter Road to Chesterfield Park Drive
Brittania Drive	Schoettler Road to dead end
Brook Hill Drive	Schoettler Road to Brook Hill Ridge Drive
Cedarmill Drive	Country Ridge Drive to Baxter Road
Chateau Village Drive	Baxter Road to Greenberry Hill Lane
Chesterfield Center East	South Outer Forty Road to Clarkson Road
Chesterfield Farms Drive	Baxter Road to Chesterfield Manor Drive
Chesterfield Mall Entrance	Clarkson Road to Chesterfield Center
Chesterfield Manor Drive	Chesterfield Farms Drive to Baxter Road
Chesterfield Trails Drive	Schoettler Road to dead end
City Center Drive	Chesterfield Parkway West to Stemme Drive
Clarkson Woods Drive	Clarkson Road to Park Forest Drive
Claymont Estates Drive	Clayton Road to Greenberry Hill Lane
Clover Ridge Drive	Cedarmill Drive to cul-de-sac
Country Ridge Drive	Clarkson Road to Schoettler Valley Drive
Cross Trails Drive	Ladue Road to Parliament Drive
Denwoods Court	Denwoods Drive to cul-de-sac
Denwoods Drive	Lochcrest Drive to Denwoods Court

Emergency Snow Route	Limits of Emergency Snow Route
Drummer Lane	Wildhorse Parkway Drive to end of street
Edison Avenue	Goddard Avenue to Baxter Road
Forest Crest Drive	Markham Lane to Woods Mill Road
Glen Cove Drive	Glen Valley Drive to Stablestone Drive
Grantley Drive	Schoettler Road to Schoettler Valley Drive
Greenberry Hill Lane	Chateau Village Drive to Claymont Estates Drive
Greenleaf Valley Drive	Schoettler Road east to cul-de-sac
Greentrails Drive, North and South	White Road to Forest Crest Drive
Highcroft Drive	Old Baxter Road to Schoettler Road
High Valley Drive	Glen Cove Drive to Olive Boulevard
Hog Hollow Road	Olive Boulevard to City limit
Isleview Drive	Baxter Road to Lochcrest Drive
Justus Post Road	Chesterfield Parkway West to Baxter Road
Ladue Road	Olive Boulevard to Highway 141
Lochcrest Drive	Isleview Drive to Denwoods Drive
Lydia Hill Drive	Chesterfield Park Drive to Chesterfield Parkway West
Markham Lane	Marmont Drive to Forest Crest Drive
Marmont Drive	Portico Drive to Markham Lane
Monterra Drive	Olive Boulevard to Portico Drive
Old Baxter Road	Baxter Road to Hedgeford Drive
Old Chesterfield Road	Baxter Road to Wild Horse Creek Road
Old Clarkson Road	Baxter Road to dead end
Outlet Boulevard	Olive Street Road to cul-de-sac
Park Forest Drive	Clarkson Road to Clarkson Woods Drive
Parliament Drive	Cross Trails Drive to Forest Crest Drive
Portico Drive	Monterra Drive to Ladue Road
Premium Way	Olive Street Road to Outlet Boulevard
River Valley Drive	Olive Boulevard to City limit
Schoettler Road	Schoettler Road Spur to Clayton Road

Table XVI-A

EMERGENCY SNOW ROUTES

Table XVI-A

Emergency Snow Route	Limits of Emergency Snow Route
Schoettler Road Spur	Schoettler Road to Chesterfield Parkway East
Schoettler Valley Drive	Country Ridge Drive to South Outer Forty Road
Stablestone Drive	Greentrails Drive North to Olive Boulevard
Stemme Drive	Swingley Ridge Drive to City Center Drive
Still House Creek Road	Conway Road to cul-de-sac
Swingley Ridge Drive	Olive Boulevard to cul-de-sac
Swingley Ridge Road	Olive Boulevard to Chesterfield Parkway East
Timberlake Manor Parkway Drive	South Outer Forty Road to cul-de-sac
West Drive	Olive Boulevard to cul-de-sac
Wilson Avenue	Wild Horse Creek Road to Clarkson Road
Wildhorse Parkway Drive	Wild Horse Creek Road to Drummer Lane
Yarmouth Point Drive	South Outer Forty Road to Amstel Court

Schedule XVII

(RESERVED)

[Former Schedule XVII, Designated School Zones, of Appendix C of the 1990 City Code, adopted Ord. No. 2084, § 5, 5-3-2004, was repealed 9-15-2014 by § 4 of Ord. No. 2811.]

Chapter 400

PLANNING

ARTICLE I In General

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Section 400.020. Procedures For Processing Of Site Plans And Development For Existing Zoning Prior To Incorporation Of City.

Section 400.030. Changes Of Zone, Variance, Filing Of Subdivision Plats And Plan Review — Fees And Deposits.

Section 400.040. through Section 400.090. (Reserved)

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Section 400.120. Number Of Members And Qualifications.

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Section 400.160. Duties Of Commission.

Section 400.170. All Plats Of Proposed Subdivision To Be Submitted To Commission For Recommendation.

Section 400.180. Appeal May Be Taken From Decision And Rulings Of Commission.

Section 400.190. Use Of Unapproved Plat In Sale Of Land — Penalty — Vacation Or Injunction Of Transfer.

Section 400.200. through Section 400.250. (Reserved)

ARTICLE I
In General¹

Section 400.010. Comprehensive Plan — Adopted — Final Form — Use.²

[CC 1990 § 23-1; Ord. No. 124 §§ 1 — 3, 6-20-1988; Ord. No. 422 §§ 1 — 3, 3-5-1990]

- A. The document entitled City of Chesterfield Comprehensive Plan, approved by the Planning Commission with its accompanying Zoning District Maps on February 12, 1990 as presented to this Council, is hereby adopted by the City of Chesterfield to be known as the Comprehensive Plan for the City of Chesterfield including the Zoning District Maps (1 — 36).
- B. The Department of Planning, Public Works and Parks is directed to place the Comprehensive Plan in final form for its use by the Planning Commission, the general public and to be recorded with the Recorder of Deeds of St. Louis County.
- C. The Planning Commission is to consider the Comprehensive Plan as a flexible guideline and when reviewing petitions for the rezoning of property or comparable proceedings brought before it, the Commission is instructed to weigh the desirability of such rezoning in light of such changes in population projections and public welfare needs as may then be brought to its attention by the Department of Planning. As information is developed, the Planning Commission is directed to bring to the attention of this Council or any future Council such adjustments in the Comprehensive Plan as are necessary to ensure the coordinated growth of the City, where such adjustments do not involve a particular rezoning application; but no failure to explicitly modify the Comprehensive Plan shall operate to deny or prejudice any person seeking rezoning or other development permission.

Section 400.020. Procedures For Processing Of Site Plans And Development For Existing Zoning Prior To Incorporation Of City.³

[CC 1990 § 23-2; Ord. No. 31 §§ 1 — 3, 6-1-1988]

- A. All site plans, development plans or subdivision plans submitted to the City for zoning that existed prior to the incorporation of the City, to include planned districts and special districts, shall be approved by the Planning Commission.

1. Cross References: As to department of planning, public works and parks, §§ 120.260 et seq.; as to office of director of planning, public works and parks, § 120.280; as to advertising and signs, ch. 407; as to buildings and building regulations, ch. 500; as to human rights and fair housing code, §§ 230.010 et seq.; as to numbering of buildings, §§ 500.400 et seq.; as to emergency management, ch. 225; as to development of disaster plan, § 225.090; as to grading, erosion and sediment control, ch. 420; as to flood damage prevention, ch. 415; as to establishment of a development permit for areas of special flood hazard, § 415.200; as to provisions for flood reduction, §§ 415.310 et seq.; as to fire lanes, § 355.170; as to abatement of nuisances, §§ 215.040 — 215.050; as to streets and sidewalks, ch. 505; as to zoning, ch. 405; as to subdivision regulations, ch. 410.

State Law References: City planning generally, §§ 89.300 — 89.490, RSMo.

2. Cross Reference: As to zoning, ch. 405.

3. Cross References: As to zoning, ch. 405; as to subdivision regulations, ch. 410.

- B. All cases dealing with residential, single-family detached dwellings shall not require final approval of the Commission, but may be given approval by the consultant hired by the City or by the City's planning staff as the case may be.
- C. The initial review process under this Section may be by a subcommittee established by the Planning Commission of not less than three (3) Commission members. Said subcommittee shall make recommendations to the full Commission regarding final approval.

Section 400.030. Changes Of Zone, Variance, Filing Of Subdivision Plats And Plan Review — Fees And Deposits.⁴

[CC 1990 § 23-3; Ord. No. 121 § 1, 6-6-1988]

- A. The City or its subcontractors shall collect the following fees:
 - 1. Subdivision Review Fees.
 - a. Filing Fee. There shall be a three hundred fifty dollar (\$350.00) filing fee accompanying the submission of a proposed preliminary plat, except where previously reviewed under the special procedure section of the Zoning Ordinance, in which case there shall be no fee. Credit shall be given to the developer for fifty percent (50%) of the filing fee at the time of submission of a proposed record plat. There shall be a seventy-five dollar (\$75.00) filing fee for a minor subdivision plat, condominium plat, boundary adjustment or lot split approval.
 - b. Subdivision Permit Fees.
 - (1) There shall be an eighteen dollar (\$18.00) per lot subdivision permit fee accompanying the submission of a proposed residential record plat.
 - (2) There shall be a nine dollar (\$9.00) per dwelling unit subdivision permit fee accompanying the submission of a proposed record plat for multiple-family dwelling unit subdivision.
 - (3) There shall be a subdivision permit fee accompanying the submission of a proposed record plat for a non-residential subdivision. The fee shall be calculated as follows: Eighty-five dollars (\$85.00) per acre for the first twenty (20) acres; an additional fifty-five dollars (\$55.00) per acre for each acre over twenty (20) up to one hundred (100) acres; an additional thirty dollars (\$30.00) per acre for each acre over one hundred (100) up to two hundred (200) acres. There shall be no additional fee for applications for tracts in excess of two hundred (200) acres.
 - c. Display Plat Permit Fee. There shall be a one hundred fifteen dollar (\$115.00) filing fee plus fifty dollars (\$50.00) per unit fee accompanying the submission of a display plat.

⁴ Cross References: As to zoning, ch. 405; as to subdivision regulations, ch. 410.

- d. Highway Inspection Fee. The department shall also collect inspection fees at the rate of twenty-four dollars (\$24.00) per hour, based upon the Planning and Development Services Director's estimate of time required to inspect storm sewers and other drainage structures and the streets, public or private, including paving and sidewalks. The City shall be entitled to full compensation for the time consumed in making such inspections. If the estimated fee is inadequate, the necessary additional fees shall be collected by the department upon notice from the City and if the estimated fee is in excess of the amount actually expended, the balance shall be refunded by the City. Claims for such refunds shall be paid when audited and approved by the Director of Planning, Public Works and Parks.
 - e. In addition to all fees provided for herein, the developer shall pay for and arrange for inspections by the City as may be required by other ordinances and regulations of the City of Chesterfield.
 - f. The department shall at the end of each month account for the inspection fees collected for the account of the City and shall pay the same into the Road and Bridge Fund of the City of Chesterfield.
 - g. There shall be a fifty-five dollar (\$55.00) review fee accompanying an application for variance to this Section.
2. Fees.
- a. The following fees are established for the filing of vacation petitions and special use permits:
 - (1) Vacation permits: two hundred dollars (\$200.00).
 - (2) Special use permit, per unit: fifty dollars (\$50.00).
 - b. There shall be no filing fee for grading permits, but the permittee shall pay for required inspection. Each inspection required shall be paid at the rate of twenty-four dollars (\$24.00) per hour based on the Planning and Development Services Director's estimate of the time required to perform the additional inspections. If the estimated fee is inadequate, the necessary additional fees shall be paid to the City upon notice of the City and if the fee is in excess of the amount actually expended, the balance shall be refunded by the City.
 - c. Half of the vacation petition fee shall be credited to the special Road and Bridge Fund with the balance credited to the General Revenue Fund.
 - d. Special use permit and grading inspection fees shall be credited to the special Road and Bridge Fund.
3. Fees To Be Collected At Time Of Filing Of Petition Or Application — Fee Schedule For Change Of Zoning District — District Classification, Conditional Use Permit And Landmark Preservation Area Procedure, Etc.
- a. In the administration of the provisions of this Section, the Planning and Development Services Director shall collect fees, at the time of the filing of

a petition or an application, for the various procedures as stated in this Section.

- b. The filing fees for a petition for change of zoning district boundaries, district classification, conditional use permit or landmark and preservation area procedure shall be based on the area contained in the property in question according to the following schedule:

Acreage	Fees
2 or less	\$350.00
2.1 to 4	\$430.00
4.1 to 6	\$500.00
6.1 to 8	\$560.00
8.1 to 10	\$600.00
10.1 to 20	\$630.00
20.1 to 30	\$660.00
30.1 to 40	\$690.00
40.1 to 50	\$720.00
50.1 to 60	\$750.00
60.1 to 70	\$780.00
70.1 to 80	\$810.00
80.1 to 100	\$840.00
More than 100	\$870.00

- c. The application fee for a mixed use development shall be three hundred fifty dollars (\$350.00) plus the fees normally assessed for rezoning petitions, based on property area.
- d. The application fee for a planned environment unit permit shall be three hundred fifty dollars (\$350.00) plus three dollars (\$3.00) for each dwelling unit contained in the proposed development.
- e. The application fee for a commercial/industrial designed development permit shall be three hundred fifty dollars (\$350.00).
- f. The application fee for a density development shall be three hundred fifty dollars (\$350.00), of which one hundred seventy-five dollars (\$175.00) shall be credited against record plat review under the subdivision regulations of the City of Chesterfield. Payment of said fee to the Planning and Development Services Director shall be verified by receipt on the filing of such application. No portion of said fee shall be refundable subsequent to filing with the City.

- g. The fees to be charged for the various procedures in this Section are not refundable, except where a petition or application is withdrawn prior to advertising or posting of public hearing notices for the petition and then only by order of the City Council.

Section 400.040. through Section 400.090. (Reserved)

ARTICLE II

Planning And Zoning Commission⁵

Section 400.100. Purpose.

[CC 1990 § 23-16; Ord. No. 27 § 1, 6-1-1988]

The purpose of this Article is hereby to create a Planning and Zoning Commission; establish the number of members, qualifications, method of appointment and the terms of office of the Planning and Zoning Commission; and describe the powers and duties of the Planning and Zoning Commission.

Section 400.110. Established.

[CC 1990 § 23-17; Ord. No. 27 § 2, 6-1-1988]

A Planning and Zoning Commission for the City of Chesterfield is hereby established and hereafter will be known as the Planning Commission.

Section 400.120. Number Of Members And Qualifications.

[CC 1990 § 23-18; Ord. No. 2582 § 1, 12-9-2009]

- A. The Planning Commission is a statutory committee of the City of Chesterfield. A statutory committee is a board, commission or committee which is established pursuant to a specific State enabling Statute or established pursuant to a specific ordinance as approved by the City Council.
- B. The Planning Commission shall consist of nine (9) citizen voting members as nominated by the Mayor and approved by the City Council and shall also include the Mayor, if the Mayor chooses to be a member, and a member of the City Council selected by the City Council, if the Council chooses to have a member serve on the Commission, as non-voting members.
- C. All citizen members shall be registered voters and have been a resident of the City for not less than one (1) year preceding the date of appointment.
- D. A person, upon accepting membership to this statutory committee, must:

5. Cross References: As to department of planning, public works and parks, §§ 120.260 et seq.; as to boards, commissions, committees, etc., §§ 125.010 et seq.

State Law Reference: Planning and zoning commission, § 89.070, RSMo.

1. Resign from any other statutory committee; and
2. Resign as Chair or leader of any other City committee, commission, board or task force, however a person may retain membership on a City committee, commission, board or task force if desired.

Section 400.130. Method Of Appointment.

[CC 1990 § 23-19; Ord. No. 27 § 4, 6-1-1988]

The citizen members of the Commission shall be appointed by the Mayor with the consent and approval of the majority of the members of the City Council upon enactment of this Article. Thereafter, any vacancy occurring in a citizen membership shall be filled as provided in Section 400.140(A).

Section 400.140. Terms Of Office.

[CC 1990 § 23-20; Ord. No. 27 § 5, 6-1-1988; Ord. No. 247 § 1, 2-6-1989; Ord. No. 933 § 1, 7-18-1994]

- A. The terms of the citizen membership of the Commission shall be for a period of four (4) years from the date of their appointment by the Mayor, unless said appointment is to fill an unexpired term under which condition the appointment shall be for the unexpired term being filled. The terms of all appointments made shall be a term ending on the first (1st) Monday in June of each respective year or until such member has been replaced in accordance with the City ordinances. The terms of all currently appointed Commission members shall be extended until the first (1st) Monday in June in the fourth (4th) year of their appointment.
- B. Their terms shall be specified by the Mayor at the time of their appointment. Thereafter, all members shall be appointed for a term of four (4) years. Appointments for any unexpired term shall be for the unexpired terms being filled. The terms shall expire on the Monday preceding the Chesterfield municipal election in April of each respective year.
- C. Any citizen member of the Commission may be removed by a majority of the City Council at any time, for cause stated in writing after a public hearing held seven (7) days from such notice and decision rendered within seven (7) days after said hearing.

Section 400.150. Powers Of Commission.

[CC 1990 § 23-21; Ord. No. 27 § 6, 6-1-1988]

- A. The Commission shall have the necessary power and authority and is hereby authorized to:
 1. Adopt and promulgate and amend rules, regulations and procedures, not inconsistent with the law and ordinances of the City, for the operation of said Commission and carrying out of the provisions of this Article.

2. Have general supervision of the enforcement of any Zoning Ordinances enacted by the City Council.
3. Prepare a zoning plan for the City which shall conform to the provisions of Sections 89.010 through 89.144, RSMo., and Sections 89.300 through 89.490, RSMo., as amended; or shall hereafter be revised or amended, and which shall include recommendations to the City Council relating to, among other things:
 - a. The height, number of stories and size of buildings and other structures within the City.
 - b. The percentage of lots that may be occupied within the City.
 - c. The size of yards, courts and other open spaces within the City.
 - d. The density of population within the City.
 - e. The preservation of features of historical significance within the City.
 - f. Location and use of buildings, structures and land for trade, industry, residence or other purposes within the City.
 - g. The division of the City into districts and the regulation and restriction of the erection, construction or reconstruction, alteration or use of buildings, structures or land thereon.
 - h. Recommend to the Mayor and City Council programs for public improvements and the financing thereof.
 - i. Enter upon any land to make examinations and surveys in the performance of its functions.
4. Adopt a Comprehensive City Plan as defined in Section 89.340, RSMo.

Section 400.160. Duties Of Commission.**[CC 1990 § 23-22; Ord. No. 27 § 7, 6-1-1988]**

- A. The duties of the Commission shall be as follows:
 1. Make recommendations to the Mayor and the City Council related to:
 - a. The boundaries of the various zoning districts and appropriate regulations to be enforced therein; make a preliminary report of same; hold public hearings thereon and submit to the Mayor and the City Council its final reports of same and thereafter make recommendations to the Mayor and the City Council as to amendments, modifications or revisions of such final plan.
 - b. The locations, length, width, naming or arrangement of any street, boulevard, highway, alley, waterway, bridge, viaduct, park, playground or other public places or improvements.

- c. The platting of public property into lots, plots, streets, boulevards, highways, waterways, alleys, transportation or other channels for communication of any kind.
 - d. The design, location and grouping of public buildings.
 - e. The design and location of power and lighting plants.
 - f. The design and location of memorials, works of art.
 - g. The design and location of street lighting standards.
 - h. The general location and extent of communication and power poles lines above or below ground and other public utilities and terminals whether publicly or privately owned.
 - i. The design and location of billboards or projection signs.
 - j. Rules, regulations, procedures and minimum standards for the subdivision of land within the City as set forth in the ordinance (Chapter 410) and amendments thereto.
2. Recommendations to the Mayor and City Council pursuant to Section 400.160(1) shall only be made after first holding at least one (1) public hearing thereon as provided in Section 89.360, RSMo., and upon a vote for adoption of such recommendation by a vote of a majority of the full membership of the Commission.
 3. Hear all applications and hold public hearings for special use permits, planned commercial districts and any other change of zoning and forward such applications to the Mayor and the City Council with its recommendations. The Commission shall, within seventy-five (75) days from the date on which such application is referred, render a full report to the Mayor and the City Council regarding its findings and recommendations. A majority of the City Council may extend the period of time in which the report is to be submitted upon written request from the Chairman of Planning and Zoning Commission.
 4. The recommendations of the Commission shall not be binding upon the City Council which may approve or disapprove the Commission's recommendations. However, in the event of a disapproval by the Commission of any application made pursuant to Subsection (3), the Commission shall communicate its reasons for disapproval to the Council and thereafter the City Council may overrule such disapproval only upon a vote of not less than three-fourths (3/4) of its entire membership. No planning recommendation in proposed Zoning Ordinance or any modification amendment or revision thereof shall be considered by the City Council until and unless the same shall have been first submitted to the Commission for its examination and recommendation thereon.
 5. Perform such other duties as may be provided by law, ordinance or resolution of the City Council.

6. The Commission shall elect from its citizen members a Chairman, Vice Chairman and Secretary at its first (1st) meeting after the annual City election or as soon thereafter as possible.
7. The Commission shall make monthly reports, including minutes of all meetings, to the Mayor and City Council covering activities, investigations, transactions and recommendations and such other reports relative thereto as may be deemed proper or as required by the Mayor or City Council. These reports shall be public records.
8. The Commission shall appoint the employees and staff necessary to carry out the provision of this Article and may contract with City planners and other professional persons for the services it requires.
9. The salaries or compensation of any person separately employed by the Commission shall be fixed by resolution of the City Council.
10. The Commission shall submit an annual budget to the City Council. The City Council shall annually fix a sum to be used for the management and jurisdiction of the Commission; however, the Commission shall at no time incur expenses or obligate the City Council for any amount in excess of the appropriation made by the City Council for operating expenses as provided for in this Section.
11. The Commission shall hold regularly scheduled monthly meetings and all such meetings shall be public meetings. In addition, special meetings shall be called as required by the Mayor, City Council or by the Chairman of the Commission. All members shall be given written notice within a minimum of five (5) days of all special meetings, whether held in public or in executive session, unless waived by the individual members. All meetings of the Commission shall be conducted according to the rules adopted by it, but in absence of such rules, then Robert's Rules of Order shall apply, unless the Commission determines that a variance from such rules is desirable.

Section 400.170. All Plats Of Proposed Subdivision To Be Submitted To Commission For Recommendation.

[CC 1990 § 23-23; Ord. No. 27 § 8, 6-1-1988]

All plats of proposed subdivision shall, before being approved by the City Council, be submitted to the Commission for consideration and recommendation thereon.

Section 400.180. Appeal May Be Taken From Decision And Rulings Of Commission.

[CC 1990 § 23-24; Ord. No. 27 § 9, 6-1-1988]

Appeal may be taken from any decision or rulings of the Commission to the Board of Adjustment as provided for in this Code, which Board shall hear and pass on such appeals.

Section 400.190. Use Of Unapproved Plat In Sale Of Land — Penalty — Vacation Or Injunction Of Transfer.**[CC 1990 § 400.190]**

No owner, or agent of the owner, of any land located within the platting jurisdiction of the City, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Council or Planning Commission and recorded in the office of the appropriate County Recorder unless the owner or agent shall disclose in writing that such plat has not been approved by such Council or Planning Commission and the sale is contingent upon the approval of such plat by such Council or Planning Commission. Any person violating the provisions of this Section shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The City may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

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Cross References: Department of Planning, Ch. 120, Art. III; Board of Adjustment, Ch. 125, Art. II; aviation, Ch. 245; buildings and building regulations, Ch. 500; motor vehicles and traffic, Title III; parks and recreation, Ch. 220; streets and sidewalks, Ch. 505.

State Law References: Zoning generally, § 89.010 RSMo. et seq.; subdivisions and plats, § 89.400 et seq., RSMo; plats generally, § 445.010, RSMo. et seq.

ARTICLE 01

General Provisions

Section 405.01.010. Short Title.

[CC 1990 § 31-01-01; Ord. No. 2801¹ § 3 (Exh. A), 6-16-2014]

This Unified Development Code shall be known and may be cited as the "Unified Development Code of the City of Chesterfield, Missouri," although it may be referred to hereafter as the "Unified Development Code" or the "UDC."

Section 405.01.020. Purpose.

[CC 1990 § 31-01-02; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

The purpose of the UDC is as follows:

- A. Promote public health, safety and general welfare, while recognizing the rights of real property owners and providing for administrative procedures and development standards.
- B. Prevent the overcrowding of land and avoid undue concentration of population by creating zoning districts consistent with the character of each area within the City and its particular uses and by adopting an Official Zoning Map consistent with the creation of such districts.
- C. Lessen congestion in the streets and secure safety from natural disaster, fire, panic and other dangers by establishing density regulations within each zoning district and further

1. Editor's Note: Section 1 of this ordinance described the boundaries of the City of Chesterfield. This description is on file and may be examined in the City offices.

by providing a means by which the rate of growth within the City can be monitored and managed.

- D. Facilitate the adequate provision of transportation, water, sewerage, drainage, schools, parks, and other public requirements by providing a means for regulating the impact of development on community infrastructure.
- E. Regulate subdivision and development of land, ensuring its orderly development and the concurrent provision of appropriate and necessary public facilities.
- F. Maintain a balance between the total development in the City and the capacity of the City and its infrastructure to serve such development.
- G. Protect designated corridors, natural resource areas, historic areas, and scenic areas within the City by establishing conservation areas, and overlay zoning districts, and by establishing regulations related to the preservation of quality aesthetic and environmental standards.
- H. Help achieve the goals, objectives, and policies of the City of Chesterfield Comprehensive Plan.
- I. Carry out such other purposes in the public interest as may be specifically cited hereinafter.

Section 405.01.030. Applicability.

[CC 1990 § 31-01-03; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. General.

- 1. District Regulations. The use and development of land and structures within any zoning district are limited to those uses and developments set forth in those sections of this UDC as applicable to such district.
- 2. Building Permits. No building permit shall be issued for the erection, reconstruction or alteration of any structure, or part thereof, nor shall any such improvement be started until approved by the Department of Public Services (the Department). No building permit shall be issued for any building unless such building is in conformity with the provisions of this UDC.
- 3. Occupancy Permits. No building or structure or part thereof shall hereafter be constructed or altered until issuance of a proper permit. No new use, extension or alteration of an existing use, or conversion from one use to another shall be allowed in any building, structure or land or part thereof until issuance of a proper permit; except that no permit shall be required for the raising of agricultural crops, orchards or forestry. No occupancy permit shall be issued for any use or change in use unless such use or change in use is in conformity with the provisions of this UDC.

- B. Exclusions. The provisions of this UDC shall not apply to building demolition material sites lawfully operated in accordance with the provisions of Chapter 621, SLCRO 1964,

as amended, nor to the extraction of sand and gravel from stream beds conducted in accordance with the provisions of Chapter 1006, SLCRO 1964, as amended.

Section 405.01.040. Authority.

[CC 1990 § 31-01-04; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

The authority to adopt and enforce this UDC is granted to the City of Chesterfield, Missouri, pursuant to Chapter 89, RSMo.

Section 405.01.050. Jurisdiction.

[CC 1990 § 31-01-05; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

The provisions of this UDC shall apply to all properties within the jurisdictions of the City of Chesterfield and shall govern development and use of the land. No building shall be erected or structurally altered nor shall any land development activity take place unless it conforms to the provisions of this UDC. Uses of property shall be limited by the provisions of this UDC.

Section 405.01.060. Comprehensive Plan.

[CC 1990 § 31-01-06; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

The Comprehensive Plan shall recommend long-range development patterns and programs for all land within the City of Chesterfield. The Comprehensive Plan shall include, but not be limited to, the following elements:

- A. A population element, which considers historic trends and projections, household numbers and sizes; educational levels; income characteristics; and other demographic information.
- B. An economic element, which considers labor force and labor force characteristics; employment by place of work and residence; and analysis of the economic base.
- C. A natural resources element, which considers slope characteristics, prime agricultural and forest land; plant and animal habitats; parks and recreation areas; scenic views and sites; wetlands; and soil types.
- D. A cultural resources element, which considers historic buildings and structures; unique commercial or residential districts; natural and scenic resources; archeological and other cultural resources.
- E. A community facilities element, which considers the transportation network; water supply, treatment and distribution; sewage system and wastewater treatment; solid waste collection and disposal; fire protection; emergency medical services; general government facilities; education facilities; libraries; and other community facilities.
- F. A housing element, which considers location, types, age and condition of housing; owner and renter occupancy; and affordability of housing.

- G. A land use element, which considers existing and future land use by categories, including residential, commercial, industrial, agricultural, recreation, parks, open space, and vacant and undeveloped land.
- H. Any other element determined to be necessary.

Section 405.01.070. Repeal Of Conflicting Ordinances.**[CC 1990 § 31-01-07; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

All ordinances and parts of ordinances relating to planning and zoning previously adopted by the City Council, including special procedure ordinances and all orders or parts of orders adopted by the City Court of Chesterfield, which are inconsistent with any provision of this Article, are repealed to the extent of such inconsistency. An ordinance or part of an ordinance shall be deemed inconsistent with this Article if it establishes a regulation or authorization which is inconsistent with a regulation or authorization under the new provisions of this UDC.

Section 405.01.080. Effective Date.**[CC 1990 § 31-01-08; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

This UDC is effective within the jurisdiction of the City of Chesterfield as of June 16, 2014. All ordinances in conflict are hereby repealed to the extent of their inconsistency.

Section 405.01.090. Severability.**[CC 1990 § 31-01-09; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this UDC or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this UDC, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

Section 405.01.100. Transitional Provisions.**[CC 1990 § 31-01-10; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

- A. **Violations Continue.** Any violation of the previous zoning, subdivision, or other ordinances that are now made a part of the UDC of the City shall continue to be a violation under this UDC and shall be subject to penalties and enforcement under Article 08 of this UDC, unless the use, development, construction or other activity is consistent with the express terms of this UDC.
- B. **Completion Of Development; Complete Applications Submitted Before June 16, 2014.** Any application as related to this UDC, submitted on or before June 16, 2014, may be

reviewed and approved or denied in conformance with the terms and conditions applicable at the time of submittal.

- C. Plans And Plats Submitted On Or Before June 16, 2014. Any development for which a plan or plat was submitted on or before June 16, 2014, may be granted approval and may subsequently be developed in accordance with the approved plan or plat. If a final plan or plat for a development is not approved within any applicable time requirements established by the previous ordinance requirements, the Planning Commission may grant a time extension of not more than twenty-four (24) months. If the final plan or plat is not submitted and reviewed by the end of the granted extension, then such development shall be required to adhere to the strict compliance with the requirements of this UDC.

Section 405.01.110. Administrative And Decisionmaking Authorities.

[CC 1990 § 31-01-11; Ord. No. 2801 § 3 (Exh. A), 6-16-2014; Ord. No. 2978, 1-17-2018]

- A. Refer to Chapters 110, 115, 120, 125 and 400 of the City of Chesterfield City Code for the following entities: City Council, Planning and Public Works Committee, Planning Commission, Board of Adjustment and Public Works Board of Variance.
- B. Architectural Review Board.
1. An Architectural Review Board (hereafter referred to as "ARB") is hereby established.
 2. Purpose. The purpose of the ARB is to protect the character of the City of Chesterfield by requiring that all development and redevelopment projects submitted to the City of Chesterfield during the Site Development Plan and the Site Development Section Plan process be reviewed by the ARB in order to achieve the following goals:
 - a. Ensuring that high standards of architectural design and materials are used for development in the City of Chesterfield.
 - b. Preserving and improving the value of property within the City of Chesterfield.
 - c. Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors, and shoppers; thereby supporting and promoting business, commerce and industry, and providing economic benefit to the City.
 - d. Provide Recommendations To The Planning Commission. The Planning Commission shall consider any recommendations or comments provided by the ARB. The Planning Commission may consider, accept, modify, or reject such recommendations in whole or part at their sole discretion.
 - e. Review projects for consistency with the City of Chesterfield Architectural Review Design Standards while making recommendations to the Planning Commission on potential modifications or enhancements to architectural submissions.

3. **Composition Of The ARB.** The Chesterfield ARB shall consist of seven (7) members, and the desired composition of the Board is two (2) commercial architects, two (2) residential architects, two (2) landscape architects and one (1) affiliate in a related field. Preference in the selection shall be given to members who are residents of the City of Chesterfield or whose business is located in the City of Chesterfield, all of whom shall be appointed by the Mayor with the consent of the City Council. The Chair of the Planning Commission shall appoint a member to act as Liaison to the ARB, as provided for in the Planning Commission By-Laws. Said Liaison may be rotated between interested members of the Planning Commission at the discretion of the Planning Commission Chair. The Planning Commission Liaison representative shall not vote and may not serve as an ARB officer.
4. **ARB Terms.** The terms of office of the members of the ARB shall be for two (2) years. Mid-term vacancies shall be filled for the remaining unexpired term only by Mayoral appointment. The ARB shall schedule at least twelve (12) meetings per year and any member of the ARB who fails to attend at least fifty percent (50%) of all meetings, regular and special, in any calendar year, will be replaced on the Board.
5. **ARB Officers.** Officers shall consist of a Chair and a Vice-Chair elected by the ARB membership. Officers shall each serve a term of one (1) year and shall be eligible for re-election; but no member shall serve as Chair for more than two (2) consecutive years. The Planning Commission Liaison shall not be eligible for office. The ARB Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both are absent, those present shall elect a temporary Chair.
6. **ARB Meetings.** A quorum shall exist when four (4) of the appointed members are in attendance at a meeting. All decisions or actions of the ARB shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the ARB at the beginning of each calendar year or at any time upon the call of the Chair, but not less than twelve (12) times each year. No member of the ARB shall vote on any matter that may materially or apparently affect the property, income, or business of that member. All members shall abide by any other City policies as to conflict of interest. All meetings of the ARB shall be open to the public. The Director of Planning and Development Services shall provide staff to keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed and retained by the Department and shall be public record.
7. **Powers And Duties Of The ARB.** The ARB shall have the following powers and duties:
 - a. To make recommendations to the Planning Commission regarding architectural elevations and all other architectural matters, including amendments thereto, which are forwarded or assigned to be reviewed by the ARB;

- b. Responsibilities and duties to be assigned or amended by City Council.

ARTICLE 02

Development Review And Appeals Process**Section 405.02.010. Contents Of Article.**

[CC 1990 § 31-02-01; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

This Article contains all provisions relating to processing of development applications, Zoning Map amendments, special procedures, subdivision, and other land development related procedures.

Section 405.02.020. Public Hearing.

[CC 1990 § 31-02-02; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. Published And Posted Notice; General.

1. **Applicability.** This Section applies to petitions to amend, supplement or change the regulations, zoning district boundaries or classification of property now or hereafter established or any other permit or request that requires a public hearing.
2. **Petition Completeness.** The Department of Public Services (the Department) shall, within fifteen (15) calendar days of receipt of any petition for change of zoning or special procedure permit accompanied by the appropriate filing fees, notify in writing all parties of interest as named in the petition, including the project engineer, architect, and developer, as applicable, either that the petition is certified as meeting all pertinent submittal requirements and will be scheduled for hearing by a specified date or specifically in what manner the petition does not comply with minimum petition submission requirements. If the Department does not respond in writing within fifteen (15) days, the petition may be deemed accepted and shall be scheduled for public hearing within the period established by the applicable provisions of this Article. If the petition has been determined not to comply with minimum petition requirements, the parties so notified shall be required to submit additional information or otherwise correct any noted deficiencies within fifteen (15) days from receipt of the Department's letter. If the deficiencies are not corrected within the fifteen-day period, the Department shall return the petition to the petitioner.
3. **Hearing Date.** Upon filing with the Planning and Development Services Director a petition to amend, supplement or change the regulations, zoning district boundaries or classification of property now or hereafter established, or upon initiation of a resolution of intention by the Planning Commission or the City Council, a public hearing shall be set before the Planning Commission within ninety (90) days.
4. **Notice Provided.** The applicant shall provide notice to all adjacent property owners of his or her request and the public hearing at least seven (7) calendar

days prior to said public hearing. Upon scheduling of a public hearing for the same, the Department shall:

- a. Provide notice per Chapters 89 and 493 RSMo. and
 - b. Post public hearing sign(s) on the site for which the public hearing is being held; and
 - c. Send notice of the public hearing to one (1) paper of general circulation to be advertised fifteen (15) calendar days in advance of the public hearing; and
 - d. Send notice of the public hearing to property owners within two hundred twenty-five (225) feet of the subject site and all residential subdivision trustees within one (1) square mile of the subject site as the information is available to the City.
5. **Penalty For Removal Or Replacement Of Signs.** Any person or persons, firm, association, or corporation, who shall remove, mar, scratch, obliterate or in any manner deface, hide from view or tamper with any such sign or signs shall be deemed guilty of a violation of this Unified Development Code (UDC) and, upon conviction, shall be punished as provided for in Article 08 of this UDC.

Section 405.02.030. Procedure For Amending Zoning District Boundaries Or Classifications Of Property.

[CC 1990 § 31-02-03; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. **Scope Of Provisions.** This Section contains procedures for amending the zoning district boundaries or classification of property. Included are regulations for the filing of petitions, required public hearing notices and powers of the Planning Commission and the City Council in reviewing requested changes.
- B. **General Provisions.**
 1. **City Council Action.** Whenever the public necessity, convenience, general welfare, and good zoning practice require, the City Council may, after a public hearing and report thereon by the Planning Commission and subject to the procedure provided in this Section, amend, supplement, or change the regulations, zoning district boundaries or classification of property now or hereafter established by this Article.
 2. **Simultaneous Public Hearings Allowed.** The Planning Commission may hold a public hearing on a petition for a change of zoning to any zoning district, and a petition for a planned district or a special procedure at the same public hearing and on the same parcel of land, and make recommendations thereon.
 3. **Initiating An Amendment, Supplement, Reclassification Or Change.** An amendment, supplement, reclassification or change may be initiated by the Planning Commission or the City Council, or by a verified application of one (1) or more of the owners or authorized representatives of the owners of property within the area proposed to be changed.

4. Denial And Reconsideration. If an application for the amendment, supplement, reclassification or change of any property is denied by the City Council, the matter may be reconsidered if any member of the City Council introduces a motion for reconsideration at either of the next two (2) regularly scheduled meetings after the denial, and said motion is passed by a majority of the entire City Council. If the matter is not reconsidered within said period, no subsequent application requesting the same classification of conditional use permit of, or with reference to, the same property or part thereof shall be filed with the Department within twelve (12) months from the date of the receipt and filing by the City Council of the Planning Commission's report on the application. If a bill granting or denying the application is not introduced in the City Council within ninety (90) days after a report thereon by the Planning Commission is received by the City Council at a regular meeting, it shall be deemed denied unless extended by resolution of the City Council during the ninety-day period.
- C. Petition For Zoning Map Amendment.
1. Form Of Petition And Filing Fees. Petitions for any change of zoning district boundaries or any reclassification of districts, as shown on the Zoning District Maps, shall be addressed to the City Council and filed with the Planning and Development Services Director upon forms prescribed for that purpose by the Commission and accompanied by such data and information so as to assure the fullest practicable presentation of facts. At the time the petition is filed, the fees established by this UDC shall be paid to the City of Chesterfield.
 2. Petition Verification Required. Each such petition, other than those initiated by the Planning Commission or the City Council, shall be verified by at least one (1) of the owners or authorized representatives of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented therein.
 3. Additional Petition Requirements. The Planning Commission may require perspectives and/or 3-D models, which may include other properties, for change of zoning petitions if:
 - a. The petitioned site is adjacent to residential development; or
 - b. The petitioned site has a grade differential of three to one (3:1) or more; or
 - c. The proposed development contains multiple buildings; or
 - d. Necessary to better understand the proposed development.
 4. Meetings With Adjacent Property Owners. The petitioner shall be required to meet or make a good faith and diligent attempt to meet with adjacent property owners at least seven (7) days prior to the public hearing concerning the petition. Verification of the above shall be provided to the Department prior to the public hearing.
- D. Notice. Requirements for public notice are listed in Section 405.02.020 of this Article.
- E. Planning And Development Services Director Review And Report. The Planning and Development Services Director shall submit a written or oral report to the Planning

Commission prior to the forwarding of a decision or recommendation by the Planning Commission to the City Council.

- F. Approval Of Change Of Zoning/Zoning Map Amendment Portion Of Property. The Planning Commission may recommend that a petition for a change of zoning district classification be approved, approved as amended or denied for all or part of the property described in the petition. The City Council may enact by ordinance such a partial granting of a petition for a change in zoning district classification.
- G. Approval Of Different Classification. The Planning Commission may recommend and the City Council may enact by ordinance a zoning district classification other than that requested in the petition, provided that the recommendation or ordinance is for a district classification of the same use type as that requested by the petitioner. This shall apply to all commercial, industrial and residential zoning districts.
- H. City Action On Request For Withdrawal. Any request for withdrawal of a legally filed application for amendment or supplement to the City of Chesterfield UDC may be denied, approved with prejudice, or approved without prejudice by the Planning Commission.
- I. Time Limitation On Petitions. Petitions for Zoning Map amendments and ordinance amendments must be scheduled for subsequent meetings before the Planning Commission within six (6) months of the time of their public hearing. If a petition is not scheduled for subsequent meetings within six (6) months, then the petition shall be deemed automatically inactive by the Department unless delay is approved by the Planning Commission.
1. "Inactive status" is defined as the period that is more than six (6) months after the public hearing and is no longer progressing forward as set out above. Once a petition is in the inactive status it may not proceed forward unless it complies with all of the following:
 - a. New review and public hearing fees have been paid to the Planning and Development Services Director; and
 - b. A new public hearing has been scheduled.
 2. An inactive petition shall remain inactive until it complies with the provisions above or until such time as the Planning Commission or City Council directs that the petition be considered for withdrawal or review. Inactive status of a petition is not considered a "withdrawal" under Section 405.02.030(H) of this Article.
 3. Before the time that a petition is deemed inactive, the petitioner may request an extension of the time limitations from the Planning Commission. If the petitioner does not request an extension, then he or she must comply with Section 405.02.030(I)(1) of this Article.
 - a. Requests for extension must be submitted in writing and include:
 - (1) Specific reason as to why an extension is needed;
 - (2) The petitioner's plan for addressing the issues involving why an extension is needed; and

- (3) The amount of time being requested.
- b. If an extension is approved, said extension shall not exceed six (6) months and each petition is limited to one (1) extension.
- 4. Said petition shall be managed by the Department as if it were an initial review. If the petition is reviewed by the Planning Commission or City Council at their request, then the petition will be reviewed based upon the status of the submittal at the date it became inactive.

Section 405.02.040. Procedure For Establishing Planned Districts And Special Procedures.

[CC 1990 § 31-02-04; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. Applicability. The requirements of this Section shall apply to all proposed developments attempting to establish a planned district or to utilize a special procedure. Further, this Section shall also apply to any proposed amendment to an existing planned district or special procedure.

1. Planned districts are as follows:

Planned Commercial District	PC
Planned Commercial District	C8
Planned Industrial District	PI
Planned Industrial District	M3
Urban Core District	UC
Medical Use District	MU
Neighborhood Business District	NB
Mixed Use District	MXD
Planned Commercial & Residence District	PC&R
Planned Unit Development	PUD

2. Special procedures are as follows:

Adult Entertainment Area	AEA
Conditional Use Permit	CUP
Residence Business Use Procedure	RBU
Museum and Arts Area	MAA
Wild Horse Overlay	WH

B. Procedures. The procedures for the establishment of or amendment to any planned district or special procedure are outlined in this Section.

1. Application. The owner or owners of record, or owners under contract of a lot or tract of land, or their authorized representatives, shall petition the City Council on forms prescribed for this purpose by the Planning Commission. These forms are to be submitted to the Department and accompanied by the following:

- a. Filing fee per the requirements of Article 09 of this UDC.
- b. Narrative, including the following:
 - (1) A document, which may include architectural renderings, pictures, mock plans, etc., describing the character of, and rationale for the proposed development;
 - (2) Proposed land uses and development standards, density and height limitation, yard requirements, all of which shall be compatible with other nearby uses and developments and ensuring consistency with the Comprehensive Plan;
 - (3) A listing of all land uses per tract of land within the proposed development, if applicable;
 - (4) Exceptions, variances, or waivers from the UDC, if being requested;
 - (5) A statement regarding tree preservation and proposed landscaping;
 - (6) A description of any proposed amenities or recreational facilities;
 - (7) A description of lands to be dedicated for public facilities;
 - (8) Proposed phasing and time schedule if the development is to be done in phases; and
 - (9) Proposed phasing and time schedule for land to be dedicated for public facilities.
- c. Legal description of the property.
- d. Outboundary survey of the property.
- e. Preliminary Development Plan.
 - (1) A key map showing the tract and its relation to the surrounding area.
 - (2) A North arrow and scale. The scale shall be no larger than one (1) inch equals one hundred (100) feet.
 - (3) Names of the owners of all property adjoining the tract as disclosed by the most recent St. Louis County Assessor's record.
 - (4) Depict existing and proposed improvements within one hundred fifty (150) feet of the site as directed by the City. Improvements include, but are not limited to, roadways, driveways, and walkways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
 - (5) Proposed preliminary location of land uses in single lot developments, approximate location of buildings and other structures, as well as parking areas, shall be indicated. In multiple-lot developments, preliminary location and configuration of buildings, including

locations of common ground areas, major utility easements, and stormwater retention areas shall be indicated. Where applicable, preliminary location and number of residential density units.

- (6) Proposed structure and parking setbacks.
 - (7) Perimeter buffers.
 - (8) Proposed maximum structure heights.
 - (9) Proposed area to be dedicated for open space.
 - (10) Approximate location of all tree masses, and a concept landscape plan indicating location, general type, size and quantities of trees; shall meet all requirements of the City's tree preservation and landscape requirements in Article 04 of this UDC.
 - (11) Approximate location of any historical artifacts, buildings, or historically significant buildings as identified by the Chesterfield Historic and Landmark Preservation Committee (CHLPC) or St. Louis County within the boundaries of the property.
 - (12) Proposed ingress and egress to the site, including adjacent streets, and approximate alignments of internal roadway systems.
 - (13) Preliminary plans for sanitation and drainage facilities.
 - (14) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Floodplain areas shall be delineated.
 - (15) Two (2) section profiles through the site showing preliminary building form, existing natural grade, and proposed final grade.
 - (16) Any other information as requested by the City of Chesterfield.
2. Public Hearing. A public hearing on the petition shall be held by the Planning Commission in accordance with Section 405.02.020 of this Article.
 3. Planning Commission Review And Recommendation. No action shall be taken by the City Council with respect to the petition until it has received the recommendation of the Planning Commission. The recommendation shall address the proposed development and its relation to all applicable Sections of this UDC, the City of Chesterfield Comprehensive Plan, and compatibility with adjoining permitted developments and uses. A recommendation of approval or approval as amended shall include recommended conditions to be included in the ordinance, preliminary development plan, or permit authorizing the establishment of the planned district or special procedure. **[Ord. No. 2816, § 1 (Att. A), 10-6-2014]**
 4. Conditional Use Permit (CUP) Performance Standards. All uses established by a CUP shall operate in accord with the appropriate performance standards contained in Section 405.04.130, "Zoning performance standard regulations," of this UDC. These performance standards are minimum requirements and may be

made more restrictive in the conditions governing the particular development or use authorized by the CUP.

5. Residential Business Use (RBU) Recommendations Subject To Conditions. When approval has been recommended subject to conditions and the conditions would cause substantial change in the site plan presented at public hearing, the Planning Commission shall withhold forwarding a recommendation to the City Council pending receipt of a revised plan from the petitioner reflecting compliance with the conditions.
 - a. The petitioner shall be allowed a maximum of forty-five (45) days to submit the revised plan to the Department.
 - b. Said plan shall be reviewed by the Planning Commission at its next meeting. If the petitioner fails to submit the revised plan, the Planning Commission shall forward its recommendation to the City Council.
 - c. Designation of the residential business use area qualifies property for certain uses as granted by the residential business use area in the residential zoning district in which the property is located. Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular planned district as described in Section 405.02.040 of this Article.
 - d. The Planning Commission shall also consider the architectural, landscape and other relationships which may exist in the proposed development and the character of the surrounding neighborhood, and shall prescribe and require such physical treatments or other limitations as will, in its opinion, enhance the neighborhood character.
 - e. The recommendation, along with preliminary plans and conditions where approval has been recommended, shall be forwarded to the City Council for its consideration.
 - f. Conditions may relate to, but need not be limited to:
 - (1) The type and extent of improvements and landscaping.
 - (2) The governing development and improvements.
 - (3) The maximum or minimum gross floor area per residential business use.
 - (4) Sign regulations.
 - (5) Performance standards.
6. City Council Action. Upon receipt of the Planning Commission's recommendation, the City Council shall approve, approve as amended or deny the request for a planned district or special procedure by approving an ordinance or approval authorizing the development or deny the application. If the application is approved, the matter shall be returned to the Planning Commission for

consideration of a site development plan, site development concept plan, or site development section plan.

7. City Council Action For A Conditional Use Permit (CUP).
 - a. Permit Effective, When. Unless the City Council exercises its power of review as described in Section 405.02.020 of this Article or a duly filed protest is received by the City Clerk, a conditional use permit or an amendment thereto shall become effective after fifteen (15) days of the City Council's receipt of the Planning Commission's report granting the application. In the event that a conditional use permit is filed in conjunction with a required change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change.
 - b. Effect Of Denial. Upon denial by the Planning Commission of an application for a conditional use permit, the Planning Commission shall notify the applicant of the denial. If no appeal is filed from the denial and if the City Council does not exercise its power of review, no subsequent application for a permit with reference to the same property or part thereof shall be filed by any applicant until the expiration of twelve (12) months after the denial. No provision herein shall be construed to prevent the Planning Commission or the City Council from initiating the procedure provided in this Section by a resolution of intention at any time.
 - c. Appeal, Protest Or City Council Review Of Planning Commission Decision For CUP.
 - (1) Appeal By Petitioner From Decision Of Denial. The petitioner may file an appeal to the City Council of a Planning Commission denial of an application for a conditional use permit or an amendment thereto in accord with the provisions of Section 405.02.190 of this Article.
 - (2) Protest By Specified Nearby Property Owners To Decision Of Approval. Specified nearby property owners may file a protest with the City Council against the Planning Commission's approval of an application for a conditional use permit or an amendment thereto in accord with the provisions of Section 405.02.190 of this Article.
 - (3) City Council may exercise power of review on the decision of the Planning Commission in accord with the provision of Section 405.02.200 of this Article.
 - d. Development Of Conditional Uses And Permitted Land Uses On Same Tract Of Land. Nothing shall prevent the establishment of land uses for developments authorized by conditional use permit on the same tract of land with one (1) or more permitted land uses and developments specified in the regulations of the governing zoning district. However, the development or use authorized by a conditional use permit shall abide by the conditions of the permit, and the permitted land use and development shall adhere to the regulations of the governing zoning district. A permitted land use or development existing at the time of submittal of a site development plan for a development or use authorized by conditional use

permit shall be shown on the plan. No permitted use or development shall at any time cause the violation of any condition imposed by a conditional use permit.

- e. Recording. Prior to the issuance of any building permit or permit authorizing the use of the property in question, the property owner shall record a copy of the approved conditional use permit, including attached conditions, and any subsequent amendments thereto and the legal description of the tract with the St. Louis County Recorder of Deeds, with a copy to be filed with the City of Chesterfield.
- f. Time Limit Of Conditional Use Permits. Conditional use permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the conditional use permit be reviewed by the Planning Commission, which may extend it for an unlimited period or for a specified additional period of years.

8. Appeal Or Protest Of A Planned District Or Special Procedure.

- a. Appeal By Petitioner To Recommendation Of Denial. The petitioner may file an appeal to the City Council of a Planning Commission recommendation of denial of an application for a planned district or special procedure or an amendment thereto in accord with the provisions of Section 405.02.190 of this Article.
- b. Protest By Specified Nearby Property Owners To Recommendation Of Approval. Specified nearby property owners may file a protest with the City Council against the Planning Commission's recommendation of approval of an application for a planned district or special procedure or an amendment thereto in accord with the provisions of Section 405.02.190 of this Article.

C. Procedure For Amendment Of Conditions Of A Planned District Or Special Procedure.

- 1. In order to amend the provisions of any planned district ordinance or special procedure approval, including the permitted uses, the procedure shall be as follows:
 - a. The process to amend a planned district ordinance or a special procedure approval shall be the same as the establishment of the same.
 - b. Where the Planning and Development Services Director has determined that the request for amendment is minor in nature, the requirement to submit a new preliminary plan shall be waived.
- 2. To amend any recorded site development (section or concept) plan approved for a planned district, see Section 405.02.100 of this Article.

D. Guarantee Of Improvements.

- 1. Unless otherwise provided for in the conditions of the ordinance governing a particular planned district or special procedure approval, no permits authorizing the occupancy or use of a building, facility, planned district or special procedure

establishment, or service concern may be issued until required related off-site improvements are constructed or a deposit, performance bond, irrevocable letter of credit, or other acceptable instrument is posted covering their estimated cost as determined by the Department.

2. This requirement shall not apply to foundation permits or permits necessary for the installation of required related off-site improvements.
 3. Required related off-site improvements shall include, but not be limited to, streets, sidewalks, sanitary and storm sewers, streetlights, and street trees.
 4. If any planned district or special procedure is developed in sections, the requirement shall also apply to all major improvements necessary to the proper operation and function of the section in question, even though such improvements may be located outside of the section in question.
- E. **Failure To Commence Construction.** Substantial construction shall commence within the time period specified in the conditions of the ordinance or approval governing the planned district or special procedure approval, unless such time period is extended by the Planning Commission. If substantial construction or development does not begin within the time period specified in the conditions of the ordinance governing the planned district or special procedure approval, or extensions authorized therein, the Planning Commission shall, within forty-five (45) days of the expiration date, initiate a resolution of intent for the purpose of a new public hearing to revert the property to its prior zoning classification in accord with proceedings specified in Section 405.02.030 of this Article. No building or occupancy permit shall be issued for the development or use of the property until completion of action by the City Council on the proceedings to rezone the property in accord with the provisions of the above noted Section.
- F. **Trust Indentures And Warranty Deed.**
1. In developments where common open areas, which may include open spaces, recreational areas, or other common grounds, are provided and the acreage of which is included in the gross acreage for density calculation purposes, a trust indenture shall be recorded simultaneously with the record plat. The indenture shall provide for the proper and continuous maintenance and supervision of said common land by trustees to be selected and to act in accordance with the terms of such indenture and the common land shall be deeded to the trustees under said indenture by general warranty deed. In addition, the trust indenture shall contain the following provisions:
 - a. That the common areas, including common open spaces, recreational areas, or other common grounds, shall be for the sole benefit, use, and enjoyment of the lot or unit owners, present and future, of the entire planned district or special procedure or that the common areas may also be used by residents outside the planned district or special procedure. If residents outside the planned district or special procedure are permitted to use the common areas, the indenture shall contain provisions which shall provide, in essence, the following:
 - (1) No resident shall be denied the use of the open space, recreational facilities, or other common ground for any reason related to the

extension of such privilege to nonresidents of the planned district or special procedure;

- (2) All rules and regulations promulgated pursuant to the indenture with respect to residents of the planned district or special procedure shall be applied equally to the residents;
 - (3) All rules and regulations promulgated pursuant to the indenture with respect to nonresidents of the planned district or special procedure shall be applied equally to the nonresidents;
 - (4) At any time after the recording of the indenture, a majority of the residents of the planned district or special procedure, by election duly called, may elect to allow or disallow usage of the open space, recreational facilities or other common grounds by nonresidents of the planned district or special procedure.
- b. The indentures shall contain provisions for the maintenance of all common areas and facilities and the means of collecting assessments necessary for the maintenance thereof.
 - c. In planned districts or special procedures containing attached units, the indenture shall contain provisions for maintenance of common walls.

Section 405.02.050. FP Floodplain Overlay District Use And Development.

[CC 1990 § 31-02-05; Ord. No. 2801 § 3 (Exh. A), 6-16-2014; Ord. No. 2828, § 2 (Att. B), 1-5-2015]

- A. Use And Development Of Floodway. All development or use of the floodway involving any encroachment, including fill, new construction or material improvement of any existing structure, is prohibited unless certification by a registered professional engineer is provided to and approved by the Department that the development will not result in any increase in flood levels during occurrence of the base flood discharge. If and only if this Subsection is complied with, use or development of the floodway may be carried out subject to the restrictions of the remainder of this Section.
- B. Use And Development In The FP Overlay District. No use or development in this district shall increase the flooding problems of other properties. Prior to any use or development of property pursuant to the permitted or conditional uses designated in this district, if such use or development involves man-made change to real property below the flood elevation, including construction or erection of any building or structure, or any filling, grading, paving, mining, dredging, excavation or drilling, the following procedure shall be complied with:
 1. The property owner or user shall submit to the City of Chesterfield a development plan. The plan shall be approved if it demonstrates that its implementation will not increase the flooding problems of other properties. With respect to any stream for which a floodway has not been designated, the flooding problems of other properties will be deemed increased if implementation of the plan would decrease the water storage or conveyance capacity of the stream.

2. The plan shall include a report by a registered professional engineer of demonstrated competence in hydrology as to the adequacy of the proposed plan to avoid flooding problems of other properties and such other hydrologic problems as may result from the improvements. Where the plan only delineates the floodplain elevation on the ground and no change or construction is proposed involving land below the floodplain elevation, the plan may be submitted under the seal of a registered land surveyor.
 3. The City of Chesterfield may require such additional data or engineering studies from the applicant as may be necessary to determine the adequacy of the proposed plan.
- C. Use And Development Under Underlying District Regulations. Property in this district may be used and developed in accordance with the regulations of the underlying zoning upon compliance with Article 05 of this UDC and the following procedure:
1. The property is placed in such conditions as to effectively and without increasing the flooding problems of other properties, remove the property from flooding based on the flood elevation study approved by the United States Federal Emergency Management Agency (FEMA) and used as basic data for determining the boundaries of the Flood Hazard Boundary Map, being the FP Floodplain District as governed by this Section. Effective removal of the property from flooding requires provision of adequate freeboard as determined by the City of Chesterfield in light of the reasonably anticipated ultimate development of the watershed. If the standards required by this Subsection are satisfactorily met in respect to any lot or tract of land in the FP Floodplain District, the property may then be used for such uses and under such regulations as are contained in the district regulations of the district designated after the FP code designation as the underlying district for the particular property.
 - a. The property owner or user shall submit to the City of Chesterfield a plan for flood protection. The plan shall be approved if its implementation would adequately protect against the amount of water that would flow past the property in cubic feet per second during the base flood, as determined by the flood elevation study approved by FEMA and used as basic data for determining the boundaries of the Flood Insurance Rate Map and the Flood Hazard Boundary Map, and if the plan further demonstrates that its implementation will not increase the flooding problems of other properties. With respect to any stream for which a floodway has not been designated, the flooding problems of other properties will be deemed increased if implementation of the plan would decrease the water storage or conveyance capacity of the stream.
 - b. The plan must include a report by a registered professional engineer of demonstrated competence in hydrology as to the adequacy of the proposed plan for flood protection relative to the elevation of the floodplain and the flow as determined in the flood elevation study approved by FEMA, the effect of the proposed improvement on the flood problems of other properties, and such other hydrologic problems as may result from the improvements. Where the plan only delineates the floodplain elevation on

the ground and no change or construction is proposed involving land below the floodplain elevation, the plan may be submitted under the seal of a registered land surveyor.

- c. The City of Chesterfield may require such additional data or engineering studies from the applicant as may be necessary to determine the adequacy of the proposed plan for flood protection.

D. Effect Of Plan Approval.

1. The approval by the City of Chesterfield of such plans for flood protection does not constitute a representation, guarantee, or warranty of any kind by the City of Chesterfield or by any officer or employee of either as to the practicality or safety of any protective measure and shall create no liability upon or cause of action against such public body, officers, or employees for any damage that may result pursuant thereto.
2. Approval of the plan by the City of Chesterfield does not relieve an owner or user from fulfilling the requirements set forth in Article 05 of this UDC and any other City ordinance regarding construction or development within the floodplain.

- E. Floodplain Boundary. In order to establish a minimum lot area outside of the floodplain, an engineer's seal and signature verifying the location of the floodplain boundary must be submitted for review and approval by the Department. The plat must be certified by a registered professional engineer, of demonstrated competence, licensed to practice in the State of Missouri.

Section 405.02.060. Landmark And Preservation Area (LPA) And Historic (H) Designation procedures.

[CC 1990 § 31-02-06; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Scope Of Provisions. Nominations for an LPA or H designation shall be made to the Chesterfield Historic and Landmark Preservation Committee (CHLPC) and may only be submitted by the owner of record of the nominated property or structure, by a member of the CHLPC, or by elected members of the City Council. Nominations shall be submitted to the City Clerk, who will within seven (7) days of receipt mail a notification of intent to nominate to the owner of record of the nominated property. Forms and criteria for nomination will be available at the office of the City Clerk.
- B. Criteria For Consideration Of Nomination.
1. The CHLPC shall, after such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area or district meets one (1) or more of the following criteria:
 - a. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state or country;
 - b. Its overall setting and harmony as a collection of buildings, structures, objects where the overall collection forms a unit;

- c. Its potential to be returned to an accurate historic appearance regardless of alterations or insensitive treatment that can be demonstrated to be reversible;
 - d. Its location as a site of a significant local, county, state, or national event;
 - e. Its identification with a person or persons who significantly contributed to the development of the community, county, state or country;
 - f. Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials;
 - g. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state or country;
 - h. Its embodiment of design, detailing, materials, or craftsmanship that render it architecturally significant;
 - i. Its embodiment of design elements that make it structurally or architecturally innovative;
 - j. Its unique location or singular physical characteristic that makes it an established or familiar visual feature of the neighborhood, community or city;
 - k. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
 - l. Its suitability for preservation or restoration; and
 - m. Its potential to yield information important to history and prehistory.
2. Any structure, property, or area that meets one (1) or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.
- C. **Public Hearing On Landmark Preservation Areas And Historic Designations.** Upon receipt of a completed nomination of a Landmark Preservation Area (LPA) or Historic Designation, the CHLPC shall schedule within thirty (30) days, a public hearing through the Department to solicit input and comment on the proposed nomination and guidelines for certificates of appropriateness. A public hearing shall be held per the requirements of Section 405.02.020 of this Article.
- D. **Report And Recommendation Of CHLPC.** The CHLPC shall within ninety (90) days from receipt of a completed nomination in proper form adopt by resolution a recommendation that the nominated LPA or Historic Designation does or does not meet the criteria for designation in this Article. The resolution shall be accompanied by a report to the Planning Commission containing the following information:

1. Explanations of the significance or lack of significance of the nominated landmark or Historic Designation as it relates to the criteria for designation;
2. Explanation of the integrity or lack of integrity of the nominated landmark or Historic Designation;
3. In the case of a nominated landmark found to meet the criteria for designation, the following shall be provided:
 - a. The significant exterior architectural features of the nominated landmark that should be protected;
 - b. The types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of this Article;
 - c. Archaeological significance and recommendations for interpretation and protection.
4. In the case of a nominated Historic Designation found to meet the criteria for designation, the following shall be provided:
 - a. The types of significant exterior architectural features of the structures within the nominated Historic Designation that should be protected;
 - b. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of this Article;
 - c. The type and significance of historic and prehistoric archaeological sites within the nominated Historic Designation;
 - d. Proposals for design guidelines and CHLPC review of certificates of appropriateness within the nominated Historic Designation;
 - e. The relationship of the nominated Historic Designation to the ongoing effort of the CHLPC to identify and nominate all potential cultural resources that meet the criteria for designation;
 - f. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, lot size, and parking regulations necessary or appropriate to the preservation of the nominated Historic Designation, including recommendations for buffer zones to protect and preserve visual integrity;
 - g. A map showing the location of the nominated Historic Designation area.
- E. Recommendations And Report. The recommendations and report of the CHLPC shall be sent to the Planning Commission within seven (7) days following the vote on the resolution and shall be available to the public in the office of the City Clerk.
- F. Notification Of Nomination. The Planning Commission shall schedule and hold a hearing on the nomination following receipt of a report and recommendation from the CHLPC that a nominated LPA or Historic Designation meets the criteria for designation. The meeting shall be scheduled, held and conducted in the same manner as

other meetings to consider applications for zoning amendments or ordinance amendments. Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators.

- G. **Public Hearing.** Oral or written testimony concerning the significance of the nominated landmark or Historic Designation shall be taken at the public hearing before the Planning Commission from any person concerning the nomination. The CHLPC may present expert testimony or present its own evidence regarding the compliance of the nominated landmark or Historic Designation with the criteria for consideration of a nomination set forth in this Article. The owner of any nominated landmark or of any property within a nominated Historic Designation shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The hearing shall be closed upon completion of testimony.
- H. **Determination By Planning Commission.** Within sixty (60) days following close of the public hearing, the Planning Commission shall make a determination upon the evidence whether the nominated landmark or Historic Designation does or does not meet the criteria for designation. Such a determination shall be made upon a motion and vote of the Planning Commission and shall be accompanied by a report stating the findings of the Planning Commission concerning the relationship between the criteria for designation of this Article and the nominated LPA or Historic Designation and all other information required by this Article.
- I. **Notification Of Determination.** Notice of determination of the Planning Commission, including a copy of the report, shall be sent by regular mail to the owner of record of a nominated landmark and of all property within a nominated Historic Designation and to the nominator within seven (7) days following the decision of the Planning Commission.
- J. **Appeal.** A determination by the Planning Commission that the nominated landmark or Historic Designation does or does not meet the criteria for designation shall be a final administrative decision reviewable under the Missouri Administrative Procedure and Review Act, unless the nominator or any owner of the nominated landmark or property within the nominated Historic Designation, within fifteen (15) days after the postmarked date of the notice of the determination, files with the City Clerk a written appeal to the City Council.
- K. **Action By City Council.** The City Council may within thirty (30) days after receiving the recommendation that the nominated landmark or Historic Designation be designated or receiving a written appeal, either reject the recommendation or written appeal by formal resolution or designate the landmark or Historic Designation by an ordinance. The City Council may hold a public hearing before enacting the resolution or ordinance and a written statement explaining the reasons for the action of the City Council shall accompany the ordinance. The City Clerk shall provide written notification of the action of the City Council by regular mail to the nominator, the appellant, and the owner(s) of record of the nominated landmark or of all property within a nominated Historic Designation. The notice shall include a copy of the designation ordinance or resolution passed by the City Council and shall be sent within seven (7) days of the

City Council action. A copy of each designation ordinance shall be sent to the CHLPC, the Planning Commission, and the Planning and Development Services Director.

- L. The Designation Ordinance. Upon designation, the landmark or Historic Designation shall be classified as a LPA Landmark Preservation Area or H Historic Designation, and the designating ordinance shall prescribe the significant exterior architectural features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, lot size, sign regulation and parking regulations. The official Zoning Map of the City of Chesterfield shall be amended to show the location of the H Historic Designation or LPA Landmark Preservation Area.
- M. Interim Control. No municipal zoning authorization shall be issued for alteration, construction, demolition, or removal of a potential landmark or of any property or structure identified as a potential Historic Designation, while the CHLPC, Planning Commission or City Council is considering said property for a LPA Landmark Preservation Area or Historic Designation, unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be more than one hundred eighty (180) days.
- N. Amendment And Rescission Of Designation. Designation may be amended or rescinded upon petition to the CHLPC and compliance with the same procedure and according to the same criteria set forth herein for designation.
- O. Applications For Certificates Of Appropriateness.
 - 1. An application for a certificate of appropriateness must be made prior to applying for a demolition permit or a building permit affecting the exterior architectural appearance of any landmark or any structure within an Historic Designation, including but not limited to the following:
 - a. Any construction, alteration, or removal requiring a building permit from the City of Chesterfield;
 - b. Any demolition in whole or in part requiring a demolition permit from the City of Chesterfield;
 - c. Any construction, alteration, demolition or removal affecting a significant exterior architectural feature or appearance as specified in the ordinance designating the landmark or Historic Designation;
 - d. Any construction, alteration or removal involving earth-disturbing activities that might affect archaeological resources;
 - e. Any actions to correct a violation of a minimum maintenance standard.
 - 2. Applications for a certificate of appropriateness shall include accompanying plans and specifications affecting the exterior architectural appearance of a designated landmark or a property within a designated Historic Designation; and applications for building and demolition permits shall include plans and specifications for the

contemplated use of the property. The Department shall forward applications for building and demolition permits to the CHLPC within seven (7) days following the receipt of the application. A building or demolition permit shall not be issued until the CHLPC has issued a certificate of appropriateness. Any applicant may request a meeting with the CHLPC before the application is reviewed by the CHLPC or during the review of the application. Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the CHLPC and available at the office of the City Clerk. The CHLPC shall consider the completed application at its next regular meeting.

3. Stop-Work Order. Whenever the CHLPC has reason to believe that an action for which a certificate of appropriateness is required has been initiated, or is about to be initiated, or that a violation of the conditions of a permit has occurred, it shall request that the Planning and Development Services Director make every reasonable effort to contact the owners, occupants, contractors or subcontractors and inform them of proper procedures. If the CHLPC determines that a stop-work order is necessary to halt an action, it shall request the Planning and Development Services Director to send a copy of the stop-work order by certified mail, return receipt requested, to the owners, occupants, contractors and subcontractors, and notify them of the process of applying for a certificate of appropriateness. A copy of the proper application form shall be included in the notice. If necessary, a second or subsequent stop-work order may be issued for the same project.

Section 405.02.070. WH Wild Horse Creek Road Overlay District.

[CC 1990 § 31-02-07; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. Procedure. [Ord. No. 2816, § 1 (Att. A), 10-6-2014]

1. The WH District is established as an overlay district. An "overlay district is a special procedure which addresses circumstances or environmental safeguards and is superimposed over the underlying existing zoning district.
2. Properties required to zone to the WH Overlay District per Section 405.03.050 of this UDC must zone to one of the estate district zoning classifications found in Article 03 of this UDC concurrently.
3. All properties in utilizing the WH Overlay District shall follow the procedures set forth for establishment of special procedures or amendments thereto in Section 405.02.040 of this Article of the UDC.
4. Development requirements are established by the underlying zoning district, the WH Overlay District, and the preliminary development plan.
5. Approval of development plans or amendments thereto shall be in accordance with Section 405.02.100 of this UDC.

B. Review Process.

1. As set forth in the purpose and intent of this Section, all properties in the Wild Horse Creek Road Sub Area Study shall be required to utilize planned districts to develop under this district.
2. The governing ordinance for each developed property shall contain a specific section addressing adherence to the specific criteria set forth in this UDC.
3. Separate vote will be required for adherence to this UDC and underlying zoning district requirements.

Section 405.02.080. Review And Approval Of Development Near Parks.

[CC 1990 § 31-02-08; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. **Scope Of Provisions.** The regulations contained in this Section shall apply to any development, other than a detached single-family residence, within six hundred (600) feet of an established or authorized public park or reservation.
- B. **Statement of intent.** The purpose of this Section is to provide for review of proposed development, other than the construction of detached single-family residences, in the neighborhood of public parks and reservations to insure the preservation of public investment in such parks by reducing the harmful effects of conflicting adjacent development.
- C. **Review, Approval, And Appeal Procedures.** The review, approval, and appeal procedures for developments near City parks shall be as follows:
 1. Prior to the issuance of a building permit for any development subject to the regulations contained in this Section, the Department shall require the applicant to submit for review:
 - a. A site plan of the proposed development showing proposed uses and structures, landscaping, parking and circulation, grading or other changes in the elevation of the land, and the location and size of all isolated trees having a diameter at the base of two (2) inches or more and all tree masses, indicating which are to be removed; and
 - b. Architectural elevations of that side of the development closest to the park and of each side facing a public right-of-way. The finish and material of all exterior surfaces visible in such elevation shall be specified. All proposed fences shall be shown, and their height, type, material, and finish indicated. All signs or other advertising devices which will be visible from any point on the perimeter of the park shall be shown, and their material, finish, and message indicated.
 2. The Parks Division shall review the plans and, within ten (10) days, forward its recommendations to the Department for its comments and recommendations.
 3. The Planning Commission shall review the plans, comments, and recommendations of the Department. If the Commission finds that the nature, construction or design of the proposed development will be harmful to the beneficial use of the park by the public, it shall reject the plans. The rejection

shall be in writing, shall indicate the reasons therefor, and shall specify modifications necessary and sufficient to protect the nature and use of the park.

4. The determination of the Planning Commission may be appealed within fifteen (15) days by the developer, or any aggrieved party, upon filing of a notice of appeal and payment of an appeal fee of fifty dollars (\$50.00). Such notice of appeal shall be directed to the City Council and referred to an appropriate committee, which may hold a public hearing on the appeal in the same manner and in accordance with the same procedure as is required for an appeal from a change of zoning. The Council may reverse, affirm or modify the determination of the Planning Commission.
5. The requirements of this Section are in addition to the Building Code, subdivision criteria, other provisions of this UDC and any other applicable law. Review of development under this Section shall be coordinated, insofar as possible, with review of plans under other provisions of this UDC and the subdivision criteria, under the direction of the Planning and Development Services Director. The Department shall authorize the requested building permits, if:
 - a. Plans for the proposed development have been approved, or not rejected, within sixty (60) days by the Planning Commission unless an appeal is filed; and
 - b. All other provisions of law applicable to building permits are satisfied.

Section 405.02.090. Site Plan Review Procedure.

[CC 1990 § 31-02-09; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Applicability. The requirements of this Section shall apply to the review of plans where one (1) or more buildings are to be erected on a single lot, excepting the following:
 1. Developments conditioned by planned district or special procedure approval.
 2. Single-family residential detached dwellings, including associated garages.
 3. Nonresidential buildings less than one thousand (1,000) square feet in gross floor area.
 4. Additions to existing nonresidential buildings when the addition is less than ten percent (10%) of the existing building's gross floor area, the addition does not exceed five thousand (5,000) square feet, no new curb cuts are required, and where new construction does not reduce existing parking or significantly modify existing on-site circulation as determined by the Planning and Development Services Director.
 5. Enclosed stairwells.
 6. Canopies constructed over existing walkways, loading docks or pump islands, where new construction does not reduce existing parking or significantly modify existing on-site circulation, as determined by the Planning and Development Services Director.

B. Procedures.

1. Site plans shall be reviewed and approved by the City of Chesterfield and the Department in accord with the following:
 - a. Compliance of the site plan with UDC requirements shall be established by the Planning and Development Services Director or his or her designee.
 - b. The Department (or St. Louis County Department of Highways and Traffic, as applicable) shall review and approve the right-of-way, pavement required, curb cuts, and other design features of abutting public streets or private or new streets, other than multiple-family access drives within the development connecting the development with a major street or streets. Additional streets may be required for the public health, safety and welfare, when determined necessary by the City of Chesterfield. On such streets, the City of Chesterfield shall determine the requirements for rights-of-way, street width, width of curb cuts, street trees, sidewalks, and any other improvements in adjacent rights-of-way where not covered elsewhere in the UDC.

The City of Chesterfield shall review and approve the plans for conceptual compliance with the various codes and ordinances relating to grading, drainage, silt control, storm sewer services, floodplain (as it affects the development), and other applicable requirements.

At such times as a development is proposed adjacent to a street that is accepted and maintained by the City of Chesterfield, that street shall be improved in accordance with the City of Chesterfield standards and the cost of improvement of and the dedication of half of the right-of-way adjacent to the proposed development shall be included in the overall development improvements.

- c. The Department shall review and approve the internal traffic and pedestrian circulation system, landscaping, parking areas, and additional characteristics of site design, as deemed appropriate. Landscaping may include recontouring, building of earth berms, vegetative covering, screening or other material alteration of the site as deemed appropriate to enhance areas outside the public right-of-way or to preserve the integrity of adjacent properties. Internal circulation shall include the location, nature, extent, construction and design of internal driveway lanes (including multiple-family access streets), parking lots, driveways to or through parking lots, and any other facilities that provide vehicular access to buildings, structures, and improvements upon a given lot or tract.
2. The Department shall review and approve the plans for conceptual compliance with the various codes and ordinances relating to sanitary sewer laterals and other applicable requirements of the Building and Plumbing Codes.
3. Prior to site plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Services. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and

address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all site plans and improvement plans.

4. For all procedures (including site plan review), where the City Council does not have final review authority, the City Council or the Mayor shall have the power of review as provided in Section 405.02.200 of this Article.

C. Site Plan Contents.

1. For a site plan to be accepted for review, the following information shall be either placed on the site plan or on a separate sheet accompanying the plan:
 - a. Location map, North arrow, and plan scale.
 - b. Zoning district, subdivision name, lot number, dimensions and area, and zoning of adjacent parcels where different than site.
 - c. Name, address, and telephone number of the person or firm submitting the plan and the person or firm who desires the review comments forwarded to him or her.
 - d. Proposed use of the building and its construction type and distance from adjacent property lines.
 - e. Off-street parking spaces, required and proposed, including the number, size, and location of those designated for the handicapped.
 - f. Type of sanitary sewage treatment and stormwater drainage facilities, including retention ponds.
 - g. Dimensions of existing and proposed roadway pavement and right-of-way width for streets abutting the site.
 - h. Existing and proposed landscaping, including name and size of plant material.
 - i. Existing and proposed contour lines or elevations based on mean sea level datum, unless otherwise waived by the Department.
 - j. Location and size of existing and proposed freestanding signs.
 - k. Location and identification of all easements (existing and proposed).
 - l. Location and height of all light poles.
 - m. Overall dimensions of all buildings and the gross floor area of each building.
 - n. Approximate location of any stormwater detention facilities, sink holes and springs, silt berms, ponds and other silt control facilities.
 - o. Floor area ratio of proposed development, except in single-family attached and detached residential developments.

- p. Open space percentage of proposed development.
 - q. Tree stand delineation for area to be developed.
2. Additional information to be placed on the site plan beyond the requirements listed above may be requested based on a joint review of the plans by authorized departmental representatives of the City of Chesterfield.
- D. Review Schedule. Upon verification of compliance with the site plan requirements stated in Subsection (C), the plan shall be reviewed by the Department. A letter shall be forwarded to the person or firm submitting the plan stating the comments of the reviewing Department. Within thirty (30) days from the date on the comment letter, revised plans addressing the listed comments shall be submitted for further review. If revised plans are not submitted within the specified time limit, review of the site plan will be terminated.
- E. Minimum Requirements. The requirements for site plan review contained in this Section shall apply as the minimum requirements. Additional requirements may be stated, as necessary, and written into a policy memorandum.

Section 405.02.100. Site Development Plans; Site Development Concept Plans; Site Development Section Plans.

[CC 1990 § 31-02-10; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Submittal Of Plans.
- 1. After passage by the City Council of an ordinance authorizing the establishment of a planned district or a special procedure and requiring submission of a site development plan or site development concept plan, such plans shall be submitted in accord with the provisions of the site's governing planned district or special procedure and all provisions of this Article. No building permits or authorization for improvement or development for any use requested under provisions of this UDC shall be issued prior to approval of such plans.
 - 2. Plans shall be submitted to the Planning Commission for review and approval. These plans shall contain the minimum requirements established in the conditions of the specific ordinance governing the planned district or approval of the special procedure, and further, shall comply with provisions of the subdivision requirements in Section 405.02.110 of this Article and all other applicable City codes.
 - 3. Prior to site development plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Services. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all site development plans and improvement plans.

4. At a minimum, all site development plans and site development section plans shall provide all required information as detailed in the site plan contents, Section 405.02.090(C) of this Article.
 5. Within sixty (60) days of approval, the site development plan or site development concept plan shall be recorded with the St. Louis County Recorder of Deeds and thereby authorize development as depicted thereon, with a copy to be filed with the City of Chesterfield.
 6. In the case of single-lot/multiple-building developments or multiple-lot developments where a site development concept plan is required, site development section plans shall be submitted to the Department for review and approval per individual building, lot, phase, or plat representing a portion of the site development concept plan. The approved plans shall be kept on file with the Department.
- B. Amendment To The Recorded Site Development Plan Or Site Development Concept Plan. To amend the recorded site development plan or site development concept plan approved for the planned district or special procedure:
1. The property owner or authorized representative shall submit an amended site development (or concept) plan to the Department for review. The Department shall then evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing, and the preliminary development plan approved by the City Council.
 2. If the Department determines that the proposed amendment to the site development (or concept) plan is major in nature and is not in conflict with the original proposal as advertised and the approved preliminary development plan, and meets all conditions of the planned district ordinance or special procedure approval, said plan shall be reviewed and approved by the Planning Commission. Said amended plan shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval, with a copy to be filed with the City of Chesterfield.
 3. If the Department determines that the proposed amendment to the site development (or concept) plan is minor in nature and is not in conflict with the original proposal advertised and the preliminary development plan, and meets all conditions of the planned district ordinance or special procedure approval, the Department may approve said amended plan. Said plan shall be retained on file by the Department.
 4. If the Department determines that the proposed amendment to the site development (or concept) plan is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, or with the preliminary development plan approved by the City Council, the Department shall so report to the applicant and the Planning Commission. The Planning Commission shall then review the proposed site development (or concept) plan amendment and make a final determination. The Planning Commission may, if deemed necessary, forward a resolution of intent to the City Council for the purpose of a new public hearing on the matter in accord with proceedings

specified in Section 405.02.030, Procedure for amending zoning district boundaries or classifications of property.

5. All amendments to site development (or concept) plans shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Planning Commission approval, with a copy to be filed with the City of Chesterfield.
 6. The Planning Commission may approve partial amended site development plans, site development concept plans, and site development section plans for developments approved prior to enactment of this UDC even though the conditions of the ordinance governing such planned district or special procedure do not permit the review of development plans in accord with the provisions of this Section. Such partial amended plans shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval, with a copy to be filed with the City of Chesterfield.
- C. Amendment To Site Development Section Plan. To amend a site development section plan approved for a planned district or special procedure:
1. If the Department determines that the proposed amendment to the site development section plan is not in conflict with the approved site development concept plan and meets all conditions of the planned district ordinance or special procedure approval, the Department may approve said amended plan. Said plan shall be retained on file by the Department.
 2. If the Department determines that the proposed amendment to the site development section plan is not consistent in purpose and content with the approved site development concept plan, the Department shall so report to the applicant and the Planning Commission. The Planning Commission shall then review the proposed amended site development section plan and make a final determination.
- D. Appeal To Commission Of A Decision By The Department In Reviewing Development Plans. The petitioner/developer may appeal a decision by the Department in cases where the Department is authorized to review development plans to the Planning Commission. The petitioner shall have a fifteen-day period in which to file a written appeal and plan with the Commission. The written appeal, stating the reasons for the appeal, shall be submitted to the Department. The Commission will make the final determination of the matter. No exceptions will be granted that are in violation of the particular ordinance governing the development plan.

Section 405.02.110. Subdivision.

[CC 1990 § 31-02-11; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Administration. The Department may adopt, amend, and publish rules and instructions within the intent of this Article for the administration of this Article to the end that the public be informed and that approval of plats be expedited.
- B. Approval Of Subdivision Plats. Every subdivision and resubdivision of land within the City of Chesterfield shall be shown upon a plat and submitted to the Department for its

approval or disapproval. All final plats, with the Department's approval or disapproval endorsed thereon, shall be submitted to the City Council for its consideration and approval or disapproval. No plat shall be recorded in the Office of the Recorder of Deeds unless and until as provided for in this Article. No lot subject to this Article shall be sold unless first established by provisions of this Article. No building permit shall be issued for construction on a parcel or lot created in violation of this Article.

- C. **Parcels Of Land Recorded Without Required Approvals.** The owner of a lot or parcel of land created prior to the adoption date of this UDC in violation of Section 405.02.110(B) of this Article may apply to the Planning and Development Services Director for a variance from the subdivision regulations for the construction of any one use allowed in the single-family R zoning districts (R-1 through R-5), or a single-family detached residence in the remaining R Districts (R-6A through R-8). The Planning and Development Services Director shall investigate the situation, and finding that: 1) the lot was created by record plat or recorded deed prior to adoption date of this UDC; and 2) but for the failure to comply with this Article, the lot or parcel of land could be developed; and 3) the lot or parcel of land was acquired by the present owner for a valuable consideration and in ignorance of the requirements of this Article; and 4) had proper application been made at the time of the creation of the lot, approval would have been given for lot size and frontage; shall forward the findings to the City Council which may by order grant the variance upon such terms and conditions as will most equitably preserve the purpose and intent of this Article.
- D. **Sketch Plan.**
1. **Sketch Plan Contents.** Prior to submitting a preliminary plat for the subdivision of land within the City of Chesterfield, a developer may submit to the Department a sketch plan for the tract which shall include the following information, all of which may be based on sources of information other than field survey data:
 - a. The location of the tract in relation to the surrounding area.
 - b. The approximate location of all existing structures within the tract proposed to be retained and wooded areas within the tract and within one hundred (100) feet thereof.
 - c. The names of the owners of all property adjoining the tract as disclosed by the most recent assessor's record.
 - d. All existing streets, roads, and approximate location of wet and dry weather watercourses, floodplain areas, sink holes, and other significant physical features within the tract and within one hundred fifty (150) feet thereof.
 - e. Approximate location of proposed streets and property lines.
 - f. A rough sketch of the proposed site plan.
 - g. A North arrow and scale.
 - h. Direction of and approximate distance to nearest existing major street intersection.

- i. Approximate location of any historical building within the boundary tract, as identified by the St. Louis County Historic Building Commission or the Chesterfield Historic and Landmark Preservation Committee.
 2. Department Review And Report. The Department shall review and evaluate the sketch plan as soon as practicable and shall report to the developer its opinion as to the merits and feasibility of the improvements contemplated by the sketch plan.
 3. In the event a developer elects not to submit a sketch plan, all information contained thereon shall be submitted on or with the preliminary plat.
- E. Preliminary Plat.
 1. Preliminary Plat Contents. The developer shall prepare and submit to the Department such number of copies of a preliminary plat of the tract as shall be required. Such preliminary plat shall be submitted after receipt of the Department's report on the sketch plan, if a sketch plan was submitted. The preliminary plat shall be any scale from one (1) inch equals twenty (20) feet through one (1) inch equals two hundred (200) feet, so long as the scale is an increment of ten (10) feet and shall contain the following information:
 - a. All information required in Section 405.02.110(D)(1), Sketch plan contents, if no sketch plan has been submitted.
 - b. A key map showing the tract and its relation to the surrounding area.
 - c. A North arrow and graphic scale.
 - d. The name proposed for the tract or such part thereof as is proposed to be subdivided, which shall be original and not a duplication of the name of any previously recorded subdivision or development in the City of Chesterfield. The developer shall include a certification from the Recorder of Deeds Office of St. Louis County to this effect.
 - e. The date of plan submission to the Department and the following names and addresses:
 - (1) The record owner or owners of the tract.
 - (2) The party who prepared the plat.
 - (3) The party for whom the plat was prepared.
 - (4) The engineer and land surveyor who will design improvements for and survey the tract or such part thereof as is proposed to be subdivided.
 - f. The approximate area of the tract stated in tenths of an acre.
 - g. Sufficient existing and proposed contour data to indicate the slope and drainage of the tract and the high and low points thereof. Contour data shall extend one hundred fifty (150) feet beyond the limits of the subdivision boundaries. United States Geological Survey data is required.

- h. The location of existing and proposed property lines, watercourses, sink holes, areas within the tract subject to inundation by stormwater, railroads, bridges, culverts, storm sewers, sanitary sewers, easements of record, existing buildings, including use or other identified improvements that are to remain, and significant natural features, such as wooded areas and rock formations.
- i. The location of existing and proposed streets, including additional right-of-way along existing streets as required in Article 04 of this UDC.
- j. The results of any tests made to ascertain subsurface rock and soil conditions and the water table.
- k. The zoning district, including delineation of Floodplain Zoning District, if any, and the township, range, section, and United States Survey, school district, fire district, water company, and other special districts in which the tract is located.
- l. Any proposed alteration, adjustment, or change in the elevation or topography of any area in a Floodplain Zoning District or shown on the Federal Emergency Management Agency's (FEMA) Flood Boundary and Floodway Maps.
- m. Approximate area in square feet of minimum and maximum size of lots if less than one (1) acre in area, and in acres and tenths of acres if one (1) acre or more in area, into which the tract is proposed to be subdivided.
- n. Indicate approximate location of existing and proposed sidewalks and pedestrian walkways.
- o. Indicate proposed building lines and setback requirements.
- p. Proposed type of treatment or method of sewage disposal to include name of trunk line, lateral or qualified sewage treatment system, where applicable.
- q. If the developer intends to subdivide any portion of the parcel into a multiple dwelling unit subdivision or a subdivision being developed under a special procedure section of the UDC, then the preliminary plat shall, in addition, include the following data:
 - (1) Gross area of tract.
 - (2) Area in street.
 - (3) Net area of tract.
 - (4) Maximum number of units allowed.
 - (5) Maximum number of units proposed.
 - (6) Parking ratio.
 - (7) Distance between structures.

- r. A certification by registered land surveyor or engineer who prepared the plat that the plat is a correct representation of all existing and proposed land divisions.
 - s. Fire district comments must be received prior to preliminary plat approval for developments that have a single ingress and egress, and where variances are requested for pavement width reduction, maximum cul-de-sac length and number of units or lots served on a cul-de-sac.
2. **Parcels Within A Floodplain.** Development of parcels within the floodplain shall require approval of a floodplain study in accord with The FP Floodplain Overlay District in Article 03 of this UDC.
 3. **Special Procedures Developments.** In the case of any subdivision developed under any special procedures in the UDC, which require the submission of development plans to the Department or the Planning and Development Services Director for review or approval, a concept plan required by the UDC shall include all information required on a sketch plan, and may be used therefor. A development section plan required by the UDC shall comply with all requirements of this Article for a preliminary plat and may be used therefor.
 4. **Department Review.** The Department shall review the preliminary plat with regard to requirements described in this Article as soon as practicable and:
 - a. If the plat is satisfactory, the Planning and Development Services Director or his authorized representative shall thereupon affix a notation of approval, date of approval, and his signature on the plat, denoting satisfactory compliance with the requirements of this Article. The plat shall be returned to the developer who may then proceed in compliance with Section 405.02.110(N) of this Article.
 - b. If the preliminary plat is unsatisfactory, the Department shall give notice to the submitting party in writing, setting forth the conditions causing the disapproval, and the unsatisfactory conditions shall be remedied prior to further consideration by the Department.
 - c. Whenever a preliminary plat includes a proposed establishment of common land, and the Department finds that such land is not suitable for common land due to terrain, benefit to a small portion of the lot owners, difficulty of maintenance, or any similar reason, the Department may either refuse to approve such an establishment, or it may require the rearrangement of the lots in the proposed subdivision to include such land.
 - d. The approval by the Department of the preliminary plat shall be valid for a period of two (2) years from the date of approval or such longer period as the Planning and Development Services Director may determine to be advisable if, after review by the Department, such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If no record plat of a subdivision of any part of the tract for which a preliminary plat has been approved is recorded within the two-year period, or such longer period as the Planning and Development Services

Director shall permit, a resubmission and review thereof by the Department may be required.

F. Record Plat.

1. Applicability And Exceptions. The record plat shall substantially conform to the preliminary plat. A record plat shall delineate all developed lots created by the plat except as follows. If a record plat does not include all property in an approved preliminary plat, or all remaining property where previous record plats of a portion of the subdivision have been recorded:
 - a. In a single-family or multiple-family subdivision, no property may be omitted:
 - (1) If a resulting tract is less than ten (10) acres in area or any resulting side of an omitted tract is less than three hundred (300) feet in length, unless such a side is the original boundary of the original legally existing tract. Until subdivided, such omitted tract is a developable lot, on which no more than one (1) residence may be constructed; or
 - (2) Unless the development is a density development or planned unit development, in which case the omitted property is not developable and does not constitute a lot of record for any purpose under this Article until included in a record plat.
 - b. In a nonresidential subdivision, omitted property is not developable and does not constitute a lot of record for any purpose under this Article until included in a record plat.
2. Multiple-Family Subdivision Record Plats.
 - a. A multiple-family subdivision tract may be developed in two (2) or more phases, which shall be clearly indicated on the record plat. The record plat for each phase shall include all previous phases and a reference to the book and page of their recording, and all future phases. Areas designated as future phases need not indicate easements or parking and drive locations, and are not developable until such phases are recorded. Improvement plans and installation or guarantee of improvements are not required for areas designated as future phases, except that the Department may require such improvements as are necessary to serve the phase proposed for present development.
 - b. Multiple-family subdivision record plats, or the phase proposed for present development of multiple-family tracts to be developed in phases, shall establish all necessary easements and parking and drive locations. The plat shall contain script restricting parking and drive areas to such purposes.
3. Record Plat Procedure.
 - a. The record plat shall be on tracing cloth, drafting film, or the equivalent, together with copies of any deed restrictions which are required by ordinance, where such are too lengthy to be shown on the plat, and shall be submitted to the Department for its approval.

- b. A copy of the plat should be submitted to the City of Chesterfield for review and comment. Script corrections can be made after approval by City Council, but prior to recording. Upon approval of the final plat by the City Council, the Planning and Development Services Director shall place a signature on the plat with the date of such approval.
4. Time Period For Filing. The record plat shall be filed with the Recorder of Deeds within sixty (60) days after approval by the City Council. If any record plat is not filed within this period, the approval shall expire.
5. Scale And Size. The record plat shall be prepared by a registered land surveyor, at any scale from one (1) inch equals twenty (20) feet to one (1) inch equals one hundred (100) feet in any increments of ten (10) feet from an accurate survey on one (1) or more sheets whose maximum dimensions are thirty-six (36) inches by forty-two (42) inches. In certain unusual instances where the subdivided area is of unusual size or shape, the Department may permit a variation in the scale or size of the record plat. If more than one (1) sheet is required, a key map on Sheet No. 1 showing the entire subdivision at reduced scale shall be provided if required by the Department.
6. Execution. The record plat shall be executed by the owner and lienors.
7. Record Plat Contents. The record plat shall show and be accompanied by the following information:
 - a. North arrow and graphic scale.
 - b. The boundary lines within the outboundary lines of the subdivision with accurate distances and bearings; also all sections, United States Survey and congressional township and range lines; and the boundary lines of municipalities, sewers, schools, and other legally established districts within and the name of or description of any of the same adjacent to or abutting on the subdivision.
 - c. The lines of all proposed streets and alleys with their widths and names.
 - d. An accurate delineation of any property offered for dedication to public use.
 - e. The line of departure of one street from another.
 - f. The boundary lines of all adjoining lands and the right-of-way lines of adjacent streets and alleys with their widths and names.
 - g. All lot lines and an identification system for all lots and blocks.
 - h. Building lines, including minimum side and rear yard setbacks on a typical lot and easements or rights-of-way provided for public or private use, services, or utilities, with figures showing their dimensions, and listing types of uses that are being provided.
 - i. All dimensions and bearings, both linear and angular, radii and arcs, necessary for locating the boundaries of the subdivision, blocks, lots, streets, alleys, easements, building lines, and of any other areas for public

or private use. The linear dimensions are to be expressed in feet and decimals of a foot.

- j. All survey monuments, together with the descriptions.
- k. Area in square feet for each lot or parcel on the plat or a supplemental sheet showing same.
- l. Name of subdivision and description of property subdivided, showing its location and area.
- m. Certification by a land surveyor who performed the property survey to the effect that the plat represents a survey made by him, and that the locations of all required survey monuments, installed or to be installed, are correctly shown thereon. The month and year during which the survey was made shall also be shown.
- n. Private restrictions and trusteeships where required by ordinance and their periods of existence. Should such restrictions and trusteeships be of such length as to make the lettering of same on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- o. When elderly housing is being developed on site and a variance has been granted in accordance with this UDC, this shall be indicated in the title.
- p. The subdivision name approved on record plat shall constitute the subdivision's official name. When a subdivision name has been changed, all subsequent plats submitted for processing shall reference the original name, which should include names recorded on site development concept and section plans. Any other name used for advertising or sales purposes does not constitute an official revised name unless approved on a plat of record approved by the City Council.
- q. If the developer places restrictions on any land contained in the subdivision that is greater than those required by this Unified Development Code, such restrictions or references thereto should be indicated on the plat.
- r. Zoning district, and zoning district boundary line when the property is located in more than one (1) district, special procedure or planned district and ordinance numbers or date of order (density development) when applicable.
- s. Accurately note elevation referring to mean United States Geological Survey datum for permanent benchmark.
- t. Cumulatively, all record plats shall contain enough common land to support the lots platted. All remaining common ground is to be platted with the recording of the final lot, unit, or phase of the development.
- u. The outboundary corners of the tract is to be tied into the State Plane Coordinate System in accordance with the Missouri Minimum Standards for Property Boundary Surveys.

8. Additional Record Plat Contents If Applicable. Prior to the Department forwarding the record plat to City Council, the developer shall provide the Department with the following documents as they may be applicable:
 - a. Guarantee of installation of water mains from St. Louis County Water Company.
 - b. Street lighting contract from Ameren Missouri. Submittal of contract is optional and is to be accepted in lieu of an increased value for escrow of actual construction costs.
 - c. Verification of street names and addresses from United States Postal Service-Customer Services Department.
 - d. Verification of location of fire hydrants and adequacy of water supply from applicable fire district.
 - e. Tax certificate or copy of paid tax bill from the Office of the St. Louis County Collector of Revenue.
 - f. Highway inspection fees or payment verification from the City of Chesterfield Department of Public Services, St. Louis County Department of Highways and Traffic of highway inspection fees paid.
 - g. Subdivision processing fees.
 - h. Any special study or engineering calculations required.
 - i. Trust indenture and warranty deed for common land conveyance, accompanied by a letter of compliance from an attorney.
 - j. Letter from sanitary sewer company certifying connection fees have been paid.
 - k. Verification of proper placement of survey monuments from the Department.
 - l. That when a record plat is prepared electronically and submitted to the City for approval, the digital version of the plat also be submitted in a format compatible with the City's mapping software.

G. Minor Subdivision.

1. A subdivision shall be considered a minor subdivision if the division or redivision of land does not establish more than four (4) lots wherein all the following criteria are met:
 - a. That the proposed subdivision of land does not include an improvement within a street right-of-way, other than concrete sidewalks, landscaping, monuments, lateral extensions of sanitary and storm sewers, and water mains. Establishment of a right-of-way only shall not be construed as an improvement in this Section. However, concrete sidewalks, landscaping, streetlights, monuments, and water mains shall be required unless waived. Requirement of any additional improvements or the use of any special

procedure of this UDC shall disqualify the proposed subdivision from consideration as a minor subdivision.

- b. That the proposed subdivision of land does not include a provision for common land or recreational facilities.
- c. That the proposed subdivision of land does not adversely affect, as determined by the Planning and Development Services Director, the development of the parcel proposed for subdivision as well as the adjoining property.
- d. That the proposed subdivision of land is not in conflict with any provisions of this UDC.

2. Procedures.

- a. Where a minor subdivision is proposed that fronts on an existing City- or County-maintained road that is proposed for widening improvements as determined by the Department, the developer may request to have waived the submission of improvement plans for the construction of sidewalks which involve extensive grading, steep topography, or other unusual conditions which would prohibit construction, verified by the Department and, in lieu thereof, post bond or escrow to insure that the sidewalks will be installed as part of the street-widening improvement. The bond or escrow agreement shall have a twenty-five-year term.
- b. The Planning and Development Services Director may waive without a variance request the requirement of submission of all other plans except the record subdivision plat. However, in such cases, pertinent data as required by the Department and set forth in Section 405.02.110(E) of this Article shall be submitted to the Department for review.
- c. If the requirement of submission of all other plans except the record subdivision plat has not been waived, improvement plans for sidewalks may be required and shall be submitted for review and approval in accord with provisions of Section 405.02.110(N) of this Article. Further, the developer shall prepare and submit to the Department such number of copies of a preliminary plat of the tract as required by Section 405.02.110(E) of this Article.
- d. All requirements of Section 405.02.110(F), Record plat, shall be likewise required prior to approval of any minor subdivision.

H. Dwelling Unit Display Plat Procedure.

1. Purpose. To provide a procedure whereby the construction of a display house or multiple-family display unit can begin prior to the recording of the record subdivision plat.
2. Procedure. After receiving approval of a preliminary plat of a proposed subdivision from the Department, the developer may submit a display plat to the Department for review and approval. There may be two (2) display houses or units for subdivisions proposing fewer than ten (10) lots or units. Developments

containing at least ten (10) lots or units and not more than sixty (60) lots or units proposed shall be allowed three (3) display houses. For developments containing more than sixty (60) lots or units, one (1) additional display house or unit for every twenty (20) houses or units proposed beyond sixty (60) will be permitted, not to exceed ten (10) display houses or units.

3. Display Plat. The display plat shall include a complete outboundary survey of the proposed subdivisions, and the location of each display in relation to proposed lots. The script shall comply with the requirements of the Department, including, but not limited to, the following:
 - a. The display plat shall be recorded in the office of the St Louis County Recorder of Deeds prior to issuance of a building permit for any display, with a copy to be filed with the City of Chesterfield.
 - b. The display plat shall become null and void upon the recording of a record plat which establishes that each display is on an approved lot.
 - c. No part of the proposed subdivision may be conveyed, nor an occupancy permit issued, for any structure therein until the display house or units have been located on an approved lot.
 - d. If initial construction of a display has not commenced within sixty (60) days, the Department's approval shall lapse and the display plat shall be null and void.
 - e. Lots should be on an approved lot of record within one (1) year of the display plat's recording or such longer period as may be permitted by the Planning and Development Services Director. If the record plat is not filed, the then-owner shall remove or cause to be removed all display houses or units from the property. Failure of the owner to remove the display houses or units from the property within one (1) year plus thirty (30) days of date of approval shall constitute the granting of authority of the City to remove or cause the display houses or units to be removed, the cost of which shall be borne by the owner and shall become a lien against the property.
4. The display plat shall be executed by the owner and lienors.
5. The display plat shall show the location and number of off-street parking spaces. Once the display homes are sold, the developer shall tear down the display parking located on the remaining lot within thirty (30) days or as directed by the City of Chesterfield.

I. Lot Split.

1. No lot split shall be recorded in the office of the Recorder of Deeds unless and until approved by the City of Chesterfield in compliance with this Article.
2. Whenever there is a tract or previously subdivided parcel under single ownership which is to be resubdivided into two (2) lots, and which exists as a legal lot of record, such a division shall be exempt from provisions of Section 405.02.110(B) of this Article, and shall be designated as a "lot split" if the following criteria are met:

- a. That no additional improvements are required that would necessitate the posting of an escrow or bond, including concrete sidewalks, water mains, and landscaping within a street right-of-way dedication. Establishment of a right-of-way only shall not be construed as an improvement in this Section.
 - b. That no provisions for common land or recreational facilities are included in the proposal.
 - c. That the use of the lot split procedure does not adversely affect the subject parcel or any adjoining properties.
 - d. That the proposed lot split is not in conflict with any provisions of this UDC or any special procedure permit.
 - e. No variances are required from this division.
3. The procedure for approval of a lot split shall be as follows:
- a. Two (2) drawings of a certified survey, prepared by a land surveyor registered in the State of Missouri on paper not less than eight and one half (8 1/2) inches by eleven (11) inches in size showing the following shall be submitted:
 - (1) A legal description of both the original lot and each of the proposed lots. This must be surveyed and performed by a registered surveyor.
 - (2) North arrow and graphic scale.
 - (3) Location of proposed and existing streets and adjoining property.
 - (4) Location of all existing buildings.
 - (5) Within their boundaries approval of the St. Louis County Water Company and the Metropolitan St. Louis Sewer District shown on the tract drawings.
 - (6) Name, address, and telephone number of the owner of record and copy of the deed of record.
 - b. The following items shall accompany the required survey:
 - (1) Filing fee as set forth in Article 09, Fees, of this UDC.
 - (2) Certificate from the office of the St. Louis County Collector of Revenue showing that there are no delinquent taxes outstanding.
 - (3) Verification of fire hydrants and adequacy of water supply from the applicable fire protection district.
 - (4) Verification of proper placement of survey monuments from the City of Chesterfield, or an escrow agreement or land subdivision bond to guarantee installation of survey monuments in accord with Section 405.02.120 of this Article.

- c. The Department shall review the proposed lot split to insure compliance with all design and improvement requirements of this UDC. Lot splits found to be in compliance with the above requirements shall be forwarded to the City Council for its review and approval and shall be recorded with the Recorder of Deeds of St. Louis County, with a copy filed with the City of Chesterfield.

J. Boundary Adjustments.

1. Purpose. The purpose of this Section is to allow adjustments to be made to lot lines of platted lots or other lawful parcels for the purpose of adjusting the sizes of building sites; however, it is not intended that extensive replatting be accomplished by use of this Section.
2. Boundary adjustments must meet the following criteria:
 - a. No additional lot shall be created by any boundary adjustment.
 - b. The resulting lot or lots shall not be reduced below the minimum sizes and dimensions required by this Article.
3. Procedure.
 - a. A boundary adjustment may be accomplished by plat or by deed, but must include an adequate legal description of the boundaries of the original lots and of the adjusted lots.
 - b. The boundary adjustment plat or deed shall be submitted to the Department for review and approval prior to its recording with the Recorder of Deeds of St. Louis County, with a copy to be filed with the City of Chesterfield.
 - c. Processing fees as prescribed in Article 09, Fees, of this UDC shall be filed in conjunction with any boundary adjustment plat or deed.
4. Lots In Noncompliance. Boundary adjustments shall be allowed for lawful lots existing in noncompliance with minimum area, frontage, and dimensional requirements of this Article, provided that the resulting adjustment of lot lines does not increase the degree of noncompliance with this Article.

K. Trust Indentures.

1. In any case where the establishment of common land (including pedestrian walkways and cul-de-sac islands), private streets, streetlighting, drainage facilities, such as detention basins and drainage pipe and ditches, or any other improvement that requires continuous maintenance, a trust indenture shall be recorded simultaneously with the record plat. The indenture shall provide for proper maintenance and supervision by the trustees who are selected to act in accordance with the terms of such indenture and the applicable provisions of this UDC. For single-lot developments and developments with no common ground, the Department may accept script certifying the means of maintenance on the record plat. Common land shall be conveyed by the owner in fee simple absolute title by warranty deed to trustees whose trust indentures shall provide that the common land be used for the benefit, use, and enjoyment of the lot owners

present and future and shall be the maintenance responsibility of the trustees of the subdivision and that no lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.

2. Any trust indenture required to be recorded, or recorded for the purpose of compliance with provisions of this UDC, shall provide for not less than the following representation of purchasers of developed lots among the trustees; one-third (1/3) of the trustees shall be chosen by purchasers of developed lots after fifty percent (50%) of the lots have been sold; two-thirds (2/3) of the trustees shall be chosen by purchasers of developed lots after ninety-five percent (95%) of the lots have been sold; all of the trustees shall be chosen by purchasers of developed lots after all of the lots have been sold.
 3. Where the provisions of such a trust indenture cannot be fulfilled by reason of unfilled vacancies among the trustees, the City Council may, upon the petition of any concerned resident or property owner of the subdivision, appoint one (1) or more trustees to fill vacancies until such time as trustees are selected in accordance with the trust indenture. Any person so appointed who is not a resident or property owner within the subdivision shall be allowed a reasonable fee for his services by the order of appointment, which fee shall be levied as a special assessment against the property in the subdivision, and which shall not be subject to any limitation on special assessments contained in the trust indenture or elsewhere.
 4. A trust indenture shall be required for a large lot subdivision only in the event that common land is contained within the subdivision.
 5. Each trust indenture and warranty deed shall be accompanied by a written legal opinion from an attorney licensed to practice in the State of Missouri, setting forth the attorney's legal opinion as to the legal form and effect of the deeds and trust indenture. The deeds and indenture shall be approved by the Department and the City Attorney prior to being filed with the Recorder of Deeds of St. Louis County simultaneously with the recording of the record plat, with a copy to be filed with the City of Chesterfield.
 6. Term of indentures for all types of subdivisions, including planned districts and special procedures, shall be for the duration of the subdivision. In the event the subdivision is vacated, fee simple title shall vest in the then lot or unit owners as tenants in common. The rights of the tenants shall only be exercisable appurtenant to and in conjunction with their lot or unit ownership. Any conveyance or change of ownership of any lot or unit shall convey with it ownership in the common land, and no interest in the common land shall be conveyed by a lot or unit owner except in conjunction with the sale of a lot or unit. The sale of any lot or unit shall carry with it all the incidents of ownership of the common land although such is not expressly mentioned in the deed; provided, however, that no right or power conferred upon the trustees shall be abrogated.
- L. Vacation Of Subdivision. The following procedure shall be followed for the vacation of subdivisions.

1. Petition. Whenever any person may desire to vacate any subdivision or part thereof in which he shall be the legal owner of all of the lots or may desire to vacate any lot, such person or corporation may petition the City Council giving a distinct description of the property to be vacated and the names of the persons to be affected thereby.
 2. Filing Fee And Notice. The petition shall be filed together with a filing fee in the sum of two hundred dollars (\$200.00) with the Department who shall review and provide comment for said request. Upon completion of review, the Department shall give notice of the pendency of the petition in a public newspaper in the same manner as set forth in Section 405.02.020 of this Article.
 3. City Council Action. If no opposition be made to the petition, the City Council may vacate the same with such restrictions as it may deem for the public good. If opposition be made, the petition shall be set down for public hearing before the City Council.
 4. Initiation Of Vacation By Planning And Development Services Director. If the developer fails to cure all noncompliance with improvement requirements, the Planning and Development Services Director may initiate proceedings to vacate the undeveloped portion of the subdivision. For the purpose of this Section, the undeveloped portion of the subdivision does not include lots which have been sold or are under bona fide contract for sale to any person for personal use or occupancy.
- M. Violations And Penalties.
1. No property description of any subdivision within the jurisdiction of this UDC shall be entitled to be recorded in the St Louis County Office of the Recorder of Deeds or have any validity until it has been approved in a manner prescribed herein. In the event any such unapproved property description is recorded, it shall be considered invalid and the City Attorney may cause proceedings to be instituted to have such plat or deed declared invalid.
 2. Any person, firm, association, or corporation violating any provisions of this Article, or any employee, assistant, agent, or any other person participating or taking any part in, joining, or aiding in, a violation of any provision of this Article will be subject to the fines and penalties of Section 405.08.050 of this UDC.
 3. In addition to the penalties hereinabove authorized and established, the City Attorney may take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violation of this Article.
- N. Improvement Plans. After the preliminary plat is approved, improvement plans for the subdivision of all or any part of the tract shall be submitted for review to the Department.
1. Applicability. No improvement plans are required for large-lot subdivisions, unless the streets therein are proposed by the developer for dedication to the City of Chesterfield. Any alterations of the common land or improvement within the

common land will require the submission of detailed improvement plans and will be considered a required improvement.

2. Nonresidential Subdivision. The nonresidential developer may submit improvement plans after the preliminary plat is approved on part of the nonresidential subdivision only, and the review of the partial improvement plans shall be as though they were being submitted in their entirety for the complete subdivision, so that the nonresidential developer may proceed with the construction and installation of the necessary improvement to a specific industrial site. The land subdivision bond or escrow agreement guaranteeing the installation of the improvements as set forth in Section 405.02.120 of this Article shall cover only that portion of the subdivision improvements required to serve the specific industrial site, and the record plat for such an industrial site shall be approved by the Department in accordance with the terms set forth in Section 405.02.120 of this Article as though improvement plans submitted covered the entire installation of the applicable improvements.
3. Improvement Plan Contents.
 - a. The plans, which detail the construction and types of materials to be used in conjunction with the development of the subdivision, shall be prepared by a registered professional engineer.
 - b. Improvement plans shall be prepared on an exhibit not to exceed twenty-four (24) inches by thirty-six (36) inches and shall contain the following information:
 - (1) Title page, which shall include key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets. In addition, the name, address, and telephone number of the developer and engineering firm, as well as a registered professional engineer's seal, should be indicated.
 - (2) North arrow and graphic scale shall be indicated on each plan sheet.
 - (3) One (1) or more benchmarks, in or near the subdivision, to which the subdivision is referenced. The identity and elevation shall be based on United States Geological Survey datum.
 - (4) List of the standards and specifications followed, citing volume, section, page, or other references.
 - (5) Grading and paving details conforming to the City of Chesterfield standard specifications and requirements.
 - (6) Details of streets, including location and width of all proposed public or private rights-of-way and private roadway easements, existing and proposed sanitary sewers, drainage channels, swales, storm sewers, including adequate natural discharge points, detention facilities, and silt control measures.

- (7) Plans and profiles of streets and sewers, scale not less than one (1) inch equals fifty (50) feet horizontal and one (1) inch equals ten (10) feet vertical.
4. Improvement Plan Procedures. The procedure for reviewing improvement plans shall be as follows:
 - a. Subdivisions within the operating limits of MSD: There shall be submitted copies of paving and street grade plans, together with drainage maps and runoff sheets for stormwater, and sanitary sewer plans. The plans may be reviewed concurrently by the Department (for review of sanitary laterals and private sanitary mains) and MSD. The Missouri Department of Natural Resources shall be included as one of the reviewing agencies when:
 - (1) The tract to be developed is located within the operating limits of a private sewer company, other than MSD; or
 - (2) If the tract to be developed requires a sanitary treatment facility. Corrections or additions shall be made, if required. Complete approval of the plans by all reviewing agencies and payment of inspection fees constitute authority to proceed with construction of improvements necessary to serve the development.
 - b. Subdivisions not within the limits of MSD: There shall be submitted the required number of paving and street grade plans, together with drainage maps and runoff sheets for stormwater. The plans may be reviewed concurrently by the Department and the Missouri Department of Natural Resources. Corrections or additions shall be made, if needed. When the plans are satisfactory to those agencies reviewing same, they shall then be submitted for review and verification by the Department. Complete approval of the plans by all reviewing agencies and payment of inspection fees constitute authority to proceed with construction of improvements necessary to serve the development.
5. Time Period For Approval Validity. Approval of the improvement plans by the respective agencies described above shall be valid for a period of two (2) years from the date of approval, or for such longer period as the Planning and Development Services Director may determine to be advisable if after review by the Department such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If the construction of the improvements shall not have been completed within the two-year period or such longer period as the Planning and Development Services Director may permit, a resubmission of the improvement plans to the appropriate agencies may be required by the Department.
6. As-Built Drawing Of Subdivision Improvements. After the sanitary sewers, storm sewers, sidewalks, and pavement have been constructed and installed, but before the inspecting agencies recommend final approval or acceptance, the developer shall submit the required number of as-built drawings of the above improvements.

Section 405.02.120. Improvements Installed Or Guaranteed.

[CC 1990 § 31-02-12; Ord. No. 2801 § 3 (Exh. A), 6-16-2014; Ord. No. 2924² §1, 12-5-2016]

- A. Completion Guarantee By Developer. After the improvement plans have been substantially completed and all inspection fees and review fees paid, but before approval of the record subdivision plat, the developer shall guarantee the completion of required improvements. The developer shall either:
1. Complete the improvements in accordance with the approved improvement plans under the observation and inspection of the appropriate inspection agency; or
 2. Deposit cash under an escrow agreement or post a land subdivision bond or provide the appropriate surety as set forth in this UDC to guarantee the construction, completion, and installation of the improvements shown on the approved improvement plans within the improvement completion period approved by the Planning and Development Services Director, which shall not exceed two (2) years. The land subdivision bond or escrow agreement or other required surety shall be prepared and executed on forms furnished by the Department and shall be submitted to the City Council for approval or disapproval after review and approval by the Planning and Development Services Director and the City Attorney.
 3. For plats approved after the effective date of this UDC, any guarantee or deposit required by the City for sanitary and storm sewers within the jurisdiction of MSD may be reduced proportionally, by the amount of any guarantee or escrow collected and held by MSD if MSD confirms that its requirement for assurance of completion is satisfied. This provision shall not affect the intent or enforcement of any existing guarantee, escrow, or renewal, extension or replacement thereof.
 4. The Planning and Development Services Director may require any specific improvement to be installed prior to approval of the record plat where failure to install such improvement prior to further development could result in damage to the site or surrounding properties.
 5. The City shall not permit or accept the posting of any bond issued or proposed to be issued by a surety or an affiliate of a surety which has, in the preceding ten (10) years, refused to pay upon formal demand all or part of a claim of the City on any other surety bond. Any individual, corporation or property owner aggrieved by this Section may appeal to the City Council to request the City to accept the posting of such bond. The City Council may consider whether the refusal to pay resulted in litigation, mediation or arbitration of the claim, whether the claim was wholly or partially determined in favor of the City, whether the prior refusal to pay was settled between the City and surety or any other hardship evidence presented by the individual, corporation or property owner. In no instance shall a bond be accepted from a surety while in litigation, mediation or arbitration with the City.

2. Editor's Note: This ordinance also changed the title of this Section from "Installation or guarantee of required improvements" to "Improvements installed or guaranteed."

6. The City shall not accept the posting of any bond issued or proposed by any surety or an affiliate who has refused to pay upon formal demand of the City or been involved in any litigation pertaining to said failure to pay within the past ten (10) years as of the effective date of this Section of the UDC.
- B. Deposit Options. Deposits required by this Article shall be in conjunction with a deposit agreement and may be in the form of cash or letter of credit as follows:
1. Deposit Agreements. Deposit agreements shall provide that there shall be deposited with the City of Chesterfield a cash amount by escrow or surety not less than the Department estimate of the cost of the construction, completion, certifications and installation of the required improvements indicated on approved improvement plans.
 2. Cash deposited with the City Director of Finance to be held in an interest bearing account dedicated for that purpose, with all interest accruing to the City to offset administrative and other costs of maintaining the cash deposits.
 3. An irrevocable letter of credit drawn on a local financial institution acceptable to and in a form approved by the City Attorney and the Director of Planning and Development Services. The instrument may not be drawn on any financial institution with whom the developer or a related entity has any ownership interest or with whom there is any joint financial connection that creates any actual or potential lack of independence between the institution and the developer. The letter of credit shall be with a local banking institution in the Greater St. Louis Metropolitan Area of Missouri and not Illinois. The letter of credit shall provide that the issuing institution will pay on demand to the City such amounts as the City may require to fulfill the obligations herein and may be reduced from time to time by a writing of the Director of Public Services (the Director) or their designee. The letter of credit shall be irrevocable for at least two (2) years and shall state that any balance remaining at the expiration, if not renewed, shall automatically be deposited in cash with the Director of Finance, unless a new letter of credit is issued and agreed to by the City or the City issues to the institution a written release of the obligations for which the letter of credit was deposited. The developer shall pay a non-refundable fee of two hundred dollars (\$200.00) to the City with submission of a letter of credit and one hundred dollars (\$100.00) for any amendment or extension thereto to partially reimburse the City's administration and review costs in accepting and maintaining such letter of credit.
 4. Certificates of deposit, treasury bill, or other readily negotiable instruments, the type of which has been approved by the Department, endorsed to the City and the cash value of which shall be in an amount not less than the amount specified by the Department in its estimate of the cost of the improvements and/or maintenance as reflected by the approved improvements plan.
- C. Amount Of Deposit. The amount of the deposit required by this Article shall be calculated as follows:
1. Construction Deposit. The deposit required of a developer establishing a deposit agreement pursuant to this Section shall be, in addition to the separate

maintenance deposit sum, in the amount of one hundred ten percent (110%) of the Department estimate of the cost of the construction, completion and installation of the required improvements. The Planning and Development Services Director shall adopt, to the extent practical, schedules reflecting current cost estimates of typically required improvements.

2. Maintenance Deposit. The deposit required of a developer pursuant to this Section for maintenance obligations shall be in the amount of ten percent (10%) of the Department estimate of the cost of the construction, completion and installation of all required improvements. The maintenance deposit shall be established by cash sum or submission of a separate letter of credit.
 3. Where certain improvements are installed and approved by the City prior to approval of the record plat pursuant to Subsection (A)(1), the gross amount for the construction deposits shall be reduced by the estimated cost of such improvements.
 4. Other Sureties As Established In This UDC. The deposit required of a developer for any and all other required sureties pursuant to this Section shall be as set forth in the applicable Section of this UDC.
- D. Deposit Agreement — Releases. The deposit agreement shall be entered into with the City of Chesterfield, and shall require the developer to agree to fulfill the obligations imposed by this Article, and shall have such other terms as the City Attorney may require consistent with this Article. The agreement shall authorize the Director (or designee) to release the cash or reduce the obligation secured under the letter of credit as permitted herein. Such releases or reductions may occur upon completion, inspection and approval by the Director of all required improvements within a category of improvements, or may occur from time to time, as work on specific improvements is completed, inspected and approved, provided, however, that:
1. Releases — General. The Director shall release the cash or release the letter of credit as to all or any part of its obligation only after construction, completion and installation of some phase of work on the improvements indicated on the approved improvement plans, receipt of requisite written notification from the appropriate inspecting public authority, and approval by the Department; and only in the amounts permitted herein.
 2. Extension Of Completion Period. If, at the end of the improvement completion period, all the improvements shown on the approved improvement plans have not been completed, the developer may request and the Director may grant an extension to the improvement completion period for a period of up to one (1) year if after review by the Department such longer period is deemed necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other required improvements, facilities or requirements so long as all guarantees are extended and approved by the City Attorney; provided, that the Director may require as a condition of the extension completion of certain items, execution of a new agreement, recalculation of deposit amounts, satisfaction of new code requirements or other reasonable conditions as may be needed to ensure that the extended agreement fully complies with the terms of Section 405.02.120 of this Article.

3. Construction Deposit Releases. After an inspection of any specific improvements, the Director may at their discretion release no more than ninety-five percent (95%) of the original sum deposited for the construction of such specific required improvements. Irrespective of any discretionary prior releases that may be authorized by the Director after completion of any component of the guaranteed improvements (i.e., less than all of the improvements in a given category), the remaining amount held for any category of improvements for the entire subdivision shall be released within thirty (30) days of completion of all of the improvements in such category of improvement, minus a retention of five percent (5%) which shall be released only upon completion of all improvements for the subdivision. The Director shall establish the improvement categories, which may consist of improvement components or line items, to be utilized for calculation of deposit amounts, but such categories, components, and line items shall in no way modify or reduce the developer's guarantee as to all required improvements, irrespective of any release or completion of any category, or underlying component or line item. All improvements in a category shall be deemed complete only when:
 - a. Each and every component and line item within a category for the entire subdivision has been constructed and completed as required;
 - b. The developer has notified the Director in writing of the completion of all components of the category, provided all necessary or requested documentation, and requests an inspection;
 - c. The developer is not in default or in breach of any obligation to the City under this Article, including, but not limited to, the Director's demand for maintenance or for deposit of additional sums for the subdivision;
 - d. The inspection has been completed and the results of the inspection have been approved, in writing, by the Director; and
 - e. The developer has paid any sums due related to the project.

Releases of the maintenance deposit amounts shall be as provided elsewhere in this Article for maintenance deposits.
4. Releases Of Other Sureties As Established In This UDC. The release procedure for any and all other sureties required of a developer pursuant to this Section shall be as set forth in the applicable Section of this UDC.
5. Effect Of Release — Continuing Obligations. The developer shall continue to be responsible for defects, deficiencies and damage to streets and other required improvements during development of the subdivision. No inspection approval or release of funds from the construction deposit as to any component or category shall be deemed to be City approval of improvement or otherwise release the developer of its obligation relating to the completion of the improvements until the final subdivision release on all improvements and maintenance is issued declaring that all improvements have in fact been constructed as required. Inspection and approval of any or all required improvements shall not constitute

acceptance of the improvement by the City as a public improvement for which the City shall bear any responsibility.

6. Deficient Improvements. No approval of required improvements shall be granted for improvements that fail to meet the specifications established herein or otherwise adopted by the Department or City Council.
7. Final Construction Deposit Release. Upon final inspection and approval of all required improvements, the remaining amount of the construction deposit shall be released; provided, that no such funds shall be released on a final inspection until the development of the subdivision is complete, as determined by the Director. Completion is when the particular item has had all documentation and certification filed in a complete and acceptable form, the specific items have been inspected, all identified deficiencies have been corrected and the work has been approved by the City.
8. Appeals. If the developer believes that a release or certificate of completion has been improperly denied, including, but not limited to, under this Section, an appeal shall be filed pursuant to the City's Public Works Board of Variance, and no such denial shall be deemed final until such appeal procedure has been exhausted.

E. Maintenance Guarantee.

1. Scope And Duration. Upon commencement of installation of the required improvements within the subject subdivision, the developer shall be responsible for the maintenance of the improvements, including, but not limited to: undeveloped lots, streets, sidewalks, trees, common areas, erosion and siltation control, and storm and drainage facilities, until: (1) expiration of twelve (12) months after occupancy permits have been issued on eighty percent (80%) of all of the lots in the subdivision plat(s), or (2) twelve (12) months after completion of the subdivision and acceptance/approval of all required improvements by the City, whichever is longer, subject to the deposit agreement. Maintenance shall include repair or replacement of all defects, deficiencies and damage to the improvements that may exist or arise, abatement of nuisances caused by such improvements, removal of mud and debris from construction, erosion control, grass cutting, removal of construction materials (except materials to be used for construction on the lot or as permitted by site plan), and snow removal. All repairs and replacement shall comply with City specifications and standards. Any maintenance on improvements accepted by the City for public dedication shall be completed under the supervision of and with the prior written approval of the Director. The maintenance obligation for required improvements to existing public roads or other existing public infrastructure already maintained by a public governmental entity shall terminate on and after the date such improvements have been inspected, deposit released, and accepted by the City or appropriate agency for dedication. Irrespective of other continuing obligations, the developer's snow removal obligations shall terminate on the date a street is accepted by the City for public maintenance. The maintenance requirements and procedures for improvements guaranteed by any and all other sureties required of a developer pursuant to this Section shall be as set forth in this UDC.

2. Maintenance Deposit — Amount — Use.
 - a. The maintenance deposit shall be retained by the City to guarantee maintenance of the required improvements and, in addition to being subject to the remedies of Subsection (G) and other remedies of this UDC, shall be subject to the immediate order of the Director to defray or reimburse any cost to the City of maintenance or repair of improvements related to the subdivision which the developer fails or refuses to perform. Except in emergency circumstances or where action is otherwise required before written notice can be provided, the Director shall provide the developer with a written demand and opportunity to perform the maintenance before having such maintenance performed by the City, or its agents. Where the amount of maintenance deposit remaining is determined to be insufficient or where the maintenance deposit was drawn upon by the City for maintenance, the Director shall have the authority to require the maintenance deposit to be replaced or replenished by the developer in any form permitted for an original deposit.
 - b. In determining the amount of maintenance deposit that shall continue to be held, portions of the deposit amount that were attributable to improvements that have been accepted by any third-party governmental entity or utility legally responsible for the maintenance of the improvement may be released upon such acceptance of the improvement by the entity. The Director may approve such further releases if it is determined in his or her discretion, after inspection of the improvements, that the total maintenance amount retained is clearly in excess of the amount necessary for completion of the maintenance obligation, after all reasonable contingencies are considered.
 3. Final Maintenance Deposit Release. Upon expiration of the maintenance obligations established herein, the Director shall cause a final inspection to be made of the required improvements. Funds shall then be released if there are no defects or deficiencies found and all other obligations, including payment of all sums due, are shown to be satisfied on inspection thereof, or at such time thereafter as any defects or deficiencies are cured with the permission of, and within the time allowed by, the Director. This release shall in no way be construed to indemnify or release any person from any civil liability that may exist for defects or damages caused by any construction, improvement or development for which any deposit has been released.
- F. Acceptance And Final Approval. Before the developer's obligation to the City of Chesterfield is terminated, all required improvements shall be constructed under the observation and inspection of the inspecting agency and accepted for maintenance or given final approval by the City of Chesterfield.
- G. Failure To Complete Improvements. The obligation of the developer to construct, complete, install and maintain the improvements indicated on the approved improvement plans and provide for street maintenance shall not cease until the developer shall be finally released by the Director, nor shall any deposit agreements or obligations hereunder be assignable by developer. If, after the initial improvement completion period, or after a later period as extended pursuant to this Section, the

improvements indicated on the approved improvement plans are not constructed, completed, installed, accepted and maintained as required, or if the developer shall violate any provision of the deposit agreement, the Director may notify the developer to show cause within not less than ten (10) days why the developer should not be declared in default. Unless good cause is shown, no building or other permit shall be issued to the developer in the subdivision during any period in which the developer is in violation of the deposit agreement or Subdivision Code relating to the subdivision. If the developer fails to cure any default or present compelling reason why no default should be declared, the Director shall declare the developer in default and may take any one (1) or more of the following acts:

1. Require the developer to submit an additional cash sum sufficient to guarantee the completion or maintenance of the improvements indicated on the approved improvement plans after recalculation in order to allow for any inflated or increased costs of constructing, maintaining, or redesign of the improvements;
2. Deem the balance under the deposit agreement not theretofore released as forfeited to the City to be then placed in an appropriate trust and agency account subject to the order of the Director for such purposes as letting contracts to bring about the completion or maintenance of the improvements indicated on the approved improvement plans or other appropriate purposes in the interest of the public safety, health and welfare; or
3. Require the developer or surety to pay to the City the balance of the deposit not theretofore released.

The failure of a developer to complete the improvement obligations within the time provided by the agreement (or any extension granted by the City), including the payment of funds to the City due to such failure, or an expiration of a letter of credit, shall be deemed an automatic act of default entitling the City to all remedies provided in this Section without further or prior notice. It shall be the sole responsibility of the developer to timely request an extension of any deposit agreement if the improvements are not completed in the original time period provided by the deposit agreement, or extension granted by the City. No right to any extension shall exist or be assumed.

H. Other Remedies For Default. If the developer or surety fails to comply with the Director's requirements for payment as described above, fails to complete the improvements as required or otherwise violates the deposit agreement provisions, the Director may in addition or alternatively to other remedies:

1. Suspend the right of anyone to build or construct in the subdivision by issuance of a stop work order (SWO). Issuance of a SWO shall result in a suspension of all construction activity on the site, until the cause is resolved to the City's satisfaction. The SWO shall also suspend the right of the permittee, applicant, owner, contractor, developer or any related entity to build or construct any structure or public improvement on any portion of the site. The Director of Public Services and the Planning and Development Services Director, upon the issuance of a SWO, are authorized to suspend the issuance of building permits and occupancy permits for structures on any portion of the site, and to suspend all

inspections and plan review related to any work on the site, until such time as the cause is resolved to the City's satisfaction. SWOs shall specifically state the provisions of this Article being violated. Any person, who shall continue any work in or about the site after a SWO has been posted, except such work related to remediation of the violation, shall be subject to penalties specified in this UDC. The Director shall give the developer ten (10) days' written notice of an order under this Subsection, with copies to all known sureties, as appropriate, who have outstanding obligations for any undeveloped portion of the subdivision, and shall record an affidavit of such notice with the Recorder of Deeds. If, within the ten (10) day period after notice is given, the Director is not convinced by compelling evidence that completion of the improvements is adequately assured and maintenance of streets assured as provided herein, the Director shall order construction suspended on the undeveloped portion of the subdivision. The order shall be served upon the developer, with a copy to the issuer/holder of the surety as appropriate, and a copy recorded with the Recorder of Deeds. Public notice of said order shall be conspicuously and prominently posted by the Director at the subdivision. The notice shall contain the following minimum language, which may be supplemented at the discretion of the Director:

THIS SUBDIVISION, (name of subdivision), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF CHESTERFIELD DIRECTOR OF PUBLIC SERVICES. NO DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS SUBDIVISION UNTIL SUCH TIME AS THE CITY OF CHESTERFIELD DIRECTOR OF PUBLIC SERVICES REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO ARTICLE II OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD.

The Director of Public Services (the Director) and the Planning and Development Services Director shall not thereafter authorize construction to take place contrary to the Director's order. The suspension shall be rescinded in whole or in part only when the Director is convinced that completion of the improvements is adequately assured in all or an appropriate part of the subdivision and a guarantee of public street maintenance provided; or

2. Suspend the rights of the developer, or any related entity, to construct structures in any development platted after the effective date of such suspension throughout the City of Chesterfield. The Director shall give the developer ten (10) days' written notice of an order under this clause, with a copy to sureties known to the Director to have obligations outstanding on behalf of the developer or related entities and shall record an affidavit of such notice with the Recorder of Deeds. If, within the ten (10) day period after notice is given, the Director is not convinced by compelling evidence that completion of the improvements is adequately assured and maintenance of streets assured as provided herein, the Director shall order construction suspended. The order shall be served upon the developer, with a copy to the surety as appropriate, and a copy recorded with the Recorder of Deeds. The Director of Public Services (the Director) and the

Planning and Development Services Director shall not thereafter authorize construction to take place contrary to the Director's order. The suspension shall be rescinded only when the Director is convinced that completion of the improvements is adequately assured and public street maintenance is assured.

- I. **Suspension Of Development Rights.** From and after the effective date of this Section if a developer, or any related entity, has a subdivision development improvement guarantee that is in default, as determined by the Director, including any escrow, fees, or bond under any prior version of this Section:
1. The Director shall be authorized, but not be limited, to thereafter pursue the remedies of Subsection (H) of this Section; and
 2. The rights of the developer, or any related entity, to receive development approval, which approval shall include, but not be limited to, approval of any plat or deposit agreement for new or further development in the City, shall be suspended. The suspension shall be rescinded only when the Director is convinced that completion and maintenance of the improvements is adequately assured.
- J. **Additional Remedies.** If any party or related entity fails to comply with any obligation of this Section, the Director may recommend that the City Attorney take appropriate legal action and may also withhold any building or occupancy permits to this developer or related entities until such compliance is cured. The City shall also have the right to partially or wholly remedy a developer's deficiencies or breached obligations under this UDC by set-off of any funds or assets otherwise held by the City of the developer to the maximum extent permitted by law. Such set-off shall occur upon written notice of such event by the Director of Public Services or the Planning and Development Services Director to the developer after the developer has failed to timely cure the deficiencies. It shall be deemed a provision of every deposit agreement authorized under this Article that the developer shall pay the City's costs, including reasonable attorney's fees, of enforcing such agreement in the event that the developer is judicially determined to have violated any provision herein or in such agreement. The developer may appeal any decision taken pursuant to this Section by filing an appeal under the City's administrative review procedure.
- K. **Related Entities.** For purposes of this Section, "related entity" has the following meaning: a developer is a "related entity" of another person:
1. If either has a principal or controlling interest in the other, or
 2. If any person, firm, corporation, association, partnership, or other entity with a controlling interest in one (1) has a principal or controlling interest in the other. The identification of related entities shall be supported by documentation from the Secretary of State's Office, Jefferson City, Missouri.

Section 405.02.130. Building Permits.**[CC 1990 § 31-02-13; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

Building permits shall be granted as provided for in Article 02 of this UDC. Further, no building permit or municipal zoning approval (MZA) shall be issued for the erection, reconstruction or alteration of any structure, or part thereof, nor shall any such work be started until approved by the Planning and Development Services Director or his or her authorized representative. No building permit shall be issued for any building unless such building is in conformity with the provisions of this UDC. An MZA shall be required prior to issuance of any building permit.

Section 405.02.140. Certificates Of Occupancy.**[CC 1990 § 31-02-14; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

No building or structure or part thereof shall hereafter be constructed or altered until issuance of a proper permit. No new use, extension or alteration of an existing use, or conversion from one use to another, shall be allowed in any building, structure or land or part thereof until issuance of a proper permit; except that no permit shall be required for the raising of agricultural crops, orchards or forestry. No occupancy permit shall be issued for any use or change in use unless such use or change in use is in conformity with the provisions of this UDC.

Section 405.02.150. Future Land Use And Local Noise Impact.**[CC 1990 § 31-02-15; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]****A. General.**

1. It shall be unlawful for any seller or landlord to contract for the sale, lease or rental of any residential property and it shall be unlawful for any real estate broker to procure a contract for the sale, lease, or rental of any residential real property without first having disclosed to the prospective buyer or tenant the availability of an information resource with respect to the future land use of a nearby real estate as contemplated by the Comprehensive Plan of the City of Chesterfield and with respect to the Spirit of St. Louis Noise Impact Zone. The disclosure shall be in substantially the same format as is incorporated herein.
2. A generic version of this disclosure, one pertaining to all municipalities and/or unincorporated areas, will suffice in lieu of this disclosure so long as it contains the essential elements regarding future land use of nearby real property and noise impact zone(s).
3. Disclosure language as set out in Section 405.02.150(A)(5) of this Article shall be required for every contract for sale, lease or rental of any residential dwelling unit within the City of Chesterfield. Said disclosure shall be contained on a separate sheet of paper at least eight and one-half (8 1/2) inches by eleven (11) inches in size and shall require signature acknowledgement by the prospective purchaser(s) or renter(s) which shall be kept on file by the seller or lessor for five (5) years. If a real estate broker is involved in the transaction, then the real estate broker shall

maintain said disclosure in his or her files for a period of not less than five (5) years.

4. In new subdivisions where the developer(s) maintain an active sales office, or in developments where there is an active sales office for sales in that development of any kind, there shall be a sign of at least eighteen (18) inches by twenty-four (24) inches prominently displayed inside the sales office. The sign shall use readily legible type and be located adjacent to or attached to any map or plat used for marketing purposes in said subdivision.
5. The disclosure statements required by this Section of the UDC shall, at a minimum, contain the language set out in this Section. The use of language, which is contained herein, shall satisfy the requirements of this Section of this UDC. The disclosure shall read as follows:

"This disclosure, as required by the City of Chesterfield, is for the purpose of informing prospective buyers and tenants of any residential property in Chesterfield that there may be a potential for development of nearby real estate and there is a possibility of noise from the Spirit of St. Louis Airport.

Prospective buyers and tenants who may have concerns about future land use of nearby properties should refer to the current Comprehensive Plan of the City of Chesterfield, located and available at the Chesterfield City Hall.

Prospective buyers and tenants who may have concerns about the Spirit of St. Louis Airport Noise Impact Zone should refer to the current impact zone map(s) located and available at the Spirit of St. Louis Airport.

Buyers' and tenants' independent investigation of their concerns, if any, should occur before executing a purchase, lease or rental agreement."

6. In addition to the disclosure statement prospective buyers or renters shall be furnished a copy of the Chesterfield Conceptual Land Use Map showing the area within one (1) mile of the property for sale or rent and a copy of the Spirit of St. Louis Airport Noise Impact Maps to satisfy the requirements of this Section.
7. The violation of this Section of the UDC shall be punishable as provided for in Article 08 of this UDC.

Section 405.02.160. Regulations For Single-Family Residential Tear Downs And Additions.

[CC 1990 § 31-02-16; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

The following requirements shall apply for single-family residential tear downs and additions in established districts:

A. General.

1. Tear downs and additions shall adhere to the development standards of the City of Chesterfield UDC as well as any other element of the UDC that shall be deemed applicable.

2. The following items are required with the submittal for all tear downs and new construction and/or additions:
 - a. A municipal zoning approval application.
 - b. Photos of the adjacent residential properties when Planning Commission review is required.
 - c. Architectural elevations and building materials addressing City of Chesterfield Architectural Review Board Design Standards when Planning Commission review is required.
 - d. Documentation that all adjacent property owners and subdivision trustees were notified of the proposed new construction.
 - e. Five (5) copies of a plot plan/site plan, drawn to scale and including the following information:
 - (1) All specific information required by the ordinance authorizing the development;
 - (2) Location and size, including height of the residential dwelling and all other structures located on the property;
 - (3) Proposed driveway;
 - (4) All existing and proposed easements/rights-of-way on the site;
 - (5) Specific structure setbacks in accordance with the structure; and
 - (6) Setbacks established in the governing zoning district.
- B. Review. Applications for residential additions are reviewed by the Department except as follows:
 1. Any addition larger than one thousand (1,000) square feet and where the proposed addition increases the gross livable floor space by more than thirty percent (30%) shall be reviewed for approval by the City of Chesterfield Planning Commission.
- C. Exceptions. Where a developed property in a residential zoning district is found to be nonconforming with regards to the dimensional requirements of the particular zoning district in which it resides and said property submits an application for tear down and construction or addition, the Planning Commission shall make a determination of approval or denial based on the intent of this UDC.
- D. Appeal. Decisions of the Planning and Development Services Director regarding the application of this UDC may be appealed to the Board of Adjustment in accordance with applicable procedures as established by the Board of Adjustment.

Section 405.02.170. Sign Permits.**[CC 1990 § 31-02-17; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]****A. General.**

1. Unless excepted by these regulations or the City of Chesterfield Building Code, no sign shall be erected, constructed, posted, altered, enlarged, maintained, or relocated, until a zoning authorization has been issued by the Department and a sign permit issued by St. Louis County Department of Public Works. Before any zoning authorization is issued, an application, provided by the Department, shall be filed, together with drawings and specifications as may be necessary to fully advise and acquaint the Department and St. Louis County Department of Public Works with the location, construction, materials, manner of illuminating, and securing or fastening, and the wording or delineation to be carried on the sign. All signs that are to be illuminated by one (1) or more sources of artificial light shall require a separate electrical permit and inspection conducted by the St. Louis County Department of Public Works.
2. Structural and safety features and electrical systems shall be in accordance with the requirements of the City of Chesterfield Building Code or any applicable building codes being enforced by the City of Chesterfield. No sign shall be approved for use unless it has been inspected by the Department issuing the permit and is found to be in compliance with all the requirements of this UDC and applicable technical codes. Signs found to be in violation of the requirements of this UDC and/or applicable technical codes and which are determined to be a danger to public health, and safety may, after fifteen (15) days of an inspection determining said violation and after notification to the property owner, be dismantled and removed by the City of Chesterfield. The expense for such action shall be charged to the owner of the property on which the sign is erected and shall be filed as a special lien thereon.

B. Planning Commission Approval. The proponent of a sign subject to Planning Commission approval as set out in subsequent Sections of this UDC shall file with the Department, in addition to those document requirements specified in Section 405.02.170(A) of this Article, a written statement addressing the following information:

1. The underlying business, directional, or informational purpose of such a sign.
2. Why such a sign should exceed the maximum height and/or outline area specification for a particular sign in order to accomplish the underlying purpose as stated in Subsection (B)(1) above.
3. What the proponent of such a sign believes the adverse impact may be upon the underlying business, directional, or informational purpose of such a sign if the proponent is compelled to reduce the height and/or outline area of such a sign to within the maximum height and/or outline area specification for any one (1) sign and the factual basis supporting such belief.
4. The approximate distance the proposed sign will be from other existing or planned structures visible or planned to be visible within a radius of one thousand (1,000) feet from said sign, identifying such structures with sufficient particularity

to enable the Planning Commission to determine whether there is a reasonable likelihood of an adverse public health, convenience, welfare and/or safety impact within the one-thousand-foot radius area while maintaining the high aesthetic quality of said area.

5. What steps, if any, the proponent has taken to integrate the design with the surrounding environment, including, but not limited to, use of colors and materials, size and character of typeface(s), regularity of overall shape, type of illumination, orientation and situation of such a sign in order to minimize the amount of visual clutter, and to avoid the distraction to pedestrians and motorists beyond that necessary to convey the underlying business, information, or directional purpose of said sign.
6. If no steps [referred in Subsection (B)(5), above] have been taken, why such steps should not be required of the proponent.
7. Any other information, such as length of frontage, special speed limit or topographic considerations, that the proponent deems pertinent to the approval of such a sign request.

Section 405.02.180. Variances.

[CC 1990 § 31-02-18; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. Zoning.

1. General Provisions.

a. The Board of Adjustment shall have the following powers:

- (1) In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, the Board of Adjustment shall have authority to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done;
- (2) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these sections or any ordinance adopted pursuant thereto;
- (3) Permit reconstruction of a nonconforming building, which has been damaged by explosion, fire, act of God, or public enemy, to the extent of more than sixty percent (60%) of its reasonable value, where the Board finds some compelling public necessity requiring a continuance of a nonconforming use, and the primary purpose of continuing the nonconformity use is not to continue a monopoly;

- (4) Yard variance. To permit a variation in the yard requirements of any zoning district or the building or setback lines from major highways as provided by law where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided that such variance will not seriously affect any adjoining property or the general welfare of the public;
 - (5) Sign variance. To permit a variation in the sign requirements of any zoning district of up to a fifty-percent increase in sign area and up to a fifty-percent increase in height and width where the petitioner files a plot plan and scale layout design in duplicate and demonstrates that otherwise there would be a hardship to the public seeing its particular commodity or service and where the petitioner demonstrates that the increased sign area, height and width would not be injurious to the neighborhood or otherwise detrimental to the public welfare. When a petition for a variance to sign regulations has been filed with the Board of Adjustment, the Department shall review said petition and file a report thereon containing conditions which the Department recommends that the Board of Adjustment consider placing upon the sign variance if granted. In making its decision, the Board of Adjustment must be satisfied that the granting of such variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty which is unique to the petitioner in his use, so great as to warrant a variation from the sign regulations as established by the City of Chesterfield UDC or any Zoning Ordinance enacted by the City of Chesterfield and at the same time place conditions upon said variance, if necessary, so that the surrounding property will be properly protected.
- b. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of Sections 89.010 to 89.140, RSMo. reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made to that end and shall have all the powers of the officer from whom the appeal is taken.
2. Duration Of Variance. A decision of the Board granting a variance that permits the erection or alteration of a building shall be valid for a period of six (6) months, unless a building permit for such erection or alteration is obtained within this period and the erection or alteration is started and proceeds to completion in accordance with the terms of the decision.
- B. Subdivision.
1. Variances.
 - a. Grounds.

- (1) The Planning and Development Services Director may modify or authorize a variance to all provisions of this Article of the UDC, when the following circumstances apply:
 - (a) The tract to be subdivided is of such unusual size or shape, or is surrounded by such development, or contains such topographic conditions or characteristics, or is intended for the construction of improvements of such unusual design or arrangement, that the strict application of requirements in this Article would impose practical difficulties or particular hardship.
 - (b) Criteria for variances established elsewhere in this Article for a specific requirement have been met.
 - (c) The granting of a variance will not be detrimental to the public interest.
 - (d) In granting variances, the Planning and Development Services Director may require such conditions which in his judgment secure the objectives of this Article.
- b. Application for variance shall be made in writing and state fully and clearly all facts necessary to support the request. All requests shall be accompanied by the processing fee established in Article 09 of this UDC. The application shall be accompanied by maps, plans, or additional data which may aid in the complete analysis of the request.
- c. Decision Time Frame. The Planning and Development Services Director shall make a decision regarding the variance request or request additional information within twenty (20) working days of receipt of the request. The petitioner shall be notified in writing of the decision of the Planning and Development Services Director.
- d. Low-Cost Housing Variances.
 - (1) It is the intent of this Article to permit and facilitate housing for low- and moderate-income families and individuals of the City of Chesterfield. It is also the intent of this Article to facilitate such housing without lowering the requirements contained in this Article. However, the use of varied designs, new design techniques, and other similar alternatives are encouraged as an alternate to reducing the minimum requirements listed herein. Therefore, there is hereby established provision for variances in lot size requirements, flexibility in building types, varied relationships between buildings, alternate improvement standards, and other alternate approaches when such accompany or are a part of a planned unit development under the UDC. Such a development must have adequate provisions for supporting recreational facilities and provide for the development of a diverse and interesting urban environment. Nothing in this Article shall prohibit the sale of an apartment, townhouse, duplex, or other type of dwelling unit as individual units or on individual lots under the Condominium Law of the State of Missouri. Utilization of this

law in order to attain a high degree of private ownership in such housing developments for low- and moderate-income families and individuals is encouraged.

- (2) Under the provisions of this Section, variances may be received, considered and acted upon by the Commission as a part of and under the planned unit development, subject to payment, if approved, of one-half (1/2) the appropriate fee for such variances. Under this procedure, such special variances will be considered only when there is adequate assurance that the development actually will be utilized for low- and moderate-income families.

2. Appeal Procedures.

- a. Upon the denial of an application for a variance by the Planning and Development Services Director, the petitioner may file a formal appeal, upon payment of an additional variance fee to the Commission, requesting a formal determination from the Commission. The Commission may affirm, reverse, or modify, in whole or in part, any determination by the Department.
- b. Right-Of-Way Requirements:
 - (1) The developer may appeal to the City Council the right-of-way required by the Department on request by the Department under Section 405.04.090 of this UDC when the requirement for right-of-way is in excess of twenty (20) feet on either side of a street.
 - (2) The Department may appeal to the City Council when the preliminary plat has been approved which does not reflect a request by the Department for dedication under Section 405.04.090 of this UDC along an existing street for right-of-way in excess of twenty (20) feet on either side of a street.
 - (3) Appeals filed under this provision shall be filed with the City Council within fifteen (15) days after date of action on the determination of right-of-way requirements by the Department.

C. (Reserved)³

D. Additional Information. For additional information on the Board of Adjustment or Public Works Board of Variance, see Chapters 2 and 23 of the Chesterfield City Code.

Section 405.02.190. Appeals And Protest.

[CC 1990 § 31-02-19; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. Appeal And Protest Procedure For Change Of Zoning And Special Procedures.

³ Editor's Note: Original Subsection C, Flood damage prevention, of the 1990 Code, was repealed 1-5-2015 by § 2 of Ord. No. 2828. For current provisions, see Article 05, Flood Damage Prevention.

1. **Scope Of Provisions.** This Section contains the regulations governing the filing and review of an appeal or protest from a Planning Commission decision or recommendation regarding a change of zoning or special procedure authorized under Section 405.02.040 of this Article.
2. **Statement Of Intent.** The purpose of this Section is to provide a formal method by which a petitioner may request further consideration by the City Council of a Planning Commission denial or recommendation of denial of a change of zoning or certain special procedures as specified herein; and to provide a formal method by which the owners of property located within a specified proximity to a petitioned tract of land may present to the City Council a petition and statement of their opposition to a Planning Commission decision or recommendation of approval of a change of zoning or certain special procedures as specified herein.
3. **Filing Of Appeal Or Protest.** The following regulations shall govern the filing of an appeal or protest:
 - a. **Appeal by petitioner of decision or recommendation of denial.** Upon the denial or recommendation of denial by the Planning Commission of an application for a change of zoning or certain special procedure as specified herein, the applicant may file an appeal with the City Council requesting a determination from that body. The appeal shall be filed within eighteen (18) days after the Planning Commission decision (or if the filing date falls on a weekend or holiday, the next regular business day). The appeal shall be submitted in writing to the City Council, and shall be filed in duplicate with the City Clerk, accompanied by a fee of two hundred dollars (\$200.00). In the case of a special procedure, the applicant shall state in the appeal how the application, as initially filed or subsequently modified, meets the criteria set forth in the regulations of the special procedure in question.
 - b. **Protest by nearby property owners to recommendation of approval.** Owners of thirty percent (30%) (by area exclusive of streets and alleys) of the property within one hundred eighty-five (185) feet of the property in question may file a protest with the City Council against the Planning Commission's decision or recommendation of approval of a change of zoning or special procedure as specified herein. The protest shall be filed within eighteen (18) days after the Planning Commission decision (or if the filing date falls on a weekend or holiday, the next regular business day). The protest shall be in writing and shall be filed in duplicate with the City Clerk, accompanied by the signatures of property owners in opposition, each signature being individually acknowledged. In the case of a special procedure, the protest shall include notarized verification from the person(s) collecting protestants' signatures that all signatures are correct and real. The protest shall specifically state how the application, as initially filed or subsequently modified, fails to meet the criteria set forth in the regulations of the special procedure in question.
4. **Review Of Appeal Or Protest.** The following regulations shall govern the review of an appeal or protest:

- a. Referral Of Appeal Or Protest To Planning And Public Works Committee. Upon receipt of an appeal or a protest, the City Council shall refer it to the Planning and Public Works Committee.
- b. Public Hearing By The City Council. Before acting on any appeal or protest the City Council, or its Committee on Planning and Public Works, shall set the matter for hearing. The City Council shall give written notice of such hearing to the applicant and all other persons who appeared and spoke in opposition to the application at the public hearing before the Planning Commission or to the protestants in the case of a protest. The applicant and the protestants in the case of a protest shall be heard at the hearing. In addition, any other person or persons who, in the discretion of the City Council, will be aggrieved by any decision or action with respect to an appeal or protest may also be heard at the hearing.
- c. City Council Decision. Following the hearing by the City Council or its Committee on Planning and Public Works on an appealed or protested application, the City Council may affirm, reverse or modify, in whole or in part, any determination of the Planning Commission. An affirmative vote of two-thirds (2/3) of the members of the whole City Council shall be required to approve a protested change of zoning or special procedure, or to overrule the disapproval of the Planning Commission. In all other instances, a majority vote of the whole City Council shall be required to approve, deny or modify any recommendation of the Planning Commission with respect to a change of zoning or special procedure. A valid protest petition shall have the effect of extending the time for introduction of a bill beyond the ninety-day period established in 405.02.030(B) of this Article.

Section 405.02.200. City Council Power Of Review.**[CC 1990 § 31-02-20; Ord. No. 2801 § 3 (Exh. A), 6-16-2014; Ord. No. 2976, 1-3-2018]**

- A. City Council Review Of Planning Commission Decisions (Power Of Review).
 1. Either Councilmember of the Ward where a development is proposed, the Mayor, or any two (2) City Council members from any Ward may request that the conditional use permit or plan for a development be reviewed and approved by the entire City Council.
 2. This request must be made no later than seventy-two (72) hours after decision of the Planning Commission. The project will then be placed with Planning and Public Works Committee for review, with a final recommendation then forwarded to the City Council. The City Council will then take appropriate action relative to the proposal.
 3. The plan for a development, for purposes of this Section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto or any other plan reviewed by the Planning Commission.

- 4. Written notice of Power of Review shall be provided to the applicant and all other persons who appeared and spoke in opposition to the application at the public hearing before the Planning Commission or to the protestants in the case of a protest. The applicant and any other person or persons who, in the discretion of the City Council, will be aggrieved by any decision or action may be heard at the hearing before the Planning and Public Works Committee.
- 5. The City Council may affirm, reverse or modify, in whole or in part, any determination of the Planning Commission. An affirmative vote of two-thirds (2/3) of the members of the whole City Council shall be required to approve a protested conditional use permit or to overrule the disapproval of the Planning Commission. In all other instances, a majority vote of the whole City Council shall be required to approve, deny or modify the determination of the Planning Commission.

ARTICLE 03

Zoning Districts And Uses

Section 405.03.010. Purpose.

[CC 1990 § 31-03-01; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

The purpose of this Article of the Unified Development Code (UDC) is to establish zoning districts within the municipal limits of the City of Chesterfield, allowable uses and dimensional and district requirements within districts, special procedures and overlay districts.

Section 405.03.020. Establishment Of Districts.

[CC 1990 § 31-03-02; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Districts. For the purposes of this UDC, all land in the City of Chesterfield is zoned into districts. Changes of zoning, conditional use permits and special procedure applications not included in Section 405.03.020(E) of this Article may only be filed for one of the following districts on Table A-1. For purposes of this UDC, text amendments to existing planned district ordinances are referred to and treated as a special procedure.

Table A-1

Agricultural	AG
Park and Scenic	PS
Large Lot Residential (3 acres)	LLR
Estate Two Acre (2 acres)	E-2AC
Estate One Acre (1 acre)	E-1AC
Estate Half Acre (1/2 acre)	E-1/2AC
R-2 Residence (15,000 square feet)	R2
R-3 Residence (10,000 square feet)	R3

Table A-1

R-4 Residence (7,500 square feet)	R4
R-5 Residence (6,000 square feet)	R5
R-6A Residence (4,000 square feet)	R6A
R-6AA Residence (3,000 square feet)	R6AA
R-6 Residence (2,000 square feet)	R6
R-7 Residence (1,750 square feet)	R7
R-8 Residence (500 square feet)	R8
Planned Commercial	PC
C8 Planned Commercial (*for special procedure requests only) ¹	C8
Neighborhood Business	NB
Planned Industrial	PI
M3 Planned Industrial (*for special procedure requests only) ¹	M3
Light Industrial	LI
Medical Use	MU
Urban Core	UC
Mixed Use	MXD
Planned Commercial & Residential	PC&R
Planned Unit Development	PUD

NOTES:

¹ Requests for amendments to existing planned district ordinances in the C8 or M3 district, or other special procedures, such as obtaining a conditional use permit or LPA status, are permitted. However, additional or new parcels of land are prohibited from zoning to either of these districts.

- B. Overlay districts and special procedures. An overlay district or special procedure is an additional zoning requirement that is placed on a geographic area but does not change the zoning of the site. These zoning tools may add additional restrictions or provide certain incentives in specific geographic areas or for land with specific physical features or characteristics. The purpose of using an overlay district or special procedure is to address certain community interests, such as historic preservation or protection of environmentally sensitive areas. Requests for an overlay district or special procedure may only be sought for land zoned to one of the districts listed in Table A-1 above. Overlay districts and special procedures found in the City of Chesterfield are as listed in Table B-1 below: **[Ord. No. 2828, § 3 (Att. C), 1-5-2015]**

Table B-1

Museum and Arts Area	MAA
Residential Business Use Procedure	RBU
Wild Horse Subarea Overlay	WH
Chesterfield Historic Register	H
Landmarks Preservation Area	LPA

- C. District boundaries. The boundaries of these districts are hereby established as shown on the City of Chesterfield Zoning Map consisting of a series of maps at a scale of one (1) inch equals two hundred (200) feet, as adopted by Ordinance 624 (1991), together with all subsequent amendments thereto. All district classifications, however, need not appear on the Zoning Map at one time. Official copies of said map shall be maintained in the Department of Public Services (the Department) and shall be public records. All subsequent amendments to the zoning maps shall be designated on said official copies. The Planning Commission may, at its discretion, cause the City of Chesterfield Zoning Map and its official copies thereof to be photographed, microphotographed, photostated or reproduced on file, which maps when so reproduced shall be deemed to be an original record for all purposes.

- D. Inactive districts and inactive special procedures list. Table C-1 provides a list of zoning district categories and special procedures which are inactive. While parcels do exist within the City of Chesterfield which are zoned to these districts or which have one of these special procedures applied to it, any changes, modifications, or amendments to any of these districts or special procedures is prohibited, except as described in Section 405.03.020(A) of this Article. Any site specific ordinance establishing any of these districts or procedures on any given parcel enacted prior to the passage date of this UDC is still valid. See City of Chesterfield Zoning Ordinance dated November 17, 1997, for specific information on any inactive district or procedure. **[Ord. No. 2828⁴ § 3 (Att. C), 1-5-2015]**

Table C-1

R-1 Residence	R1
R-1A Residence	R1A
Estate Residential District (two acre)	E1
Estate Residential District (one acre)	E2
Estate Residential District (half acre)	E3
Non-Urban	NU
C2 Shopping	C2
C3 Shopping	C3
C4 Highway Service Commercial	C4
C6 Office and Research Service	C6
C7 General Extensive Commercial	C7
C8 Planned Commercial	C8
M1 Industrial	M1
M2 Industrial	M2
M3 Planned Industrial	M3
Commercial Service Procedure	CSP
Planned Environment Unit	PEU
Commercial Industrial Density Development	CIDD

4. Editor's Note: This ordinance also repealed former Subsection D, Floodplain and Floodway Map, and redesignated former Subsection E as Subsection D.

Table C-1

Flood Plain Overlay District

FP

NOTE:

The E1, E2, and E3 Estate Residential Districts are now inactive and have been replaced with the E-2AC, E-1AC, and E-1/2AC Districts. The inactive Estate Districts, along with the special procedure known as the "Planned Environment Unit" or "PEU" and the Flood Plain Overlay District or FP Overlay District, may be found in the City of Chesterfield Zoning Ordinance dated November 17, 1997.

- E. (Reserved)
- F. Interpretation and extension of district boundaries.
 - 1. The Board of Adjustment shall interpret the provisions of this Section of the UDC in accordance with the City of Chesterfield ordinances. Any area within the geographical boundaries which is added to or becomes a part of the City of Chesterfield shall be designated the appropriate zoning district upon review of the existing land use conditions and Comprehensive Plan.
 - 2. In the event that a zoning district boundary line is shown on a zoning district map as following a property line or a political boundary line, the actual location of such zoning district boundary line shall govern, as determined by survey, rather than the representation for the location of said boundary line on the district map, if there is a discrepancy between the two (2) locations.
 - 3. Zoning district boundary lines shall be construed to either follow the center lines of railroad, street, or highway rights-of-way, track or lot lines, or such lines extended, unless otherwise indicated.
- G. Use regulations applicable to all districts.
 - 1. The use and development of land and structures within any zoning district are limited to those uses set forth in the Use Tables by Zoning District provided in this UDC.⁵
 - 2. Permitted uses are those uses which are permitted by right in any straight zoning district or are permitted through a special procedure or zoning procedure in any planned district or overlay.
 - 3. Conditional uses are those uses which are permitted with a conditional use permit as listed and described throughout this Article of the UDC in the district in which the parcel of land is located.
 - 4. Accessory And Ancillary Uses. In addition to the permitted and conditional uses expressly permitted in the Use Tables at the end of this Article, each zoning district shall be deemed to include accessory and ancillary uses.

5. Editor's Note: The Use Tables are included as attachments to this chapter.

- a. Accessory uses are those uses that are incidental to and customarily found in connection with the principal use on the site. An accessory use must be conducted on the same zoning lot as the principal use to which it is related and does not occupy the majority of the space in the building or structure. Accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, or is a reasonably necessary incident to the primary use and is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. It shall be the responsibility of the Planning and Development Services Director to determine if a requested accessory use meets the definition and criteria of an accessory use as described above. Determinations of the Planning and Development Services Director may be subject to appeal as described in Section 405.02.190 of this UDC.
- b. Ancillary uses are accessory uses which do not have separate signage or separate access within the structure containing the principal use on the site. Ancillary uses are not open to the general public, but serve the guests, patrons, or individuals who are served by the primary use on the site. In addition, ancillary uses do not occupy the majority of the space in the building or structure. It shall be the responsibility of the Planning and Development Services Director to determine if a requested ancillary use meets the definition and criteria of an ancillary use as described above. Determinations of the Planning and Development Services Director may be subject to appeal as described in Section 405.02.190 of this UDC.

Section 405.03.030. Zoning Districts And Regulations.

[CC 1990 § 31-03-03; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. General Yard Requirements For All Districts.

1. Parking shall be screened from any adjoining property in a PS, NU, or residential district using fences, berms, or landscaping.
2. No structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
3. Signs six (6) feet or less in height are allowed within the minimum front yard setback.
4. Boundary walls, retaining walls, or fences six (6) feet or less in height are allowed within the minimum yard requirements.
5. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback.

6. Ordinary projections of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback.
 7. Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line.
 8. Slab-type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet.
 9. Air-conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air-conditioning units, including mounting pedestals, not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.
 10. Public utility facilities, provided that any installation other than poles and equipment attached to the poles, shall be adequately screened with landscaping, fencing or walls, or placed underground, or enclosed in such a manner as to blend with and complement the character of the surrounding area as approved by the City of Chesterfield.
 11. Sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day. However, where a treatment facility is wholly within and provides services exclusively for uses within a St. Louis County park, an individual sewage treatment facility exceeding a flow of five thousand (5,000) gallons per day may be approved as directed by the City of Chesterfield.
 12. The height for any telecommunications siting facility shall be authorized and regulated by the provisions of Article 06 of this UDC.
- B. AG Agricultural District.
1. Purpose. The purpose of the AG Agricultural District is to provide agricultural uses and activities, and other compatible uses in areas where the normal provision of community infrastructure is not desirable or not feasible.
 2. Scope Of Provisions. This Section contains the regulations of the AG District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
 3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the AG District:
 - a. Uses. Permitted and conditional uses for the AG District are found in Section 405.03.070 of this Article. In addition:
 - (1) Livestock must be housed at least one hundred (100) feet from all property lines.

- (2) Animal pens associated with kennels must be at least two hundred (200) feet from all property lines.
 - (3) Accessory uses may include, but are not limited to, the following:
 - (a) Devices for the generation of energy or individual sewage treatment facilities serving an individual nonresidential use. Sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
 - (b) Detached single-family dwelling.
 - (c) Private stables (which must be fenced and maintain a one-hundred-foot setback from all property lines).
- b. Lot Area.
- | Use | Minimum Lot Area |
|--------------------------------------|-------------------------|
| Public utility facility | 10,000 square feet |
| Mechanical sewage treatment facility | 1 acre |
| All other uses | 10 acres |
- c. Yard Requirements.
- (1) No structure shall be allowed within fifty (50) feet of any right-of-way.
 - (2) No structure shall be allowed within twenty-five (25) feet of any property line.
 - (3) Animals and livestock shall be housed at least one hundred (100) feet from any property line.
- d. Stormwater. Open swales as opposed to enclosed systems shall be permitted where appropriate as directed by the Department.
- e. Lot Width. The minimum lot width for any structure, measured at the front building setback line, is three hundred (300) feet.
- f. Height. Maximum height is fifty (50) feet for all structures unless otherwise stated in a CUP. Church steeples may extend to one hundred (100) feet as measured from the average floor grade elevation of the first floor.
- g. Natural Resource Protection.
- (1) Floodways, wetlands, woodlands and floodplains shall follow all federal, State, county and City regulations as applicable.
 - (2) Seventy percent (70%) of all areas exceeding a thirty-percent slope shall be protected and remain undeveloped.
4. The procedure for zoning to the AG District and site plan approval is established in Article 02 of this UDC.

C. PS Park and Scenic District.

1. Purpose. The PS Park and Scenic District encompasses land owned by public agencies or in which public agencies have some lesser legal interest, which has recreational, scenic, and health value. This district may also include land having recreational, scenic, and health value, when owned by not-for-profit organizations or other organizations. This district is established to preserve the community's cultural values by preserving this land in an essentially natural or native condition.
2. Scope Of Provisions. This Section contains the district regulations of the PS Park and Scenic District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this UDC which are incorporated as part of this Section by reference.
3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the PS District:
 - a. Uses. Permitted and conditional uses for the PS District are found in Section 405.03.070 of this Article. In addition:
 - (1) Accessory uses may include, but are not limited to, devices for the generation of energy or individual sewage treatment facilities serving an individual nonresidential use.
 - b. Yard Requirements.
 - (1) No structure shall be allowed within twenty-five (25) feet of any roadway right-of-way line, except where a greater setback is required by the underlying district requirements.
 - (2) No structure, sign or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
 - (3) Light standards are permitted in the front yard setback as directed by the Department.
4. See Chapter 22, Parks and Recreation, of the City Code for additional information and regulations.
5. The procedure for zoning to the PS District and site plan approval is established in Article 02 of this UDC.

D. LLR Large Lot Residential District.

1. Purpose. The purpose of the LLR Large Lot Residential District is to provide for residential uses and activities and other compatible uses and activities in areas where the normal provision of community infrastructure is not desirable or feasible.

2. Scope Of Provisions. This Section contains the regulations of the LLR District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
3. In addition to the development standards and district requirements found in Article 04 of this UDC, the following performance standards are applicable to the LLR District:
 - a. Uses. Permitted and conditional uses for the LLR District are found in Section 405.03.060 of this Article. In addition:
 - (1) Mortuary and cemetery uses must be adjacent to a commercial district and must have two hundred (200) feet of frontage onto a state road.
 - (2) Mobile home parks must be on tracts of at least twenty (20) acres, provided that a landscape buffer of at least two hundred (200) feet surrounds the site and no structures other than directional signs are within said buffer. Any community building or sales or rental office or service building must be located internally within the park and must be screened from any pre-existing arterial or collector street by at least one (1) row of lot or pads for residential use.
 - (3) Accessory uses may include, but are not limited to:
 - (a) Devices for the generation of energy or individual sewage treatment facilities serving an individual nonresidential use.
 - (b) Sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
 - (c) Private stables (which must be fenced and maintain a one-hundred-foot setback from all property lines).

b. Lot Area.

Use	Minimum Lot Area
Cemetery or mortuary	3 acres
Churches and other places of worship	5 acres
Dwelling, single-family	3 acres
Educational facility	
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
College/university	10 acres
Golf course	80 acres
Group residential facility	5 acres
Group home	3 acres
Library	5 acres
Mechanical sewage treatment facility	1 acre

Use	Minimum Lot Area
Public utility facility	10,000 square feet
Stables and kennels	3 acres
All other nonresidential uses	5 acres

- c. Lot Width. The minimum lot width measured at the front building setback line shall be at least two-hundred (200) feet.
- d. Height. The maximum building height shall be fifty (50) feet for all residential and nonresidential structures unless otherwise specified in a conditional use permit. Church spires may extend to one hundred (100) feet.
- e. Yard Requirements.
 - (1) No structure shall be allowed within seventy-five (75) feet of any roadway right-of-way line.
 - (2) No structure shall be allowed within fifty (50) feet of any property line.
- f. Subdivision Requirements.
 - (1) All public and private streets shall have standard right-of-way widths and shall be constructed to City of Chesterfield standard specifications. However, street design for interior streets within large lot subdivisions is not required to meet the horizontal curvature and vertical profile standards of the City.
 - (2) Pavement and right-of-way widths shall be as specified by the UDC or as directed by the Department.
 - (3) Large lot subdivisions are not required to provide sidewalks or street lights on interior streets.
- g. Natural Resource Protection. Natural features should be preserved at not less than the following levels:
 - (1) Floodplains: not less than eighty percent (80%) of designated special flood hazard areas shall be preserved and shall remain undisturbed.
 - (2) Steep slopes: not less than seventy percent (70%) of all areas exceeding a thirty-percent slope shall be protected and shall remain undisturbed.

4. The procedure for zoning to the LLR District and site plan approval is established in Article 02 of this UDC.

E. E-2AC Estate District.

- 1. Purpose. The purpose of the E-2AC Estate District is to provide for the enhancement of residential development while preserving the community character of the area with well-buffered, well-landscaped neighborhoods, and to

allow for such other residentially related uses which are compatible with the character of the district.

2. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable:

a. Uses. Permitted and conditional uses for the E-2AC District are found in Section 405.03.060 of this Article.

(1) Mortuary and cemetery uses must be adjacent to a commercial district and must have two hundred (200) feet of frontage onto a state road.

(2) Accessory uses may include, but are not limited to, private stables, devices for the generation of energy or individual sewage treatment facilities serving an individual nonresidential use. Sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.

(a) Private stables are not permitted within one hundred (100) feet of any property line. All pasture areas shall be fenced.

b. Density. The density requirement for residential dwellings is two (2) acres per dwelling unit.

c. Lot Area.

Use	Minimum Lot Size
Administrative offices for educational facilities or religious institutions	3 acres
Cemetery or mortuary	3 acres
Churches and other places of worship	5 acres
Day-care center	3 acres
Dwelling, single-family	2 acres
Educational facility	
Kindergarten	3 acres
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
College/university	10 acres
Group home	2 acres
Group residential facility	5 acres
Library	4 acres
Public utility facility	10,000 square feet
Sewage treatment facility	1 acre
Stables and kennels	5 acres
All other nonresidential uses	5 acres

- d. Calculation Of Lot Size. Streets, public or private, rights-of-way, and access easements shall not be credited to the minimum lot size.
- e. Height. The maximum height for all structures shall be fifty (50) feet. Church spires may extend to one hundred (100) feet.
- f. Minimum Structure Setbacks.

Use	Setback (feet)
Residential uses	
Front yard	—
Side yard	25
Rear yard	—
Right-of-way	25
Between structures	50
Nonresidential uses	
From any property line	75
Right-of-way	
Collector or arterial	150
Other streets	100

NOTE:

Setbacks for nonresidential structures greater than thirty (30) feet in height, other than a public utility tower authorized by a CUP, shall be increased by one (1) additional foot for every two (2) feet or fraction thereof of building height in excess of thirty (30) feet.

- g. Parking Areas. Parking lots shall maintain the same setbacks as the structure setbacks set forth in the table above. The minimum parking setback is fifty (50) feet from any road.
- h. Yard Requirements. Private stables shall maintain a minimum setback of one hundred (100) feet from all property lines, and pasture areas shall be fenced.
- i. Pavement and right-of-way widths shall be as required in Article 04 of this UDC.
- j. Dedications For Public Schools And Public Parks. Developments may include land designated for dedication for public school or public park use. Areas designated for public school or public park purposes may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:
 - (1) The area of the proposed development shall be at least thirty (30) acres in the case of a public school dedication and sixty (60) acres in

the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.

- (2) The proposed school site is compatible with a generalized plan for school locations published by the school district.
 - (3) Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the City of Chesterfield for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site and when the improvements will be installed.
 - (4) The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.
 - (5) The site development concept plan identifies the boundaries of the dedicated tract within the development.
 - (6) The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land.
- k. Community Character Development Standards.
- (1) Easements for utility or access purposes may cross any required landscape easement or buffer. If a utility or access easement runs generally parallel to and overlays a required landscape easement or buffer, the minimum required width of said required landscape easement or buffer shall be increased by the width of the easement which overlays the required landscape easement or buffer.
 - (2) Sidewalks may be required as directed by the City of Chesterfield when all lots are one (1) acre or greater; when any lots are less than one (1) acre, sidewalks shall be required on one (1) side of the street and shall be encouraged to meander from a straight path to reduce grading and save trees or to be provided in the form of pedestrian walkways linking primary activity centers or destinations. Sidewalks must be situated in a dedicated easement with access and working room to maintain the sidewalk and shall comply with all provisions of the Americans with Disabilities Act.
 - (3) Jogging trails shall be allowed in any open space or buffer area but must be coordinated with any tree preservation plan.
- l. Natural features should be preserved at not less than the following levels:
- (1) Floodplains: not less than eighty percent (80%) of designated special flood hazard areas shall be preserved and shall remain undisturbed.

- (2) Steep slopes: not less than seventy percent (70%) of all areas exceeding a thirty-percent slope shall be protected and shall remain undisturbed.

m. Right-Of-Way Grading.

- (1) Lots which slope down from the right-of-way must have a minimum platform of four (4) feet of ground immediately adjacent to the edge of pavement which drains perpendicular and toward the pavement. Said platform shall be constructed at a grade of not less than two percent (2%) perpendicular to the pavement, except in areas adjacent to a storm sewer, where there must be a platform of not less than seven (7) feet from the edge of pavement at a grade not in excess of two percent (2%). For the purposes of this requirement, "adjacent to a storm sewer" shall mean within ten (10) feet, measured along the curb, of a storm sewer intake.
- (2) Open swales, as opposed to enclosed systems, shall be permitted where appropriate as determined by the Department.

3. The procedure for zoning to the E-2AC District and site plan approval is established in Article 02 of this UDC.

F. E-1AC Estate District.

1. Purpose. The purpose of the E-1AC Estate District is to provide for the enhancement of residential development while preserving the community character of the area with well-buffered, well-landscaped neighborhoods, and to allow for such other residentially related uses which are compatible with the character of the district.
2. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable:
 - a. Uses. Permitted and conditional uses for the E-1AC District are found in Section 405.03.060 of this Article.
 - (1) Mortuary and cemetery uses must be adjacent to a commercial district and must have two hundred (200) feet of frontage onto a state road.
 - (2) Accessory uses may include, but are not limited to, private stables, devices for the generation of energy or individual sewage treatment facilities serving an individual nonresidential use. Sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
 - (a) Private stables are not permitted within one hundred (100) feet of any property line. All pasture areas shall be fenced.
 - b. Density. The density requirement for residential dwellings is one (1) acre per dwelling unit.
 - c. Lot Area.

Use	Minimum Lot Size
Cemetery or mortuary	3 acres
Churches and other places of worship	5 acres
Day-care center	3 acres
Dwelling, single-family	1 acre
Educational facility	
Kindergarten	3 acres
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
College/university	10 acres
Group home	1 acre
Group residential facility	5 acres
Library	4 acres
Public utility facility	10,000 square feet
Sewage treatment facility	1 acre
Stables and kennels	5 acres
All other nonresidential uses	5 acres

- d. Calculation Of Lot Size. Streets, public or private, rights-of-way, and access easements shall not be credited to the minimum lot size.
- e. Height. The maximum height for all structures shall be fifty (50) feet. Church spires may extend to one hundred (100) feet.
- f. Minimum Structure Setbacks.

Use	Setback (feet)
Residential uses	
Front yard	—
Side yard	25
Rear yard	—
Right-of-way	25
Between structures	40
Nonresidential uses	
From any property line	75
Right-of-way	
Collector or arterial	150
Other streets	100

NOTE:

Setbacks for nonresidential structures greater than thirty (30) feet in height, other than a public utility tower authorized by a CUP, shall be increased by one (1) additional foot for every two (2) feet or fraction thereof of building height in excess of thirty (30) feet.

- g. **Parking Areas.** Parking lots shall maintain the same setbacks as the structure setbacks set forth in the table above. The minimum parking setback is fifty (50) feet from any road.
- h. **Yard Requirements.** Private stables shall maintain a minimum setback of one hundred (100) feet from all property lines, and pasture areas shall be fenced.
- i. **Pavement and right-of-way widths** shall be as required in Article 04 of this UDC.
- j. **Dedications for public schools and public parks.** Developments may include land designated for dedication for public school or public park use. Areas designated for public school or public park purposes may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:
 - (1) The area of the proposed development shall be at least thirty (30) acres in the case of a public school dedication and sixty (60) acres in the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.
 - (2) The proposed school site is compatible with a generalized plan for school locations published by the school district.
 - (3) Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the City of Chesterfield for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site and when the improvements will be installed.
 - (4) The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.
 - (5) The site development concept plan identifies the boundaries of the dedicated tract within the development.
 - (6) The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land.
- k. **Community character development standards.**

- (1) Easements for utility or access purposes may cross any required landscape easement or buffer. If a utility or access easement runs generally parallel to and overlays a required landscape easement or buffer, the minimum required width of said required landscape easement or buffer shall be increased by the width of the easement which overlays the required landscape easement or buffer.
 - (2) Sidewalks may be required as directed by the City of Chesterfield when all lots are one (1) acre or greater; when any lots are less than one (1) acre, sidewalks shall be required on one (1) side of the street and shall be encouraged to meander from a straight path to reduce grading and save trees or to be provided in the form of pedestrian walkways linking primary activity centers or destinations. Sidewalks must be situated in a dedicated easement with access and working room to maintain the sidewalk and shall comply with all provisions of the Americans with Disabilities Act.
 - (3) Jogging trails shall be allowed in any open space or buffer area but must be coordinated with any tree preservation plan.
- l. Natural features should be preserved at not less than the following levels:
 - (1) Floodplains: not less than eighty percent (80%) of designated special flood hazard areas shall be preserved and shall remain undisturbed.
 - (2) Steep slopes: not less than seventy percent (70%) of all areas exceeding a thirty-percent slope shall be protected and shall remain undisturbed.
 - m. Right-of-way grading.
 - (1) Lots which slope down from the right-of-way must have a minimum platform of four (4) feet of ground immediately adjacent to the edge of pavement which drains perpendicular and toward the pavement. Said platform shall be constructed at a grade of not less than two percent (2%) perpendicular to the pavement, except in areas adjacent to a storm sewer, where there must be a platform of not less than seven (7) feet from the edge of pavement at a grade not in excess of two percent (2%). For the purposes of this requirement, "adjacent to a storm sewer" shall mean within ten (10) feet, measured along the curb, of a storm sewer intake.
 - (2) Open swales, as opposed to enclosed systems, shall be permitted where appropriate as determined by the Department.
3. The procedure for zoning to the E-1AC District and site plan approval is established in Article 02 of this UDC.
- G. E-1/2AC Estate District.
1. Purpose. The purpose of the E-1/2AC Estate District is to provide for the enhancement of residential development while preserving the community character of the area with well-buffered, well-landscaped neighborhoods, and to

allow for such other residentially related uses which are compatible with the character of the district.

2. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable:

a. Uses. Permitted and conditional uses for the E-1/2AC District are found in Section 405.03.060 of this UDC.

(1) Mortuary and cemetery uses must be adjacent to a commercial district and must have two hundred (200) feet of frontage onto a state road.

(2) Accessory uses may include, but are not limited to, private stables, devices for the generation of energy or individual sewage treatment facilities serving an individual nonresidential use. Sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.

(a) Private stables are not permitted within one hundred (100) feet of any property line. All pasture areas shall be fenced.

b. Density. The density requirement for residential dwellings is one-half (1/2) acre per dwelling unit.

c. Lot area.

Use	Minimum Lot Size
Cemetery or mortuary	3 acres
Churches and other places of worship	3 acres
Day-care center	3 acres
Dwelling, single-family	1/2 acre
Dwelling, single-family attached	15,000 square feet
Educational facility	
Kindergarten	3 acres
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
College/university	10 acres
Group home	1/2 acre
Group residential facility	5 acres
Library	4 acres
Public utility facility	10,000 square feet
Sewage treatment facility	1 acre
Stables and kennels	5 acres
All other nonresidential uses	5 acres

- d. Calculation of lot size. Streets, public or private, rights-of-way, and access easements shall not be credited to the minimum lot size.
- e. Height. The maximum height for all structures shall be fifty (50) feet. Church spires may extend to one hundred (100) feet.
- f. Minimum structure setbacks.

Use	Setback (feet)
Residential uses	
Front (from property line)	—
Side (from property line)	15
Rear (from property line)	—
Right-of-way	20
Between structures	30
Nonresidential Uses	
From any property line	75
Right-of-way	
Collector or arterial	150
Other streets	100

NOTE:

Setbacks for nonresidential structures greater than thirty (30) feet in height, other than a public utility tower authorized by a CUP, shall be increased by one (1) additional foot for every two (2) feet or fraction thereof of building height in excess of thirty (30) feet.

- g. Parking areas. Parking lots shall maintain the same setbacks as the structure setbacks set forth in the table above. The minimum parking setback is fifty (50) feet from any road.
- h. Yard Requirements. Private stables shall maintain a minimum setback of one hundred (100) feet from all property lines, and pasture areas shall be fenced.
- i. Pavement and right-of-way widths shall be as required in Article 04 of this UDC.
- j. Dedications for public schools and public parks. Developments may include land designated for dedication for public school or public park use. Areas designated for public school or public park purposes may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:
 - (1) The area of the proposed development shall be at least thirty (30) acres in the case of a public school dedication and sixty (60) acres in

the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.

- (2) The proposed school site is compatible with a generalized plan for school locations published by the school district.
 - (3) Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the City of Chesterfield for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site and when the improvements will be installed.
 - (4) The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.
 - (5) The site development concept plan identifies the boundaries of the dedicated tract within the development.
 - (6) The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land.
- k. Community character development standards.
- (1) Easements for utility or access purposes may cross any required landscape easement or buffer. If a utility or access easement runs generally parallel to and overlays a required landscape easement or buffer, the minimum required width of said required landscape easement or buffer shall be increased by the width of the easement which overlays the required landscape easement or buffer.
 - (2) Sidewalks may be required as directed by the City of Chesterfield when all lots are one (1) acre or greater; when any lots are less than one (1) acre, sidewalks shall be required on one (1) side of the street and shall be encouraged to meander from a straight path to reduce grading and save trees or to be provided in the form of pedestrian walkways linking primary activity centers or destinations. Sidewalks must be situated in a dedicated easement with access and working room to maintain the sidewalk and shall comply with all provisions of the Americans with Disabilities Act.
 - (3) Jogging trails shall be allowed in any open space or buffer area but must be coordinated with any tree preservation plan.
- l. Natural features should be preserved at not less than the following levels:
- (1) Floodplains: not less than eighty percent (80%) of designated special flood hazard areas shall be preserved and shall remain undisturbed.

- (2) Steep slopes: not less than seventy percent (70%) of all areas exceeding a thirty-percent slope shall be protected and shall remain undisturbed.
- m. Right-of-way grading.
- (1) Lots which slope down from the right-of-way must have a minimum platform of four (4) feet of ground immediately adjacent to the edge of pavement which drains perpendicular and toward the pavement. Said platform shall be constructed at a grade of not less than two percent (2%) perpendicular to the pavement, except in areas adjacent to a storm sewer, where there must be a platform of not less than seven (7) feet from the edge of pavement at a grade not in excess of two percent (2%). For the purposes of this requirement, "adjacent to a storm sewer" shall mean within ten (10) feet, measured along the curb, of a storm sewer intake.
 - (2) Open swales, as opposed to enclosed systems, shall be permitted where appropriate as determined by the Department.
3. The procedure for zoning to the E-1/2AC District and site plan approval is established in Article 02 of this UDC.

H. R-2 Residential District.

1. Purpose. The R-2 District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
2. Scope Of Provisions. This Section contains the regulations of the R-2 District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the R-2 District:
 - a. Uses. Permitted and conditional uses for the R-2 District are found in Section 405.03.060 of this UDC. In addition:
 - (1) Individual sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
 - (2) Public utility facilities over sixty (60) feet in height require a CUP.
 - (3) Mortuary and cemetery uses require two hundred (200) feet of frontage and shall be adjacent to an existing commercial district.
 - (4) Private stables shall maintain a minimum setback of one hundred (100) feet from all property lines, and pasture areas shall be fenced.
 - b. Lot area. **[Ord. No. 2814 § 2, 9-15-2014]**

Use	Minimum Lot Area
Cemetery or mortuary	3 acres
Churches and other places of worship	3 acres
Day-care center	30,000 square feet
Dwelling, single-family	15,000 square feet
Group home	15,000 square feet
Group residential facility	3 acres
Library	1 acre
Educational facilities	
Nursery school	15,000 square feet
Kindergarten	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres
Public utility facility	10,000 square feet
All other nonresidential uses	5 acres

- (1) Any lot or tract of record on the effective date of this UDC which contains less than fifteen thousand (15,000) square feet may be used as a site for one (1) single-family dwelling, together with accessory structures and uses.
- (2) Clubs or community centers, as approved with a CUP, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than 15,000 square feet.
- (3) Police and fire stations as approved with a CUP may be established on tracts of less than five (5) acres, where the related parking needs, outdoor facilities, and size of buildings are deemed consistent with the intensity of land use in the neighborhood of these uses.
- (4) No new lots shall be created of less than fifteen thousand (15,000) square feet in area except for police stations and public utility facilities. Lots of less than fifteen thousand (15,000) square feet, created for the above uses, shall not be used for any other use and, in the event the permitted use terminates, the lot shall be established as common ground for an adjacent development or combined with an adjacent parcel or parcels by means of a boundary adjustment. Prior to the approval of a subdivision record plat creating a lot of less than fifteen thousand (15,000) square feet, a deed or other legal instrument which guarantees the required transfer of the property in the event the

permitted use is terminated must be approved by the City Attorney and recorded with the St. Louis County Recorder of Deeds, with a copy to be filed with the City of Chesterfield.

c. Height.

- (1) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
- (2) All other structures, other than a public utility tower authorized by a CUP, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 405.04.060 of this UDC pertaining to air navigation space regulations.
- (3) Any nonresidential structure, other than a public utility tower authorized by a CUP, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

d. Minimum structure setbacks.

Use	Setback (feet)			
	Front (from property line)	Side (from property line)	Rear (from property line)	Right-of-way (from front yard)
Residential and nonresidential uses	—	10	15	25

- (1) In the event that more than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet to any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

e. Lighting. Light standards for streetlighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department. Light standards for parking lot lighting are allowed no closer than ten (10) feet

from any side or rear yard line which adjoins property in the NU Non-Urban, PS Park and Scenic, or any residential district.

- f. Development standards for nursing homes.
 - (1) Densities of self-care units shall not exceed fifteen (15) units per acre.
 - (2) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber- and beauty shop, food store or drugstore, laundry or drycleaning pickup, and newspaper stand and card shop.
- g. Development standards for group residential facility use, specifically residential substance abuse treatment centers.
 - (1) Densities shall not exceed eight (8) resident patients and two (2) houseparents or support staff per facility for lots less than five (5) acres.
 - (2) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.
- 4. The procedure for zoning to the R-2 District and site plan approval is established in Article 02 of this UDC.
- I. R-3 Residential District.
 - 1. Purpose. The R-3 District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are

compatible with the character of the district, and to provide district regulations and development requirements.

2. Scope Of Provisions. This Section contains the regulations of the R-3 District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the R-3 District:

a. Uses. Permitted and conditional uses for the R-3 District are found in Section 405.03.060 of this UDC. In addition:

- (1) Individual sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
- (2) Mortuary and cemetery use requires two hundred (200) feet of frontage on a state roadway and must be adjacent to an existing commercial district.
- (3) Public utility facilities over sixty (60) feet in height require a CUP.

b. Lot area.

Use	Minimum Lot Area
Cemetery or mortuary	3 acres
Churches and other places of worship	3 acres
Day-care center	30,000 square feet
Dwelling, single-family	10,000 square feet
Group home	15,000 square feet
Group residential facility	3 acres
Library	1 acre
Educational facilities	
Nursery school	15,000 square feet
Kindergarten	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres
Public utility facility	10,000 square feet
All other nonresidential uses	5 acres

- (1) Any lot or tract of record on the effective date of this UDC which contains less than ten thousand (10,000) square feet may be used as a site for one (1) single-family dwelling, together with accessory structures and uses.

- (2) Clubs or community centers, as approved with a CUP, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than 10,000 square feet.
- (3) Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in the lot area chart above.

c. Height.

- (1) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
- (2) All other structures, other than a public utility tower authorized by a CUP, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 405.04.060 of this UDC pertaining to air navigation space regulations.
- (3) Any nonresidential structure, other than a public utility tower authorized by a CUP, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

d. Minimum structure setbacks.

Use	Setback (feet)			
	Front (from property line)	Side (from property line)	Rear (from property line)	Right-of-way (from front yard)
Residential and nonresidential uses	—	8	15	20

- (1) In the event that more than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However,

in no case shall any building be located closer than fifteen (15) feet to any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

- (2) If a lot of record existing on the effective date of this UDC has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
 - (3) Any nonresidential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- e. Lighting. Light standards for streetlighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department. Light standards for parking lot lighting are allowed no closer than ten (10) feet from any side or rear yard line which adjoins property in the NU Non-Urban, PS Park and Scenic, or any residential district.
- f. Development standards for nursing homes.
- (1) Densities of self-care units shall not exceed fifteen (15) units per acre.
 - (2) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber- and beauty shop, food store or drugstore, laundry or drycleaning pickup, and newspaper stand and card shop.
- g. Development standards for group residential facility use, specifically residential substance abuse treatment centers.
- (1) Densities shall not exceed eight (8) resident patients and two (2) houseparents or support staff per facility for lots less than five (5) acres.

- (2) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.
4. The procedure for zoning to the R-3 District and site plan approval is established in Article 02 of this UDC.

J. R-4 Residential District.

- 1. Purpose. The R-4 District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
- 2. Scope Of Provisions. This Section contains the regulations of the R-4 District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
- 3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the R-4 District:
 - a. Uses. Permitted and conditional uses for the R-4 District are found in Section 405.03.060 of this Article. In addition:
 - (1) Individual sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
 - (2) Mortuary and cemetery use requires two hundred (200) feet of frontage on a state roadway and must be adjacent to an existing commercial district.
 - (3) Public utility facilities over sixty (60) feet in height require a CUP.

b. Lot area.

Use	Minimum Lot Area
Cemetery or mortuary	3 acres
Churches and other places of worship	1/2 acre
Day-care center	30,000 square feet
Dwelling, single-family	7,500 square feet
Group home	7,500 square feet
Group residential facility	3 acres
Library	1 acre

Use	Minimum Lot Area
Public utility facility	7,500 square feet
Educational facilities	
Nursery school	15,000 square feet
Kindergarten	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres
Public utility facility	7,500 square feet
All other nonresidential uses	5 acres

- (1) Any lot or tract of record on the effective date of this UDC which contains less than 7,500 square feet may be used as a site for one (1) single-family dwelling, together with accessory structures and uses.
- (2) Clubs or community centers, as approved with a CUP, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than seven thousand five hundred (7,500) square feet.

c. Height.

- (1) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
- (2) All other structures, other than a public utility tower authorized by a CUP, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 405.04.060 of this UDC pertaining to air navigation space regulations.
- (3) Any nonresidential structure, other than a public utility tower authorized by a CUP, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

d. Minimum structure setbacks.

Use	Setback (feet)			
	Front (from property line)	Side (from property line)	Rear (from property line)	Right-of- way (from front yard)
Residential and nonresidential uses	—	6	15	20

- (1) In the event that more than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet to any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
 - (2) If a lot of record existing on the effective date of this UDC has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
 - (3) Parking lots for five (5) or more vehicles, loading spaces, or internal drives, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way and ten (10) feet from any adjoining property in a PS, NU, or any residential district. No setback is required from adjoining properties in a C or M District unless required by the conditions of a conditional use permit.
- e. Lighting. Light standards for streetlighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department. Light standards for parking lot lighting are allowed no closer than ten (10) feet from any side or rear yard line which adjoins property in the NU Non-Urban, PS Park and Scenic, or any residential district.
- f. Development standards for nursing homes.
- (1) Densities of self-care units shall not exceed twenty (20) units per acre.
 - (2) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

- (3) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber- and beauty shop, food store or drugstore, laundry or dry cleaning pickup, and newspaper stand and card shop.
- g. Development standards for group residential facility use, specifically residential substance abuse treatment centers.
- (1) Densities shall not exceed eight (8) resident patients and two (2) houseparents or support staff per facility for lots less than five (5) acres.
 - (2) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.
4. The procedure for zoning to the R-4 District and site plan approval is established in Article 02 of this UDC.

K. R-5 Residential District.

1. Purpose. The R-5 District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
2. Scope Of Provisions. This Section contains the regulations of the R-5 District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the R-5 District:

- a. Uses. Permitted and conditional uses for the R-5 District are found in Section 405.03.060 of this Article. In addition:
 - (1) Individual sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
 - (2) Mortuary and cemetery use requires two hundred (200) feet of frontage on a state roadway and must be adjacent to an existing commercial district.
 - (3) Public utility facilities over sixty (60) feet in height require a CUP.
- b. Lot area.

Use	Minimum Lot Area
Cemetery or mortuary	3 acres
Churches and other places of worship	1/2 acre
Day-care center	30,000 square feet
Dwelling, single-family	6,000 square feet
Group home	6,000 square feet
Group residential facility	3 acres
Library	1 acre
Educational facilities	
Nursery school	15,000 square feet
Kindergarten	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres
Public safety facility	10,000 square feet
Public utility facility	6,000 square feet
All other nonresidential uses	5 acres

- (1) Any lot or tract of record on the effective date of this UDC which contains less than six thousand (6,000) square feet may be used as a site for one (1) single-family dwelling, together with accessory structures and uses.
- (2) Clubs or community centers, as approved with a CUP, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than six thousand (6,000) square feet.

- (3) Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in Subsection (K)(3)(b) above.
- c. Height.
- (1) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
 - (2) All other structures, other than a public utility tower authorized by a CUP, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 405.04.060 of this UDC pertaining to air navigation space regulations.
 - (3) Any nonresidential structure, other than a public utility tower authorized by a CUP, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- d. Minimum structure setbacks for residential and nonresidential uses.
- (1) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.
 - (2) Side yard.
 - (a) No structure except single-family attached dwellings and detached garages accessory to unattached single-family dwellings shall be allowed within six (6) feet of any side property line.
 - (b) Unattached sides of single-family attached dwellings shall be a minimum of six (6) feet from any side property.
 - (c) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
 - (3) Rear yard.
 - (a) No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
 - (b) Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.

- (c) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.
- e. In the event that more than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet to any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- f. If a lot of record existing on the effective date of this UDC has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- g. Parking lots for five (5) or more vehicles, loading spaces, or internal drives, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way and ten (10) feet from any adjoining property in a PS, NU, or any residential district. No setback is required from adjoining properties in a C or M District unless required by the conditions of a conditional use permit.
- h. Lighting. Light standards for streetlighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department. Light standards for parking lot lighting are allowed no closer than ten (10) feet from any side or rear yard line which adjoins property in the NU Non-Urban, PS Park and Scenic, or any residential district.
- i. Development standards for nursing homes.
 - (1) Densities of self-care units shall not exceed twenty (20) units per acre.
 - (2) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such

commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber- and beauty shop, food store or drugstore, laundry or dry cleaning pickup, and newspaper stand and card shop.

- j. Development standards for group residential facility use, specifically residential substance abuse treatment centers.
 - (1) Densities shall not exceed eight (8) resident patients and two (2) houseparents or support staff per facility for lots less than five (5) acres.
 - (2) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.
- 4. The procedure for zoning to the R-5 District and site plan approval is established in Article 02 of this UDC.

L. R-6A Residential District.

- 1. Purpose. The R-6A District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
- 2. Scope Of Provisions. This Section contains the regulations of the R-6A District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
- 3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the R-6A District:
 - a. Uses. Permitted and conditional uses for the R-6A District are found in Section 405.03.060 of this Article. In addition:
 - (1) Individual sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
 - (2) Mortuary and cemetery use requires two hundred (200) feet of frontage on a state roadway and must be adjacent to an existing commercial district.
 - (3) Public utility facilities over sixty (60) feet in height require a CUP.

b. Lot area.

Residential Dwelling Type	Minimum Lot Size (per unit) (square feet)
Dwelling, single-family	4,500
Dwelling, two-family	4,500
Dwelling, three-family	4,000
Dwelling, multifamily	4,000

Nonresidential Uses	Minimum Lot Size (per unit) (square feet)
Cemetery or mortuary	3 acres
Churches and other places of worship	1/2 acre
Day-care center	4,500 square feet
Group home	4,500 square feet
Group residential facility in general	3 acres
Group residential facility for residential substance abuse treatment facility	3 acres
For a facility with more than 8 resident patients	5 acres
Educational facilities	
Nursery or day nursery	15,000 square feet
Kindergarten	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres
Library	1/2 acre
Public safety facility	10,000 square feet
Public utility facility	10,000 square feet
All other nonresidential uses	5 acres

- (1) Any lot or tract of record on the effective date of this UDC which contains less than four thousand five hundred (4,500) square feet may be used as a site for one (1) single-family dwelling, together with accessory structures and uses.
- (2) Clubs or community centers, as approved with a CUP, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional

developments and uses shall not be less than ten thousand (10,000) square feet.

- (3) Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in Subsection (L)(3)(b) above.

c. Height.

- (1) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed four (4) stories in height, including any basement dwelling space.
- (2) All other structures, other than a public utility tower authorized by a CUP, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 405.04.060 of this UDC pertaining to air navigation space regulations.
- (3) Any nonresidential structure, other than a public utility tower authorized by a CUP, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

d. Minimum structure setbacks for residential and nonresidential uses.

- (1) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.
- (2) Side yard.
 - (a) No single-family dwelling or unattached side of an attached single-family dwelling or structure accessory to a single-family or attached single-family dwelling, except as noted, shall be allowed within five (5) feet of any side property line.
 - (b) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
 - (c) No other structure shall be allowed within ten (10) feet of any side property line.
- (3) Rear yard.
 - (a) No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
 - (b) Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.

- (c) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.
- (4) Setback between buildings. No wall of any separate (detached) structure, other than a single-family dwelling or its accessory structure, shall be located closer to any wall of another structure than as set forth in the following table:

	Setback Requirement (feet)			
Wall	Front	Side	Rear	Detached Accessory Building Wall
Front	50, plus 10 for each story over 2 stories	30; 20 if side wall has no windows	100	30
Side	30; 20 if side wall has no windows	20	30	10
Rear	100	30	50	20

NOTE:

Any dimension given in the table above shall include the side yard required for a single-family dwelling when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

- e. In the event that more than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet to any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- f. If a lot of record existing on the effective date of this UDC has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- g. Parking lots for five (5) or more vehicles, loading spaces, or internal drives, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way and ten (10) feet from any adjoining property in a PS, NU, or any residential district. No setback is required from adjoining properties in a C or M District unless required by the conditions of a conditional use permit.
- h. Lighting. Light standards for streetlighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the

- minimum front yard setback when approved by the Department. Light standards for parking lot lighting are allowed no closer than ten (10) feet from any side or rear yard line which adjoins property in the NU Non-Urban, PS Park and Scenic, or any residential district.
- i. Multifamily, row house, or group home developments shall have a minimum common open space area of forty percent (40%).
 - j. Development standards for nursing homes.
 - (1) Densities of self-care units shall not exceed twenty-five (25) units per acre.
 - (2) No building within a nursing home development shall exceed a height of four (4) stories or sixty (60) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a nursing home development shall be allowed within a minimum of thirty (30) feet of any property line.
 - (4) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber- and beauty shop, food store or drugstore, laundry or dry cleaning pickup, and newspaper stand and card shop.
 - k. Development standards for residential substance abuse treatment centers.
 - (1) Densities shall not exceed eight (8) resident patients and two (2) houseparents or support staff, per facility for lots less than five (5) acres.
 - (2) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.
4. The procedure for zoning to the R-6A District and site plan approval is established in Article 02 of this UDC.

M. R-6AA Residential District.

1. Purpose. The R-6AA District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
2. Scope Of Provisions. This Section contains the regulations of the R-6AA District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the R-6AA District:
 - a. Uses. Permitted and conditional uses for the R-6AA District are found in Section 405.03.060 of this Article. In addition:
 - (1) Individual sewage treatment facilities shall not exceed a flow of 5,000 gallons per day.
 - (2) Mortuary and cemetery use requires two hundred (200) feet of frontage on a state roadway and must be adjacent to an existing commercial district.
 - (3) Public utility facilities over sixty (60) feet in height require a CUP.
 - b. Lot area.

Residential Dwelling Type	Minimum Lot Size (per unit) (square feet)
Dwelling, single-family	4,500
Dwelling, two-family	4,500
Dwelling, three-family	3,500
Dwelling, multifamily	3,000
Other Uses	Minimum Lot Size
Cemetery or mortuary	3 acres
Churches and other places of worship	1/2 acre
Day-care center	4,500 square feet
Group home	4,500 square feet
Group residential facility	3 acres
Educational facilities	
Nursery or day nursery	15,000 square feet
Kindergarten	1 acre
Primary	5 acres
Junior high	10 acres

Other Uses	Minimum Lot Size
Senior high	20 acres
Collegiate	10 acres
Library	1/2 acre
Public safety facility	10,000 square feet
Public utility facility	10,000 square feet
All other nonresidential uses	5 acres

- (1) Any lot or tract of record on the effective date of this UDC which contains less than four thousand five hundred (4,500) square feet may be used as a site for one (1) single-family dwelling, together with accessory structures and uses.
 - (2) Clubs or community centers, as approved with a CUP, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than ten thousand (10,000) square feet.
 - (3) Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in Subsection M(3)(b) above.
- c. Height.
- (1) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed four (4) stories in height, including any basement dwelling space.
 - (2) All other structures, other than a public utility tower authorized by a CUP, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 405.04.060 of this UDC pertaining to air navigation space regulations.
 - (3) Any nonresidential structure, other than a public utility tower authorized by a CUP, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- d. Minimum structure setbacks for residential and nonresidential uses.
- (1) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.

- (2) Side yard.
 - (a) No single-family dwelling or unattached side of an attached single-family dwelling or structure accessory to a single-family or attached single-family dwelling, except as noted, shall be allowed within five (5) feet of any side property line.
 - (b) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
 - (c) No other structure shall be allowed within ten (10) feet of any side property line.
- (3) Rear yard.
 - (a) No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
 - (b) Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.
 - (c) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.
- (4) Setback between buildings. No wall of any separate (detached) structure, other than a single-family dwelling or its accessory structure, shall be located closer to any wall of another structure than as set forth in the following table:

	Setback Requirement (feet)			
Wall	Front	Side	Rear	Detached accessory building wall
Front	50, plus 10 for each story over 2 stories	30; 20 if side wall has no windows	100	30
Side	30; 20 if side wall has no windows	20	30	10
Rear	100	30	50	20

NOTE:

Any dimension given in the table above shall include the side yard required for a single-family dwelling when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

- e. In the event that more than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet to any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- f. If a lot of record existing on the effective date of this UDC has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- g. Parking lots for five (5) or more vehicles, loading spaces, or internal drives, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way and ten (10) feet from any adjoining property in a PS, NU, or any residential district. No setback is required from adjoining properties in a C or M District unless required by the conditions of a conditional use permit.
- h. Lighting. Light standards for streetlighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department. Light standards for parking lot lighting are allowed no closer than ten (10) feet from any side or rear yard line which adjoins property in the NU Non-Urban, PS Park and Scenic, or any residential district.
- i. Multifamily, row house, or group home developments shall have a minimum common open space area of forty (40%).
- j. Development standards for nursing homes.
 - (1) Densities of self-care units shall not exceed twenty-five (25) units per acre.
 - (2) No building within a nursing home development shall exceed a height of four (4) stories or sixty (60) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a nursing home development shall be allowed within a minimum of thirty (30) feet of any property line.
 - (4) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a

financial facility, excluding drive-up and external walk-up facilities, barber- and beauty shop, food store or drugstore, laundry or dry cleaning pickup, and newspaper stand and card shop.

- k. Development standards for group residential facility use, specifically for residential substance abuse treatment centers.
 - (1) Densities shall not exceed eight (8) resident patients and two (2) houseparents or support staff per facility for lots less than five (5) acres.
 - (2) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.
- 4. The procedure for zoning to the R-6AA District and site plan approval is established in Article 02 of this UDC.

N. R-6 Residential District.

- 1. Purpose. The R-6 District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
- 2. Scope Of Provisions. This Section contains the regulations of the R-6 District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
- 3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the R-6 District:
 - a. Uses. Permitted and Conditional Uses for the R-6 District are found in Section 405.03.060 of this Article. In addition:
 - (1) Individual sewage treatment facilities shall not exceed 5,000 gallons per day flow.
 - (2) Mortuary and cemetery use requires 200 feet of frontage on state roadway and must be adjacent to an existing commercial district.
 - (3) Public utility facilities over 60 feet in height require a CUP.
 - b. Lot area.

Residential Dwelling Uses	Minimum Lot Size (per unit) (square feet)
Dwelling, single-family	4,500
Dwelling, two-family	2,500
Dwelling, three-family	2,000
Dwelling, multifamily	2,000
Nonresidential Uses	Minimum Lot Size
Cemetery or mortuary	3 acres
Churches and other places of worship	1/2 acre
Day-care center	4,500 square feet
Group home	4,500 square feet
Group residential facilities: in general	3 acres
Group residential facility for residential substance abuse treatment facilities	3 acres
For a facility with more than 8 resident patients	5 acres
Educational facilities	
Nursery school	15,000 square feet
Kindergarten	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres
Library	1/2 acre
Public safety facility	10,000 square feet
Public utility facility	10,000 square feet
All other nonresidential uses	5 acres

- (1) Any lot or tract of record on the effective date of this UDC which contains less than four thousand five hundred (4,500) square feet may be used as a site for one (1) single-family dwelling, together with accessory structures and uses.
- (2) Clubs or community centers, as approved with a CUP, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than ten thousand (10,000) square feet.

- (3) Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in Subsection (N)(3)(b) above.
- c. Height.
- (1) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed four (4) stories in height, including any basement dwelling space.
 - (2) All other structures, other than a public utility tower authorized by a CUP, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 405.04.060 of this UDC pertaining to Air Navigation Space Regulations.
 - (3) Any nonresidential structure, other than a public utility tower authorized by a CUP, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- d. Minimum structure setbacks for residential and nonresidential uses.
- (1) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.
 - (2) Side yard.
 - (a) No single-family dwelling or unattached side of an attached single-family dwelling or structure accessory to a single-family or attached single-family dwelling, except as noted, shall be allowed within five (5) feet of any side property line.
 - (b) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
 - (c) No other structure shall be allowed within ten (10) feet of any side property line.
 - (3) Rear yard.
 - (a) No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
 - (b) Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.

- (c) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.
- (4) Setback between buildings. No wall of any separate (detached) structure, other than a single-family dwelling or its accessory structure, shall be located closer to any wall of another structure than as set forth in the following table:

	Setback Requirement (feet)			
Wall	Front	Side	Rear	Detached Accessory Building Wall
Front	50, plus 10 for each story over 2 stories	30; 20 if side wall has no windows	100	30
Side	30; 20 if side wall has no windows	20	30	10
Rear	100	30	50	20

NOTE:

Any dimension given in the table above shall include the side yard required for a single-family dwelling, when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

- e. In the event that more than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet to any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- f. If a lot of record existing on the effective date of this UDC has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- g. Parking lots for five (5) or more vehicles, loading spaces, or internal drives, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way and ten (10) feet from any adjoining property in a PS, NU, or any residential district. No setback is required from adjoining properties in a C or M District unless required by the conditions of a conditional use permit.
- h. Lighting. Light standards for streetlighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the

minimum front yard setback when approved by the Department. Light standards for parking lot lighting are allowed no closer than ten (10) feet from any side or rear yard line which adjoins property in the NU Non-Urban, PS Park and Scenic, or any residential district.

- i. Multifamily, row house, or group home developments shall have a minimum common open space area of forty percent (40%).
- j. Development standards for nursing homes.
 - (1) Densities of self-care units shall not exceed twenty-five (25) units per acre.
 - (2) No building within a nursing home development shall exceed a height of four (4) stories or sixty (60) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a nursing home development shall be allowed within a minimum of thirty (30) feet of any property line.
 - (4) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber- and beauty shop, food store or drugstore, laundry or dry cleaning pickup, and newspaper stand and card shop.
- k. Development standards for residential substance abuse treatment centers.
 - (1) Densities shall not exceed eight (8) resident patients and two (2) houseparents or support staff per facility for lots less than five (5) acres.
 - (2) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.
4. The procedure for zoning to the R-6 District and site plan approval is established in Article 02 of this UDC.

O. R-7 Residential District.

1. Purpose. The R-7 District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
2. Scope Of Provisions. This Section contains the regulations of the R-7 District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the R-7 District:
 - a. Uses. Permitted and conditional uses for the R-7 District are found in Section 405.03.060 of this Article. In addition:
 - (1) Individual sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
 - (2) Mortuary and cemetery use requires two hundred (200) feet of frontage on a state roadway and must be adjacent to an existing commercial district.
 - (3) Public utility facilities over sixty (60) feet in height require a CUP.
 - b. Lot area.

	Minimum Lot Area (per unit) (square feet)
Residential Dwellings	
Dwelling, single-family	4,500
Dwelling, two-family	2,500
Dwelling, three-family	2,000
Dwelling, multifamily	1,750
 Other Uses	
Cemetery and mausoleum	3 acres
Churches and other places of worship	1/2 acre
Day-care center	4,500 square feet
Group home	4,500 square feet
Group residential facility: in general	3 acres
Group residential facility for residential substance abuse treatment facility	3 acres
For facility with more than 8 resident patients	5 acres
Educational facilities	

Other Uses	Minimum Lot Area
Nursery school	15,000 square feet
Kindergarten	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres
Library	1/2 acre
Public safety facility	10,000 square feet
Public utility facility	10,000 square feet
All other nonresidential uses	12,000 square feet

- (1) Any lot or tract of record on the effective date of this UDC which contains less than four thousand five hundred (4,500) square feet may be used as a site for one (1) single-family dwelling together with accessory structures and uses.
 - (2) Foster homes for handicapped children and not-for-profit private clubs and recreational land uses, including community center, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than twelve thousand (12,000) square feet where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than eight thousand (8,000) square feet.
 - (3) Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in the table above.
- c. Height. No structure, other than a public utility tower authorized by a conditional use permit, shall exceed a height of two hundred (200) feet above the average finished ground elevation at the perimeter of the structure; except that the height of structures may be further restricted as provided in Section 405.04.060 of this UDC pertaining to air navigation space regulations.
- d. Nonresidential uses.
- (1) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.
 - (2) Side yard.
 - (a) No single-family dwelling or unattached side of an attached single-family dwelling or structure accessory to a single-family

or attached single-family dwelling, except as noted, shall be allowed within five (5) feet of any side property line.

- (b) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
 - (c) No other structure shall be allowed within ten (10) feet of any side property line.
- (3) Rear yard.
- (a) No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
 - (b) Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.
 - (c) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.
- (4) Setback between buildings. No wall of any separate (detached) structure, other than a single-family dwelling or its accessory structure, shall be located closer to any wall of another structure than as set forth in the following table:

	Setback Requirement (feet)			
Wall	Front	Side	Rear	Detached Accessory Building Wall
Front	50 plus 1 for each 2 feet above 45 feet	30; 20 if side wall has no windows, plus 1 for each 3 feet of height above 45 feet	30, except 20 if side wall has no windows; plus 1 for 3 feet of height above 45 feet for each building	30, plus 1 for each 2 feet of height above 45 feet for each building
Side	30; 20 if side wall has no windows, plus 1 for 3 feet of height above 45 feet	20, plus 1 for each 3 feet of height above 45 feet for each building	20, plus 1 for each 3 feet of height above 45 feet for each building	10, plus 1 for each 2 feet of height above 45 feet for each building

	Setback Requirement (feet)			
Wall	Front	Side	Rear	Detached Accessory Building Wall
Rear	30; 20 if side wall has no windows, plus 1 for 3 feet of height above 45 feet	20, plus 1 for each 3 feet of height above 45 feet for each building	20, plus 1 for each 3 feet of height above 45 feet for each building	10, plus 1 for each 2 feet of height above 45 feet for each building

NOTE:

Any dimension given in the table above shall include the side yard required for a single-family dwelling, when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

- e. In the event that more than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- f. If a lot of record existing on the effective date of this UDC has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- g. Parking lots for five (5) or more vehicles, loading spaces, or internal drives, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way and ten (10) feet from any adjoining property in a PS, NU, or any residential district. No setback is required from adjoining properties in a C or M District unless required by the conditions of a conditional use permit.
- h. Lighting. Light standards for streetlighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department. Light standards for parking lot lighting are allowed no closer than ten (10) feet from any side or rear yard line which adjoins property in the NU Non-Urban, PS Park and Scenic, or any residential district.
- i. Multifamily, row houses, or group home developments shall have a minimum common open space area of forty percent (40%).
- j. Development standards for nursing homes.

- (1) Densities of self-care units shall not exceed thirty-five (35) units per acre.
- (2) No building within a nursing home development shall exceed two hundred (200) feet above the average ground elevation at the perimeter of the building.
- (3) No building within a nursing home development shall be allowed within twenty (20) feet of any property line.
- (4) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber- and beauty shop, food store or drugstore, laundry or dry cleaning pickup, and newspaper stand and card shop.

k. Development standards for residential substance abuse treatment centers.

- (1) Densities shall not exceed eight (8) resident patients and two (2) houseparents or support staff per facility for lots less than five (5) acres.
- (2) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

4. The procedure for zoning to the R-7 District and site plan approval is established in Article 02 of this UDC.

P. R-8 Residential District.

1. Purpose. The R-8 District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
2. Scope Of Provisions. This Section contains the regulations of the R-8 District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.

3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the R-8 District:
 - a. Uses. Permitted and conditional uses for the R-8 District are found in Section 405.03.060 of this Article. In addition:
 - (1) Individual sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
 - (2) Mortuary and cemetery use requires two hundred (200) feet of frontage on a state roadway and must be adjacent to an existing commercial district.
 - (3) Public utility facilities over sixty (60) feet in height require a CUP.
 - b. Lot area.

Residential Dwellings	Minimum Lot Area (per unit) (square feet)
Dwelling, single-family	4,500
Dwelling, two-family	2,500
Dwelling, three-family	2,000
Dwelling, multifamily	500

Other Uses	Minimum Lot Area
Cemetery or mortuary	3 acres
Churches and other places of worship	30,000 square feet
Day-care center	4,500 square feet
Group home	10,000 square feet
Group residential facilities: in general	1/2 acre
Group residential facility for residential substance abuse treatment facilities	3 acres
For facility with more than 8 resident patients	5 acres
Library	4,500
Educational facilities	
Nursery school	15,000
Kindergarten	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres
Public safety facility	3 acres

Other Uses	Minimum Lot Area
Public utility facility	4,500 square feet
All other nonresidential uses	12,000 square feet

- (1) Any lot or tract of record on the effective date of this UDC which contains less than 4,500 square feet may be used as a site for one (1) single-family dwelling, together with accessory structures and uses.
 - (2) Clubs or community centers, as approved with a CUP, may be established on tracts of land less than twelve thousand (12,000) square feet where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than eight thousand (8,000) square feet.
 - (3) Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in the table above.
- c. Height. No structure, other than a public utility tower authorized by a conditional use permit, shall exceed a height of two hundred (200) feet above the average finished ground elevation at the perimeter of the structure; except that the height of structures may be further restricted as provided in Section 405.04.060 of this UDC pertaining to air navigation space regulations.
- d. Minimum structure setbacks for residential and nonresidential uses.
- (1) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.
 - (2) Side yard.
 - (a) No single-family dwelling or unattached side of an attached single-family dwelling or structure accessory to a single-family or attached single-family dwelling except as noted shall be allowed within five (5) feet of any side property line.
 - (b) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
 - (c) No other structure shall be allowed within ten (10) feet of any side property line.
 - (3) Rear yard.
 - (a) No structure, except single-family attached dwellings and detached garages accessory to unattached single-family

dwellings, shall be allowed within fifteen (15) feet of any rear property line.

- (b) Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.
- (c) Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.
- (4) Setback between buildings. No wall of any separate (detached) structure, other than a single-family or its accessory structure, shall be located closer to any wall of another structure than as set forth in the following table:

	Setback Requirement (feet)			
Wall	Front	Side	Rear	Detached Accessory Building Wall
Front	50, plus 1 for each 2 feet above 45 feet	30; 20 if side wall has no windows, plus 1 for each 3 feet of height above 45 feet	30; except 20 if side wall has no windows, plus 1 for 3 feet of height above 45 feet for each building	30, plus 1 for each 2 feet of height above 45 feet for each building
Side	30; 20 if side wall has no windows, plus 1 for 3 feet of height above 45 feet	20, plus 1 for each 3 feet of height above 45 feet for each building	20, plus 1 for each 3 feet of height above 45 feet for each building	10, plus 1 for each 2 feet of height above 45 feet for each building
Rear	30; 20 if side wall has no windows, plus 1 for 3 feet of height above 45 feet	20, plus 1 for each 3 feet of height above 45 feet for each building	20, plus 1 for each 3 feet of height above 45 feet for each building	10, plus 1 for each 2 feet of height above 45 feet for each building

NOTE:

Any dimension given in the table above shall include the side yard required for a single-family dwelling, when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

- e. In the event that more than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building

be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

- f. If a lot of record existing on the effective date of this UDC has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- g. Parking lots for five (5) or more vehicles, loading spaces, or internal drives, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way and ten (10) feet from any adjoining property in a PS, NU, or any residential district. No setback is required from adjoining properties in a C or M District unless required by the conditions of a conditional use permit.
- h. Lighting. Light standards for streetlighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the NU Non-Urban, PS Park and Scenic, or any residential district.
- i. Multifamily, row house, or group home developments shall have a minimum common open space area of forty percent (40%).
- j. Development standards for nursing homes.
 - (1) Densities of self-care units shall not exceed ninety (90) units per acre.
 - (2) No building within a nursing home development shall exceed two hundred (200) feet above the average ground elevation at the perimeter of the building.
 - (3) No building within a nursing home development shall be allowed within twenty (20) feet of any property line.
 - (4) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber- and beauty shop, food store or drugstore, laundry or dry cleaning pickup, and newspaper stand and card shop.
- k. Development standards for group residential facility use, specifically for residential substance abuse treatment centers.

- (1) Densities shall not exceed eight (8) resident patients and two (2) houseparents or support staff per facility for lots less than five (5) acres.
 - (2) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
 - (3) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
 - (4) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.
4. The procedure for zoning to the R-8 District and site plan approval is established in Article 02 of this UDC.

Section 405.03.040. Planned Zoning Districts And Regulations.

[CC 1990 § 31-03-04; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. General requirements for all planned districts.

1. Boundary walls, information signs or fences, six (6) feet in height or less, and directional signs less than three (3) feet in height are permitted within the minimum yard requirements, unless otherwise restricted in the conditions of any planned district ordinance.
2. Where the City Council determines that any particular tracts or areas should be developed as limited office or limited commercial, a NB District may be established on a tract of land in single ownership or single management control, provided that:
 - a. The proposed project shall be consistent with the purposes and intent of the Comprehensive Plan and UDC.
 - b. The preliminary development plan and the application for change of zoning are approved by the City Council; and
 - c. A site development plan is approved by the Planning Commission and recorded in compliance with requirements of this Section.
 - d. The schedule of construction is complied with in accordance with the requirements of the City of Chesterfield.
 - e. All utilities shall be installed underground.
 - f. An opportunity for recycling shall be provided.
 - g. A provision for pedestrianways, trails or bikeways beyond the standard sidewalk otherwise required shall be included where appropriate.

- B. Requests for modification of standards. The standards for development within this Article of the UDC may be modified if it may be demonstrated that said modification is consistent with the Comprehensive Plan and it is found that no detriment to the public health, safety and welfare will be created. Additionally, site design features identified throughout this Section should be included in the development for projects requesting modifications to the above standards. Said modification shall require a two-thirds-vote of the Planning Commission. Notwithstanding the recommendation of the Planning Commission, the Council may modify the standards contained in this Section by a majority vote.
- C. PC Planned Commercial District.
1. Purpose. The regulations of the PC District offer a method for commercial and limited light industrial development of land in the City of Chesterfield that allows flexibility in applying certain zoning standards. The PC District method allows innovative designs, meets market niches, and promotes well-designed developments. The PC District regulations should have the following outcomes:
 - a. Ensure consistency with the Comprehensive Plan;
 - b. Promote more efficient use of land;
 - c. Incorporate site features, such as topography, views, vegetation, water features, and other factors into the design so they become assets to the development;
 - d. Promote building styles and architectural styles that complement one another;
 - e. Allow a mix of uses that are designed to negate potential conflicts that normally occur between incompatible land uses;
 - f. Promote the most efficient arrangement of circulation systems, land use, and buildings;
 - g. Promote environmentally sensitive developments; and
 - h. Allow development under a specifically approved design concept and site plan.
 2. Scope Of Provisions. This Section contains the regulations of the PC Planned Commercial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the planned district ordinance authorizing the establishment of a PC District:
 3. Minimum Standards Of Design. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the PC District:
 - a. Uses. Permitted and conditional uses for the PC District are found in Section 405.03.070 of this Article.

- (1) The following light industrial type uses may be permitted and established in the site specific ordinance within a PC District for properties within the area known as "Chesterfield Valley" and specifically located west of Long Road, bordered on the north by the City of Chesterfield City limits and bordered on the south by Central Midland Railroad:
 - (a) Education facility: vocational school, outdoor training.
 - (b) Laboratory: professional, scientific.
 - (c) Mail order sale warehouse.
 - (d) Manufacturing, fabrication, assembly, processing, or packing.
 - (e) Self-storage facility.
 - (f) Warehouse, general.
 - (2) Requests for uses identified as adult entertainment uses must first obtain approval of an adult entertainment area as described in Article 02 and shall adhere to all conditions of Section 405.03.050 of this Article.
- b. In order to promote reasonable and orderly development within the City of Chesterfield, the following standards shall be considered by the Planning Commission and City Council in consideration for a change in zoning to a PC District. These standards are minimum requirements and may be made more restrictive in the conditions of the planned district ordinance governing the particular PC District.
- (1) Density. The maximum floor area ratio is fifty-five hundredths (0.55).
 - (2) Open space. A provision for common open space shall be provided in the district at a minimum of thirty-five percent (35%) of the total site acreage. Open space should be integrated into the development to provide aesthetic, recreational, or other public benefit.
 - (3) Setbacks.
 - (a) No structure shall be permitted within thirty-five (35) feet of a property line adjoining property designated on the Comprehensive Land Use Map as being residential or park/recreation.
 - (b) No parking area, internal drive, loading space, or structure shall be permitted within twenty-five (25) feet of a property line adjoining property designated on the Comprehensive Land Use Map as being residential or park/recreation.
 - (c) All other setbacks shall be established by the conditions of the planned district ordinance.

- (4) Hours of operation. The hours of operation, including hours open to the public and hours for the loading and unloading of deliveries, shall be established in the planned district ordinance.
 4. Site design features and flexibility.
 - a. Any design features approved under this Section shall be assured and implemented through inclusion in the planned district ordinance. This ordinance shall be approved concurrently with the change in zoning to the PC District.
 - b. While these features are not mandatory for approval, they are desirable to the City of Chesterfield and may increase the flexibility of design and the ability of the developer to negotiate the mitigation of other requirements.
 - (1) Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.;
 - (2) Preservation of natural and cultural areas, as well as the creation of open space through active and passive recreation areas to include greenways, walking and cycling trails that serve to connect significant areas and various land uses;
 - (3) Enhanced landscaping, deeper and opaque buffers, and increased planting along public rights-of-way, open space/recreational areas, and the overall perimeter of the project;
 - (4) Utilization of mixed use buildings;
 - (5) Segregation of vehicular traffic from pedestrian/bicycle circulation networks, and other traffic mitigation measures;
 - (6) Incorporation of transit-oriented development or direct access to public transportation;
 - (7) Utilization of Leadership in Energy and Environmental Design (LEED) construction and development standards and the proposed LEED certification of buildings within the PC District;
 - (8) Public benefits and community facilities and the access thereto; and
 - (9) Sensitive treatment of perimeters to mitigate impact upon adjoining property.
 5. The procedure for zoning to the PC District and site development plan approval is established in Article 02 of this UDC.

D. NB Neighborhood Business District.

1. Purpose. The NB District is intended to provide a method for limited office or limited commercial development, which is compatible in scale and intensity with adjacent residential uses. The NB District is intended to provide for individual or small groups of office and customer service retail establishments. This planned district requires architectural design harmonious with the surrounding area and

landscape screening from adjacent residential uses. The NB District is appropriate for areas not designated as residential, park/scenic, or industrial in the City of Chesterfield Comprehensive Plan.

2. Scope Of Provisions. This Section contains the regulations of the NB Neighborhood Business District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the planned district ordinance authorizing the establishment of a NB District.
3. The regulations for NB District offer a method that allows flexibility in applying certain zoning standards. The NB District allows innovative designs, meets market niches, and promotes well-designed developments. The NB District regulations should have the following outcomes:
 - a. Ensure consistency with the Comprehensive Plan;
 - b. Promote building styles and architectural styles that complement one another, as well as the surrounding area;
 - c. Promote more efficient use of land;
 - d. Incorporate site features such as topography, views, vegetation, water features, and other factors into the design so they become assets to the development;
 - e. Promote the most efficient arrangement of circulation systems, land use, and buildings;
 - f. Promote environmentally sensitive developments; and
 - g. Allow development, under a specifically approved design concept and site plan.
4. Minimum Standards Of Design. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the NB District:
 - a. Uses. Permitted and conditional uses for the NB District are found in Section 405.030.070 of this Article.
 - b. In order to promote reasonable and orderly development within the City of Chesterfield, the following standards shall be considered by the Planning Commission and City Council in consideration for a change in zoning to a NB District. These standards are minimum requirements and may be made more restrictive in the conditions of the planned district ordinance governing the particular NB District.
 - (1) Density. A maximum floor area ratio (F.A.R.) of thirty-five hundredths (0.35) is allowed.
 - (2) Height. The maximum height of any structure shall be thirty (30) feet from grade or two (2) stories, whichever is less, exclusive of mechanical equipment.

- (3) Open space. A minimum open space of forty percent (40%) is required. Open space should be integrated into the development to provide aesthetic, recreational, or other public benefit.
 - (4) Hours of operation. The hours of operation, including hours open to the public and hours for the loading and unloading of deliveries, shall be established in the site specific ordinance.
 - (5) Outdoor storage or display of merchandise, materials, or equipment is prohibited.
 - (6) No single building shall contain more than ten thousand (10,000) square feet of gross floor area.
 - (7) Setbacks.
 - (a) No structure shall be permitted within thirty (30) feet of any property line.
 - (b) The minimum building setback shall be thirty-five (35) feet from any property adjoining property designated on the Comprehensive Land Use Map as being a residential district or PS District.
 - (c) No parking area, internal drive, or loading space shall be permitted within twenty-five (25) feet of the front, side, and rear yard setbacks.
 - (d) The minimum parking setback shall be thirty (30) feet from any property adjoining property designated on the Comprehensive Land Use Map as being a residential district or PS District.
5. Site Design Features And Flexibility.
- a. Any design features approved under this Section shall be assured and implemented through inclusion in the planned district ordinance. This ordinance shall be approved concurrently with the change in zoning to the NB District.
 - b. While these features are not mandatory for approval, they are desirable to the City of Chesterfield and may increase the flexibility of design and the ability of the developer to negotiate the mitigation of other requirements.
 - (1) Incorporation of parking areas into the design of the development to minimize visual expanses of parking lots;
 - (2) Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.;
 - (3) Preservation of natural and cultural areas, as well as the creation of open space through active and passive recreation areas to include greenways, walking and cycling trails that serve to connect significant areas and various land uses;

- (4) Enhanced landscaping, deeper and opaque buffers, and increased planting along residential properties, public rights-of-way, open space/recreational areas, and the overall perimeter of the project;
 - (5) Segregation of vehicular traffic from pedestrian/bicycle circulation networks, and other traffic mitigation measures;
 - (6) Incorporation of transit-oriented development or direct access to public transportation;
 - (7) Utilization of Leadership in Energy and Environmental Design (LEED) construction and development standards and the proposed LEED certification of buildings;
 - (8) Public benefits and community facilities and the access thereto; and
 - (9) Sensitive treatment of perimeters to mitigate impact upon adjoining property.
6. The procedure for zoning to the NB District and site development plan approval is established in Article 02 of this UDC.

E. PI Planned Industrial District.

1. Purpose. The regulations of the PI District offer a method for the industrial and selected commercial development of land in the City of Chesterfield that allows flexibility in applying certain zoning standards. The requirements of this Section are designed to offset the impact of changes in development standards allowed through these provisions. The PI District regulations should have the following outcomes:
 - a. Ensure consistency with the Comprehensive Plan;
 - b. Promote building styles and architectural styles that complement one another, as well as the surrounding area;
 - c. Promote more efficient use of land;
 - d. Incorporate site features, such as topography, views, vegetation, water features, and other factors into the design so they become assets to the development;
 - e. Promote the most efficient arrangement of circulation systems, land use, and buildings;
 - f. Promote environmentally sensitive developments; and
 - g. Allow development, under a specifically approved design concept and site plan.
2. Scope Of Provisions. This Section contains the regulations of the PI Planned Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may

be established in the planned district ordinance authorizing the establishment of a PI District.

3. Minimum Standards Of Design. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the PI District:
 - a. Uses. Permitted and conditional uses for the PI District are found in Section 405.030.070 of this UDC.
 - (1) Requests for uses identified as adult entertainment uses must obtain approval of an adult entertainment use area as described in Article 02 and adhere to all requirements of Section 405.030.050 of this Article.
 - b. In order to promote reasonable and orderly development within the City of Chesterfield, the following standards shall be considered by the Planning Commission and City Council in consideration for a change in zoning to a PI District. These standards are minimum requirements and may be made more restrictive in the conditions of the planned district ordinance governing the particular PI District.
 - (1) Density. A maximum floor area Ratio (F.A.R.) of fifty-five hundredths (0.55) is allowed.
 - (2) Open space. A minimum open space of thirty-five percent (35%) is required. Open space should be integrated into the development to provide aesthetic, recreational, or other public benefit.
 - (3) Hours of operation. The hours of operation, including hours open to the public and hours for the loading and unloading of deliveries, shall be established in the site specific ordinance.
 - (4) (Reserved)⁶
 - (5) Setbacks.
 - (a) The minimum building setback shall be thirty-five (35) feet from any property adjoining property designated on the Comprehensive Land Use Map as being a residential district or PS District.
 - (b) The minimum parking setback shall be twenty-five (25) feet from any property adjoining property designated on the Comprehensive Land Use Map as being a residential district or PS District.
4. Site Design Features And Flexibility.
 - a. Any design features approved under this Section shall be assured and implemented through inclusion in the planned district ordinance. This

6. Editor's Note: Original Subsection (E)(3)(b)(4), which prohibited the outdoor storage or display of merchandise, materials or equipment, was repealed 9-15-2014 by § 1 of Ord. No. 2814.

ordinance shall be approved concurrently with the change in zoning to the PI District.

- b. While these features are not mandatory for approval, they are desirable to the City of Chesterfield and may increase the flexibility of design and the ability of the developer to negotiate the mitigation of other requirements.
 - (1) Incorporation of parking areas into the design of the development to minimize visual expanses of parking lots;
 - (2) Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.;
 - (3) Preservation of natural and cultural areas, as well as the creation of open space through active and passive recreation areas to include greenways, walking and cycling trails that serve to connect significant areas and various land uses;
 - (4) Enhanced landscaping, deeper and opaque buffers, and increased planting along residential properties, public rights-of-way, open space/recreational areas, and the overall perimeter of the project;
 - (5) Segregation of vehicular traffic from pedestrian/bicycle circulation networks, and other traffic mitigation measures;
 - (6) Incorporation of transit-oriented development or direct access to public transportation;
 - (7) Utilization of Leadership in Energy and Environmental Design (LEED) construction and development standards and the proposed LEED certification of buildings;
 - (8) Public benefits and community facilities and the access thereto; and
 - (9) Sensitive treatment of perimeters to mitigate impact upon adjoining property.
5. The procedure for zoning to the PI District and site development plan approval is established in Article 02 of this UDC.

F. LI Light Industrial District.

1. Purpose. The purpose of the LI Light Industrial District is to provide for a variety of light industrial services that may be developed compatible with abutting commercial and/or industrial uses.
2. In addition to the development standards and district requirements in Article 04 and elsewhere of this UDC, the following performance standards are applicable to the LI District:
 - a. Uses. Permitted and conditional uses for the LI District are found in Section 405.030.070 of this Article. In addition the following use restrictions shall apply to this district:

- (1) No drive-through windows shall be allowed in conjunction with any of the permitted, accessory, or conditional uses.
 - (2) Businesses shall only be open to the public between the hours of 7:00 A.M. and 8:00 P.M.
 - (3) Loading or unloading of deliveries shall be permitted only between the hours of 7:00 A.M. and 7:00 P.M.
 - (4) All principal uses shall be conducted within a fully enclosed building.
 - (5) Outdoor storage or display of merchandise, materials, or equipment must be fully screened as approved by the City of Chesterfield on the site plan.
- b. Design standards.
- (1) Minimum lot area: forty-five thousand (45,000) square feet.
 - (2) Minimum lot width: minimum road frontage of one hundred (100) feet or direct access by one-hundred-foot road easement, right-of-way or cross easement.
 - (3) Height: thirty-five (35) feet from grade, exclusive of mechanical equipment.
 - (4) Open space: thirty-five percent (35%).
 - (5) Density: maximum forty hundredths (0.40) F.A.R.
 - (6) Utilities: installed underground.
 - (7) Recycling: opportunity for recycling shall be provided.
- c. Minimum yard setbacks.
- (1) No building or structure, other than a freestanding project identification sign six (6) feet in height or less, light standards, flagpoles, or fences six (6) feet in height or less will be located within the following setbacks:
 - (a) The minimum front, side, and rear yard building setback shall be thirty (30) feet.
 - (b) The minimum building setback shall be fifty (50) feet from any property adjoining property designated on the Comprehensive Land Use Map as being a residential district or PS District.
 - (2) No parking area, internal drive, or loading space shall be permitted within the following setbacks:
 - (a) The minimum front, side, and rear yard parking setback shall be twenty-five (25) feet.

- (b) The minimum parking setback shall be thirty (30) feet from any property adjoining property designated on the Comprehensive Land Use Map as being a residential district or PS District.
3. The procedure for zoning to the LI District and site plan approval is established in Article 02 of this UDC.

G. MU Medical Use District.

1. Purpose. The MU Medical Use District is designed for areas where a variety of medical developments and uses may be permitted. These district regulations and requirements are intended to facilitate the establishment of medical developments with ancillary commercial uses in locations appropriate under the terms and conditions set forth in the planned district ordinance establishing the district.
2. Scope Of Provisions. This Section contains the regulations of the MU District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the planned district ordinance authorizing the establishment of a MU District.
3. Minimum Standards Of Design. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the MU District:
 - a. Uses. Permitted land uses shall be established in the conditions of the ordinance governing the particular MU District. Uses may include those permitted and conditional uses for the MU District found in Section 405.030.070 of this Article.
 - (1) Restaurants shall be less than two thousand (2,000) square feet in gross floor area and will not include drive-through windows or drive-in service.
 - (2) Medical use incinerators are prohibited.
 - b. In order to promote reasonable and orderly development within the City of Chesterfield, the following standards shall be considered by the Planning Commission and City Council in consideration for a change in zoning to a MU District. These standards are minimum requirements and may be made more restrictive in the conditions of the planned district ordinance governing the particular MU District.
 - (1) Lot area. The minimum lot area for this district is three (3) acres.
 - (2) Density. A maximum floor area ratio (F.A.R.) of fifty-five hundredths (0.55) is allowed.
 - (3) Height. The total height of any structure shall not exceed eight (8) stories in height, excluding mechanical devices.

- (4) Open space. A minimum open space of thirty-five percent (35%) is required. Open space should be integrated into the development to provide aesthetic, recreational, or other public benefit.
- (5) Setbacks.
 - (a) The minimum yard setback from the right-of-way for any structure, parking area, internal drive, or loading space shall be fifty (50) feet.
 - (b) The minimum yard setback from any property line for any structure, parking area, internal drive or loading space shall be twenty-five (25) feet from any property adjoining property designated on the Comprehensive Land Use Map as being a residential district or PS District.
 - (c) The minimum parking setback shall be 25 feet from any property adjoining property designated on the Comprehensive Land Use Map as a residential district or PS District.
4. The procedure for zoning to the MU District and site development plan approval is established in Article 02 of this UDC.

H. UC Urban Core District. **[Ord. No. 2830 § 1, 1-21-2015]**

1. Purpose. The UC Urban Core District is intended to provide a method for commercial or mixed commercial and residential development within the area known as the "Urban Core." The regulations for the UC District offer a method that allows flexibility in applying certain zoning standards. Such flexibility requires a review process and development plan to safeguard health, safety, and welfare concerns. In exchange for flexibility, UC Districts are required to provide exceptional design and amenities not otherwise required through traditional zoning techniques. These requirements are designed to offset the impact of changes in development standards allowed through these provisions. The UC District allows innovative designs, solves problems on difficult sites, meets market niches, encourages pedestrian access and connectivity between developments, and promotes well-designed developments. The UC District regulations should have the following outcomes:
 - a. Implement the vision of the area of the City identified as the Urban Core in the Comprehensive Plan;
 - b. Promote pedestrian access, connectivity and facilities between sites, between developments and to public facilities through inclusion of a variety of site and building design features, such as continuous pedestrian walkways between buildings and from parking areas, trails, bicycle paths, covered walkways between buildings, widened sidewalks at the entrance to commercial and office structures, bicycle parking and continuous walkways through parking areas to buildings within the development.
 - c. Allow flexibility that is not available through standards and restrictions contained elsewhere in the Zoning Ordinance;

- d. Promote more efficient use of land;
 - e. Incorporate site features, such as topography, views, vegetation, water features, and other factors into the design so they become assets to the development;
 - f. Promote building styles and architectural styles that complement one another;
 - g. Allow a mix of uses that is designed to negate potential conflicts that normally occur between incompatible land uses;
 - h. Promote the most efficient arrangement of circulation systems, land use, and buildings;
 - i. Promote environmentally sensitive developments; and
 - j. Allow development, under a specifically approved design concept and site plan, which otherwise may not be permitted by the Zoning Ordinance.
2. Scope Of Provisions. This Section contains the regulations of the UC District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the planned district ordinance authorizing the establishment of a UC District.
 3. Where the City Council determines that any particular tracts or areas should be developed for commercial use, a UC District may be established on a tract of land in single ownership or single management control, provided that:
 - a. The preliminary development plan and the application for change of zoning are approved by the City Council; and
 - b. A site development plan is approved by the Planning Commission and recorded in compliance with requirements of this Section.
 4. Minimum Standards Of Design. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the UC District:
 - a. Uses. Permitted land uses shall be established in the conditions of the ordinance governing the particular UC District. Uses may include those uses designated as permitted or conditional uses in any commercial or residential district listed in Table A-1 of Section 03-02 of this Article.
 - (1) Uses requiring an adult entertainment area permit are not permitted.
 - (2) Light industrial type uses which are permitted in limited areas within a PC District are not permitted in the UC District.
 - b. In order to promote reasonable and orderly development within the City of Chesterfield, the following standards shall be considered by the Planning Commission and City Council in consideration for a change in zoning to the UC District. These standards are minimum requirements and may be

made more restrictive in the conditions of the planned district ordinance governing the particular UC District.

- (1) Lot area. The minimum lot area for this district is three (3) acres.
 - (2) Density. A maximum floor area ratio (F.A.R.) of fifty-five hundredths (0.55) is allowed.
 - (3) Height. The total height of any structure shall not exceed eight (8) stories in height, excluding mechanical devices.
 - (4) Open space. A minimum open space of thirty percent (30%) is required. Open space should be integrated into the development to provide aesthetic, recreational, or other public benefit. Covered pedestrian walkways and bridges may be counted towards the open space requirement of thirty percent (30%).
 - (5) Setbacks.
 - (a) The minimum yard setback for any structure from the boundary of a UC District shall be thirty-five (35) feet.
 - (b) The minimum yard setback for any parking area, parking structure, internal drive or loading space shall be thirty (30) feet.
5. Site Design Features And Flexibility. Any design features approved under this Section shall be assured and implemented through inclusion in the planned district ordinance. This ordinance shall be approved concurrently with the change in zoning to the UC District.
- a. While these features are not mandatory for approval, they are desirable to the City of Chesterfield and may increase the flexibility of design and the ability of the developer to negotiate the mitigation of other requirements.
 - (1) Incorporation of parking areas into the design of the development to minimize visual expanses of parking lots;
 - (2) Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.;
 - (3) Preservation of natural and cultural areas, as well as the creation of open space through active and passive recreation areas to include greenways, walking and cycling trails that serve to connect significant areas and various land uses;
 - (4) Enhanced landscaping, deeper and opaque buffers, and increased planting along residential properties, public rights-of-way, open space/recreational areas, and the overall perimeter of the project;
 - (5) Utilization of mixed use buildings;
 - (6) Segregation of vehicular traffic from pedestrian/bicycle circulation networks, and other traffic mitigation measures;

- (7) Promotion of pedestrian access and connectivity throughout the development as well as between sites and developments and to public and community facilities;
 - (8) Incorporation of transit oriented development or direct access to public transportation;
 - (9) Utilization of Leadership in Energy and Environmental Design (LEED) construction and development standards and the proposed LEED certification of buildings;
 - (10) Public benefits and community facilities and the access thereto; and
 - (11) Sensitive treatment of perimeters to mitigate impact upon adjoining property.
6. The procedure for zoning to the UC District and site development plan approval is established in Article 02 of this UDC.

I. MXD Mixed Use District.

1. Purpose. The MXD Mixed Use District is intended to provide a zoning classification which permits developments with a mixture of residential, commercial, industrial, cultural, and institutional uses in a single structure or multiple structures. It is the purpose of these regulations to encourage a diversification of uses in unified projects located in proximity to major roadways and intersections and through the interrelationship of uses and structures to promote innovative and energy-conscious design, efficient and effective circulation systems, a variety of housing types, and to encourage the conservation of land resources, minimization of auto travel, and the location of employment and retail centers in proximity to higher-density housing.
2. Scope Of Provisions. This Section contains the regulations of the MXD District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the planned district ordinance authorizing the establishment of a MXD District.
3. Minimum Standards Of Design. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the MXD District:
 - a. Uses. Permitted land uses shall be established in the conditions of the ordinance governing the particular MXD District. Uses may include those uses designated as permitted or conditional uses in any residential, commercial, or industrial districts listed in Table A-1 of Section 405.03.020 of this Article.
 - (1) Each mixed use development district shall include a minimum of twenty percent (20%) of the total gross floor area in residential uses, twenty percent (20%) of the total gross floor area in retail commercial uses, and twenty percent (20%) of the total gross floor area in office

or industrial uses. Gross floor area used for parking shall not be included in the above calculations.

- (2) Gross floor area of hotels may be used for up to fifty percent (50%) of the required floor area for residential uses. Gross floor area devoted to institutional, cultural, entertainment, or recreational uses may be used, on a one-to-one basis, to reduce the required minimum floor area of any of the three (3) main use categories up to a maximum reduction of twenty-five percent (25%).
 - (3) In addition to this approach where residential development in a proposed MXD District is greater than fifty-one percent (51%) of the total gross floor area, the remainder of the development may consist of commercial uses or industrial uses or both without limitation as to percentages of gross floor area.
 - (4) Uses requiring an adult entertainment area permit are not permitted.
- b. Residential density. Residential densities shall be established in the conditions of the planned district ordinance creating the MXD District, but in no event shall the density exceed sixty (60) units per acre of land in the total development, excluding land which is utilized for road right-of-way purposes, and excluding right-of-way dedication for widening existing roadways, and including land remaining within the one-hundred-year floodplain elevation, as identified in Article 05. This density restriction, however, shall not apply to hotels.
 - c. No parking areas, internal drives, loading spaces, and structures shall be permitted within ten (10) feet of a property line adjoining property in the NU Non-Urban, PS Park and Scenic, AG Agricultural or any residential district. In addition to the minimum ten (10) feet, any structure exceeding thirty (30) feet in height which adjoins property in the NU Non-Urban, PS Park and Scenic, AG Agricultural or any residential district shall be set back an additional one (1) foot for every two (2) feet in height above thirty (30) feet. Greater setbacks may be required by condition if necessary to ensure compatibility with adjoining developments or uses.
 - d. A sign package is required for all developments in the MXD District.
 - e. The Planning Commission may recommend, and the City Council may approve, a total reduction of not more than twenty percent (20%), or thirty percent (30%) for developments greater than five hundred thousand (500,000) square feet of gross floor area under single ownership or management control, of the required off-street parking and loading spaces, where it has been demonstrated by study of the combined uses and customary operation of the uses that adequate parking would be provided. The Planning Commission may recommend a further parking reduction beyond thirty percent (30%) for developments greater than seven hundred fifty thousand (750,000) square feet of gross floor area under single ownership or management control based upon a similar approved study as above.

- f. Other conditions, such as building height, open space, setbacks and minimum lot area, shall be established in the planned district ordinance.
 - (1) Open space. A minimum common open space of thirty percent (30%) is required. Open space should be integrated into the development to provide aesthetic, recreational, or other public benefit.
 - (2) Setbacks.
 - (a) The minimum yard setback for any structure from the boundary of a MXD District shall be thirty-five (35) feet.
 - (b) The minimum yard setback for any parking area, parking structure, internal drive or loading space shall be thirty (30) feet.
 4. The procedure for zoning to the MXD District and site development plan approval is established in Article 02 of this UDC.
- J. PC&R Planned Commercial and Residential District.
1. Purpose. The PC&R District is intended to provide development in the area of the City comprising a minimum of seventy (70) acres in size and located only in the area bounded on the east by State Route 340, on the west by Baxter Road, on the north by State Route 40/I-64, and on the south by Lydia Hill Drive/August Hill Drive. A PC&R District development is intended to create a diverse residential and commercial mixed use environment in which residential and commercial uses can be integrated pursuant to a downtown concept that encourages creative and coordinated design and architectural styles, efficient and effective pedestrian circulation, conservation of land resources, efficient and effective vehicular circulation, and where people can choose to live, work, eat, shop, enjoy cultural amenities and recreate. By definition, "downtown development" is mixed use, and usually follows one (1) of two (2) patterns (or an adaptation of both). First, as a vertical mix on a given parcel, land uses change from floor to floor within the same building. Typically, this pattern is residential above commercial (retail, professional services or office). The second pattern occurs when buildings or spaces of a single use are combined with those of other single uses. Examples are a street of residential buildings with commercial buildings occupying the corners or a commercial Main Street combined with residential side streets.
 2. Scope Of Provisions. This Section contains the regulations of the PC&R District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the planned district ordinance authorizing the establishment of a PC&R District.
 3. Where the City Council determines that any particular tracts or areas should be developed for commercial use, a PC&R District may be established on a tract of land in single ownership or single management control, provided that:
 - a. The preliminary development plan and the application for change of zoning are approved by the City Council; and

- b. A site development plan is approved by the Planning Commission and recorded in compliance with requirements of this Section.
4. Minimum Standards Of Design. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the PC&R District:
 - a. Uses. Permitted uses shall be established in the site specific PC&R District ordinance governing a PC&R development and may include commercial uses permitted in the Planned Commercial (PC) District or any of the residential uses in any of the residential districts listed in Table A-1 in Section 405.03.020 of this Article.
 - (1) Residential and commercial uses may be combined in the same building, combined on the same lot in separate buildings or on separate lots within a PC&R development. The permitted uses shall be combined within a PC&R development to create a downtown concept.
 - (2) Uses which require an adult entertainment area permit are not permitted.
 - b. Performance standards for the PC&R District are provided in the UDC for the PC (Commercial) and R (Residential) land uses. Conflicts between the commercial and residential performance standards shall be resolved in the planned district ordinance for the PC&R District, site development plan, site development concept plan, or site development section plan.
 - (1) Specific performance standards may be provided in the planned district ordinance for the PC&R District or provided on the site development plan, site development concept plan, or site development section plan.
 - (2) Said performance standards may supplement, modify, or alter performance standards provided elsewhere in the UDC.
 - (3) Except where specifically stated otherwise in this Section, performance standards established in the planned district ordinance for the PC&R District or provided on the site development plan, site development concept plan, or site development section plan for a PC&R development shall supersede any performance standards required by any other district regulation or UDC.
 - (4) Performance standards may include, but are not limited to, addressing one or more of the following:
 - (a) Density.
 - (b) Maximum height of buildings and structures.
 - (c) Setbacks.
 - (d) Open space.

- (e) Parking.
 - (f) Signage.
 - (g) Architectural standards.
 - 5. The procedure for zoning to the PC&R District and site development plan approval is established in Article 02 of this UDC.
- K. PUD Planned Unit District.
- 1. Purpose. The purpose of the PUD District is to encourage flexibility in the density requirements and development standards of the Zoning Ordinance that will result in exceptional design, character, and quality of new homogenous and mixed-use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.
 - 2. Scope Of Provisions. This Section contains the regulations of the PUD District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the planned district ordinance authorizing the establishment of a PUD District.
 - 3. General Requirements.
 - a. All property that is at least four (4) contiguous acres shall be eligible for the PUD District designation.
 - b. All property to be zoned PUD or an existing PUD Zoning District being amended shall be under single ownership, or if under multiple ownership, then by written consent of all owners who agree to be bound by the PUD District designation and regulations.
 - c. The detailed standards set forth herein are minimum requirements, and it is the intent of this Section that the City of Chesterfield may impose conditions and safeguards in excess of, or in addition to, the specified minimal requirements. Satisfying the minimum standards set forth herein does not per se indicate that an application is entitled to a zoning change and notice is hereby given to that effect.
 - d. All utilities shall be installed underground.
 - 4. General Considerations. The following is a list of general considerations to be reviewed by the City of Chesterfield when analyzing applications for PUD zoning:
 - a. The applicant's narrative statement describing the character of and rationale for the proposed development.
 - b. Land uses proposed are adopted as permitted uses within the residential zoning districts included in the City of Chesterfield Code.

- c. Proposed residential densities as they compare to current City of Chesterfield Comprehensive Plan designation, Zoning Map delineation, infrastructure capacity and the effect upon public services, and optimal usage of the land.
 - d. Whether the major components of the PUD are properly located and should be able to continue to function if any of the other phases are not completed, taking into account factors such as the infrastructure guarantee procedures described within City of Chesterfield Subdivision Ordinance.⁷
 - e. The compatibility of proposed land uses within the PUD with the surrounding land uses and the Land Use Map of the Comprehensive Plan.
 - f. Effects upon public health, safety, and general welfare.
5. Design Features. The following list includes design features suggested to be utilized by developers when applying for PUD zoning. Satisfaction of all or any of these design features is not mandatory, but the approval of PUD zoning will be predicated on the use of the below list or any other design feature deemed desirable by the City of Chesterfield. Proposed inclusion of these design features within a PUD can increase the flexibility of design standards and the ability of the developer to negotiate the mitigation of other requirements.
- a. Placement of structures on most suitable sites with consideration of maintaining existing site topography, soils, vegetation, slope, etc.;
 - b. Preservation of natural and cultural areas, as well as the creation of open space through active and passive recreation areas to include greenways, landscape gardens, plazas, and walking and cycling trails that serve to connect significant areas and various land uses;
 - c. Preservation of existing mature trees and trees deemed extraordinary by the City of Chesterfield Tree Specialist due to but not limited to the following: size, type, origin, grouping, or number of;
 - d. Enhanced landscaping, deeper and opaque buffers, and increased planting along public rights-of-way, open space/recreational areas, and the overall perimeter to protect and ensure compatibility with adjacent land uses;
 - e. Utilization of mixed-use buildings;
 - f. Utilization of traditional neighborhood design (TND) techniques in the layout and spatial organization of the development;
 - g. Structures designed and constructed of an architectural vernacular that exceeds the typical building design and materials within the City of Chesterfield;
 - h. Segregation of vehicular traffic from pedestrian/bicycle circulation networks, and other traffic mitigation measures;

7. Editor's Note: See Article 02, Development Review and Appeals Process.

- i. Incorporation of transit-oriented development (TOD) or direct access to public transportation;
 - j. Provision of affordable housing;
 - k. Utilization of Leadership in Energy and Environmental Design (LEED) construction practices and development standards and the proposed LEED certification of buildings and grounds by the United States Green Building Council within the PUD; and
 - l. Inclusion of community facilities and the access thereto.
6. Uses. Permitted uses shall be established in the site specific PUD District ordinance governing the PUD development and may include any permitted or conditional use found in any of the residential districts listed in Table A-1 in Section 405.03.020 of this Article.
- a. In any PUD containing forty (40) or more residential lots or units, the following commercial uses may be authorized, when located in a separate structure or within a multiple-family residence building:
 - (1) Barber- or beauty shops.
 - (2) Day-care centers, child.
 - (3) Drug stores and pharmacy.
 - (4) Grocery, neighborhood.
 - (5) Laundromat and dry-cleaning establishment.
 - (6) Newspaper stands.
 - (7) Restaurants, sit-down and/or outdoor customer dining area.
 - b. All areas of a PUD shall have an assigned land use.
7. Minimum Design Requirements For A PUD. At a minimum, all requests for PUD zoning shall meet those general requirements as described in Subsection (K)(3) above and the following requirements:
- a. Maximum residential densities shall be determined by utilizing the following hierarchical order:
 - (1) Existing zoning district maximum permitted density; and/or
 - (2) Properties proposed for PUD zoning that are found to be currently zoned NU Non-Urban District shall be required to submit a petition for a change of zoning from the NU Non-Urban District to a residential zoning district. This petition shall be filed prior to that of the petition requesting PUD zoning.
 - b. A provision for common open space shall be provided in the PUD at a minimum of thirty percent (30%) of the total site acreage, to be distributed throughout the PUD and not concentrated in one (1) area nor shall it

- contain only that portion of the proposed PUD that would be considered undevelopable due to topography or any other site specific related matter. All common open space areas shall be shown on all preliminary plans, site development plans, site development concept plans, site development section plans, and record plats and shall be preserved and deed restricted as common open space.
- c. A PUD perimeter buffer shall be provided at a minimum of thirty (30) feet in width. The perimeter buffer shall be composed of a combination of existing trees (where applicable), trees selected from the approved tree list from the City of Chesterfield Tree Preservation and Landscape Requirements,⁸ and any combination of low-lying shrubbery or other vegetation not including grassed turf.
 - d. The proposed project shall be consistent with the purposes and intent of the Comprehensive Plan and City of Chesterfield Code unless otherwise stipulated in the planned district ordinance.
8. Dedication For Public Schools And Public Parks. A planned unit development may include land designated for dedication for public schools or public park use. Such land area may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or maximum dwelling units that may be approved, provided that:
- a. The area of the proposed development shall be at least thirty (30) acres in the case of a public school dedication and sixty (60) acres in the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.
 - b. The proposed school site is compatible with a generalized plan for school locations published by the school district.
 - c. Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the City of Chesterfield for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site, and when the improvements will be installed.
 - d. The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.
 - e. The site development concept plan identifies the boundaries of the dedicated tract within the development.
 - f. The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land.

8. Editor's Note: See Section 405.04.020, Tree Preservation And Landscape Requirements.

9. The procedure for zoning to the PUD District and site development plan approval is established in Article 02 of this UDC.

Section 405.03.050. Overlay Districts And Zoning Procedures.**[CC 1990 § 31-03-05; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]****A. FP Floodplain Overlay District.**

1. Purpose. The flood hazard areas of Chesterfield, Missouri, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.
2. This Section is therefore necessary to protect human life and health; to minimize expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges, located in floodplains; and to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.
3. It is the purpose of this Section to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion or flood heights or velocities; to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; to control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters; and to control filling, grading, dredging, and other development which may increase erosion or flood damage.
4. Scope Of Provisions. This Section contains the regulations for the FP Floodplain Overlay District of Chesterfield. Property zoned FP is also zoned under another applicable district governed by this UDC. The FP Overlay District constitutes an overlay district, and the other applicable zoning district constitutes the underlying zoning.
 - a. The FP Overlay District regulations and requirements herein control in the case of any conflict between the regulations contained in this Section and the regulations otherwise applicable to any property by virtue of its underlying zoning.

- b. A portion of the area within this district is designated as the floodway, as established by the maps applicable to this district. Property within the floodway is subject to those provisions of this UDC which so state.
- 5. Minimum Standards Of Design. In addition to the development standards and district requirements in Article 04 and Article 05 of this UDC, the following performance standards are applicable to the FP Overlay District:
 - a. Uses. Permitted and conditional uses for the FP Overlay District are found in Section 405.03.080 of this Article. In addition:
 - (1) Public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be adequately screened with landscaping, fencing or walls; or placed underground; or enclosed in such a manner as to blend with and complement the character of the surrounding area as approved by the City of Chesterfield.
 - (2) Accessory uses may include, but are not limited to, devices for the generation of energy or individual sewage treatment facilities serving an individual nonresidential use. Sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
 - b. Lot area.

Use	Minimum Lot Area
Farming	20 acres
Golf course	5 acres
All other uses	As required in the underlying zoning district

- c. Height. The total height of any structure shall not exceed that permitted in the underlying zoning district.
- d. Yard Requirements.
 - (1) No structure shall be allowed within twenty-five (25) feet of any roadway right-of-way line, except where a greater setback is required by the underlying district requirements.
 - (2) No structure, sign or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
 - (3) Permitted information signs, six (6) feet or less in height, and directional signs are allowed within the minimum front yard setback.
 - (4) Any structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

- (5) No residential building or structure attached thereto shall be allowed within thirty (30) feet of the limits of the one-hundred-year floodplain.
 - e. Floodway. All development or use of the floodway is prohibited involving any encroachment, including fill, new construction or material improvement of any existing structure unless certification by a registered professional engineer is provided to and approved by the Department that the development will not result in any increase in flood levels during occurrence of the base flood discharge. If and only if this Section is complied with, use or development of the floodway may be carried out subject to the restrictions of the remainder of this Section of the UDC.
6. See Chapter 14, Flood Damage Prevention, of the City Code for additional information and regulations.
7. District regulations and development requirements found in this UDC are minimum standards. Additional regulations and requirements may be established in the site specific ordinance establishing the FP Overlay District.
8. The procedure for establishing a FP Overlay District and site development plan approval is established in Article 02 of this UDC.
- B. MAA Museum and Arts Overlay District.
1. Purpose. The purpose of this Section is to promote the general welfare, heritage, cultural education, and economic benefit of the City through the appreciation, instruction, exhibition and performance of the arts.
 2. In any zoning district, except NU Non-Urban Districts, a single parcel or geographic area may be designated as an MAA Museum and Arts area. The Planning Commission may recommend and the City Council, by ordinance, may approve designation for a specific parcel or area, provided that the area is characterized by one or more of the following delineated on a preliminary plan:
 - a. A building (or part thereof) having public significance by reason of its architecture or former use or occupancy.
 - b. A building (or part thereof) serving as a repository for works of art, collections of natural, scientific, or literary curiosities which are arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge.
 - c. A building (or part thereof) devoted to live performances in front of a live audience.
 - d. An outdoor theater.
 3. Scope Of Provisions. This Section contains the regulations of the MAA Overlay District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the district ordinance authorizing the establishment of a MAA Overlay District.

4. Minimum Standards Of Design. In addition to the development standards and district requirements required for the site in accordance with the underlying zoning district, the following performance standards are applicable to the MAA Overlay District:
 - a. Uses. Permitted and conditional uses for the MAA Overlay District are found in Section 405.03.080 of this Article. In addition:
 - (1) Outdoor theaters are permitted, provided that:
 - (a) The area is buffered on all sides by either a part of a principal structure or by a fence, wall or landscaping suitable to create a visual barrier or separation of space.
 - (b) Outdoor theaters shall not be open for business between 12:00 midnight and 6:00 A.M. unless otherwise specified by the conditions of the governing ordinance.
 - b. Height.
 - (1) For all structures: The total height of any structure shall not exceed seventy-five (75) feet (exclusive of mechanical equipment) from floor elevation at grade; however the building height may not exceed the front setback distance. For every foot over fifty (50) feet in height, up to the maximum of seventy-five (75) feet, the building must be moved back one (1) foot.
 - (2) Theaters shall be allowed additional height to accommodate the fly space, which is the area above the stage in which scenery is stored. The amount of additional height permitted shall be determined at the time of site development plan review. The fly space shall not be reviewed as an independent structure, but rather as an integrated element of the overall architecture of the theater.
 - c. Yard Setbacks. Minimum structure and parking setbacks shall be established in the conditions of the ordinance establishing the MAA Overlay District.
 - d. Parking. Parking shall adhere to the requirements of Article 04 of this UDC.
 - e. Sign Regulations. With the exceptions noted, specific sign regulations shall be established in the conditions of the ordinance governing the MAA Overlay District in accord with the provisions of the City of Chesterfield City Code.
 - (1) No flashing signs shall be permitted. Illumination of signage shall be as approved by the City of Chesterfield with the site development plan.
 - (2) Theaters' signage shall be as follows:

- (a) The gross area in square feet of all signs on a lot shall not exceed two (2) times the linear feet of frontage of said lot. This criterion is based on the provision that the gross surface area of all illuminated, nonflashing signs shall not exceed one (1) times the linear feet of frontage of the lot.
 - (b) Marquee signage shall not project more than one (1) foot beyond the length of the building on either side. Said signage must be affixed flat to the marquee surface or be suspended within and below the outer marquee or canopy limits. No other sign shall be extended or suspended.
 - (c) Awning signage shall be affixed flat, contain no illumination and shall indicate only the name and/or address of the establishment. No such sign shall extend vertically or horizontally beyond the limits of said awning.
 - (d) Horizontal and vertical projection shall be as approved by the City on the preliminary plan.
 - (e) No temporary signage shall be allowed in a museum and arts area except promotional decorative banners. A "promotional decorative banner" is defined as a banner which displays graphics and limited text regarding a special event. Promotional decorative banners are permitted for a maximum of six (6) months. The dimensions of promotional decorative banners shall be approved by the City. A sign permit application must be submitted prior to the erection of a promotional decorative banner.
5. The procedure for zoning to the MAA Overlay District and site development plan approval is established in Article 02 of this UDC.
- C. WH Wildhorse Creek Road Overlay District. [**Ord. No. 2816 § 1 (Att. A), 10-6-2014**]
- 1. Purpose. The intent of the WH Wild Horse Creek Road Overlay District is to protect and maintain the scenic character of the Wild Horse Creek Road Subarea and the adjacent neighborhoods by ensuring compatibility through site design, site plan review, and the regulation of activity upon the designated sites so that the uses of the property will not adversely affect the character of the neighborhood or the general welfare of the City.
 - 2. Applicability. All properties located within the Wild Horse Study Subarea (also known as "the Bow Tie") are required to zone to the WH Overlay District prior to any development or redevelopment action. The properties included within this study area are as described and shown in the City of Chesterfield Comprehensive Plan and attached hereto marked as Exhibit A.⁹
 - 3. Zoning. Properties located within the Wild Horse Study Subarea may only seek a Zoning Map amendment to one of the estate district categories. As the WH

9. Editor's Note: Exhibit A is on file in the City offices.

Overlay District is required for all properties in this subarea, properties in the subarea do not qualify for a PUD Planned Unit Development zoning.

4. **Scope Of Provisions.** This Section contains the regulations of the WH Overlay District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC and additional regulations as required in the underlying estate district zoning.
5. **Compatibility Of Residential Uses With Airport.** Zoning of land near airports raises a unique set of challenges and issues to ensure that safety of both the aircraft and the general public is achieved. This includes, but is not limited to, items such as noise, lighting, and building height. The impacts of long-term noise exposure on the public's health and safety is of great importance to the City of Chesterfield. Therefore, the following airport and noise mitigation requirements shall apply to all residential development in the Wild Horse Subarea:
 - a. Residential development shall not be permitted on parcels located in areas with a DNL of greater than sixty-five (65) as depicted on the Noise Disclosure Map. If a portion of a residential development is located above the sixty-five (65) DNL line, the area may be used as common ground, open space, or other such preservation area only.
 - b. Comments from the Spirit of St Louis Airport shall be required prior to approval of any zoning request and site development plan request.
 - c. Provide an aviation easement or other such easement as required by the Spirit of St. Louis Airport.
 - d. Sound attenuation methods through the use of site design and layout, architectural design and building materials shall be utilized and may be required in addition to other standards provided herein. This may include, but not be limited to, building height, room arrangement, window placement, building material, and orientation of residential structures.
6. **Minimum Standards Of Design.** In addition to the development standards and district requirements required for the site in accordance with the underlying estate district zoning, the following performance standards are applicable to the WH Overlay District:
 - a. Uses. Permitted and conditional uses for the WH Overlay District are found in Section 405.03.080 of this Article.
 - b. Community amenities, such as a community center, nature preserve areas, park, lake, recreation areas, and other similar uses and amenities, are required for all residential development and shall be shown on any preliminary plan and/or site development plan.
 - c. Specific design requirements are set forth in Table 1:

Table 1
Specific Design Requirements

Building design	Rear and side facades shall be designed with similar detailing and be compatible with the principal facades of the building.
Internal Roadway system	As development occurs in the area, an internal roadway system, complete with buffers, landscaping, pedestrian circulation, and cross access shall be required as directed by the City of Chesterfield.
Pedestrian circulation	To achieve pedestrian circulation, all development shall include sidewalks and/or trails.
Preservation of slopes and natural features	Development on slopes in excess of 20% shall be minimized to the greatest extent practicable except for necessary infrastructure and public improvements.
Protection of historic features	Future development shall minimize any impact to historic and heritage sites. Historic buildings and archeological sites shall be of utmost importance.

- d. Specific development criteria requirements are set forth in Table 2. In addition, any requests for modification to any of these requirements in Table 2 shall follow the procedure set forth below:
- (1) An applicant may submit to the PDS Division a statement requesting modification to any criteria in Table 2. Said request shall include an explanation as to why the modification is being requested. Each modification request shall include an explanation statement.
 - (2) Each modification request to criteria in Table 2 shall require a separate, super majority [two-thirds (2/3)] vote by the City Council for approval. Therefore, the preliminary plan submitted to the Planning Commission for consideration of the zoning request, shall include a note identifying the modification request that will be made to the City Council. Approval of the zoning request by the Planning Commission is conditional upon approval by the City Council.
 - (3) If one, or more of the modification requests is denied by the City Council, the preliminary plan shall be amended so that it adheres to all criteria of Table 2 and sent back to the Planning Commission for consideration.

Table 2

Development Criteria

Building height	The building height for residential structures shall not exceed 50 feet.
Structure setbacks	Structure setbacks shall be as established in the underlying zoning district.
Landscape buffering	The perimeter landscape buffer required in the underlying estate district zoning category shall not be located within any developed lot with a residential structure on it. The landscape buffer may include areas of common ground or conveyed park lands.
Protection of Wild Horse Creek Road character	To protect the scenic character of Wild Horse Creek Road, all developed lots must be set back at least 50 feet from Wild Horse Creek Road right-of-way and screened from view. In addition, when any residential structure's rear facade fronts Wild Horse Creek Road, additional landscape buffering and vegetative screening, such as landscape berms, shall be provided within a permanent landscape easement to screen the view of the structure from Wild Horse Creek Road.
Common ground	A minimum common ground of 30% shall be provided in the development. Common ground shall be deed restricted, not concentrated in one area of the development site, and not located within any developable lot. However, common ground may be concentrated in areas in a residential development which lie above the 65 DNL line. Any land conveyed for public park purposes may be counted toward the common ground requirement.

7. Lot Size. In order to encourage minimum grading, preservation of open space and natural amenities and topography, and provide for trails, paths and other community amenities, the minimum lot sizes for developments may be reduced with the WH Overlay Zoning in accordance with Table 3 below:

Table 3

Minimum Lot Size Requirements

Underlying Zoning District	Minimum Lot Size Required in Underlying Zoning District (acres)	Minimum Lot Size Permitted with WH Overlay
E-2	2	1 acre
E-1	1	22,000 square feet
E-1/2	1/2	15,000 square feet

8. The procedure for zoning to the WH Overlay District and site development plan approval is established in Article 02 of this UDC.

D. RBU Residential Business Use procedure.

1. Purpose. The purpose of this Section is to provide an alternative use limited to one (1) or more service and limited commercial activities within existing single-family residential structures with driveways entering onto existing state highways of four (4) or more lanes at the time of application, which, due to certain site characteristics relative to adjacent roadways, lot size and the character of surrounding adjacent uses, may no longer be appropriate as residential dwellings.
2. It is the intent of this procedure to protect and maintain the residential character of the City of Chesterfield and the adjacent neighborhoods by ensuring compatibility with the Comprehensive Plan, through site design, site plan review, and the regulation of activity upon the designated sites, so as to maintain the general welfare of the City and the public health and safety, as it relates to traffic, fire hazards and traffic congestion, so as the uses of the property will not adversely affect the character of the neighborhood or the general welfare of the City.
3. Scope Of Provisions. This Section contains the regulations of the RBU procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the district ordinance authorizing the establishment of a RBU.
4. Applicable Zoning Districts And Roadway Designation. The RBU procedure may only be authorized in the R-1, R-1A, R-2, R-3, R-4 Districts and any of the estate districts, and shall only be permitted for existing single-family residential structures with driveways entering onto existing State highways of four (4) or more lanes at the time of application.
5. Minimum Standards Of Design. In addition to the development standards and district requirements required for the site in accordance with the underlying zoning district, the following performance standards are applicable to the RBU procedure:
 - a. Uses. Permitted and conditional uses for the RBU are found in Section 405.03.080 of this Article. In addition:
 - (1) The residential business use is only transferable if the subsequent use is the same.
 - (2) Property established as a commercial service procedure or residential business procedure that changes the use must adhere to the guidelines of the residential business use procedure.
 - (3) Hours of operation for a residential business use area shall be approved by the City of Chesterfield Planning Commission.
 - (4) The residential business use shall only be issued for an existing structure originally constructed for occupancy as a single-family dwelling. Said structure shall have been constructed not less than one (1) year prior to the application for the residential business use procedure.

- (5) No addition shall be permitted to any structure for which a residential business use is issued that will increase the area of office or commercial use.
- b. Lot Area. An RBU shall be permitted on stand-alone lots, not part of a platted subdivision, having a minimum lot size of two (2) acres. A minimum frontage of seventy-five (75) feet on and direct access to an existing State highway of four (4) or more lanes is required.
- c. Site Coverage. Buildings, driveways, parking and surface areas combined, shall not exceed fifty percent (50%) of the existing lot.
- d. Parking.
- (1) Maximum of six (6) parking spaces, including any spaces in a garage or covered structure area. Only two (2) of these spaces may be in front of the front building line. Required parking shall be determined by Section 405.04.040 of this UDC.
 - (2) If the maximum amount of parking spaces permitted by this RBU area does not meet the minimum parking requirements of Section 405.04.040 for the proposed use, then the proposed use will be deemed to exceed the service and limited commercial activity requirement of the residential business use area and will not be eligible for this procedure.
 - (3) Residential business use vehicles parked overnight shall be parked in the rear of the building.
 - (4) Parking setback shall be a minimum of ten (10) feet from the side and rear property lines. Setbacks shall contain screening to consist of fencing, landscaping or topographic features as approved by the Planning Commission.
- e. Landscape Buffers.
- (1) Property adjacent to a single-family property (for side and rear yard) shall maintain a minimum landscape buffer strip of twenty (20) feet in width. Up to ten (10) feet may be satisfied by landscaping on the abutting property if provided.
 - (2) Property adjacent to single-family property may request to waive this requirement when joint access is utilized.
 - (3) Property adjacent to a single-family property (for front yard) and property adjacent to nonresidential property shall have landscape buffers as approved by the Planning Commission on the site development plan.
- f. Signage.
- (1) One (1) business identification sign not to exceed eighteen (18) inches by twenty-four (24) inches in sign face area shall be permitted

and shall be located either on the freestanding mailbox or on the structure.

- (2) Signage shall not exceed a total height of six (6) feet.
- (3) Lighting coverage shall not exceed the size of the signage, and the sign shall not be illuminated from the rear of the sign.

6. Remodeling Of Existing Structures.

- a. Internal alterations will be permitted to accommodate the specified use. The residential business use procedure may apply to accessory buildings on the same property as the existing residential structure; however, only one (1) residential business use may be permitted on each site. The use shall also occupy no more than one (1) structure.
- b. Exterior remodeling. Exterior remodeling for appearance purposes only may be made. The appearance of the structure shall be compatible with the surrounding residential area. External remodeling and/or building additions to improve the appearance of the building, as well as architectural elevations, shall be reviewed and approved by the Planning Commission.

7. The procedure for zoning to the RBU procedure and site development plan approval is established in Article 02 of this UDC.

E. LPA Landmark and Preservation Area.

1. Purpose. The purpose of this Section is to promote the general welfare, heritage, education, and economic benefit of the City of Chesterfield, through the preservation, protection, and regulation of buildings, sites, structures, monuments, neighborhoods and districts of historic, architectural, social, cultural or archeological significance. The intent of this Section is to encourage the rehabilitation, restoration, and adaptation of these historic elements for current use.
2. Applicability. A single parcel or geographic area with at least one (1) of the criteria listed below may be designated as a LPA in any zoning district:
 - a. It has significant character, interest or value as part of the development, heritage or cultural characteristics of the City of Chesterfield, State of Missouri, or the United States.
 - b. It is where a significant historic event took place.
 - c. It contains architecture, landscaping, site planning, or sculpture done by a designer whose individual work has significantly influenced the development of the St. Louis region, State of Missouri, or the United States.
 - d. It contains elements of design, detail, materials, or craftsmanship which represent a particular architectural style or significant innovation.
 - e. It is uniquely located, has singular physical characteristics, or represents an established and familiar visual feature of a neighborhood or within the City of Chesterfield.

3. Minimum Standards Of Design. In addition to the development standards and district requirements required for the site in accordance with the underlying zoning district, the following performance standards are applicable to the LPA procedure:
 - a. Incentives.
 - (1) In an effort to enhance and protect places and areas which represent important elements of the City's historical, cultural, and archeological history, the City of Chesterfield may approve incentives, in the form of variances, in the following areas:
 - (a) Parking requirements.
 - (b) Yard setbacks.
 - (c) Permitted uses.
 - (d) Landscaping.
 - (e) Lot size.
 - (f) Building height restrictions.
 - (g) Green space/open space.
 - (h) Tree preservation.
 - (i) Subdivision of developable property.
 - (2) A request for one (1) or more of the incentives shall be made in writing by the petitioner. Said request shall demonstrate the need for any listed incentive and how the incentive will encourage, promote, enhance, preserve, and protect the historic significance of the site.
 - (3) Requests can be made for more than one (1) incentive per site.
 - (4) All requests for incentives shall be reviewed and approved by the City of Chesterfield City Council with recommendations from the City of Chesterfield Planning Commission and the Chesterfield Historic and Landmark Preservation Committee (CHLPC).
 - (5) All previously approved incentives shall expire upon a change in use and shall require reapplication for review and approval by the Planning Commission and City Council.
 - b. Uses. Permitted uses shall be those permitted or conditional uses in the zoning district in which the property is located. Requests for permitted or conditional uses shall be reviewed and approved by the Planning Commission and City Council.
 - (1) Uses requiring an adult entertainment area permit shall not be permitted.

4. The procedure for zoning to the LPA procedure and site development plan approval is established in Article 02 of this UDC.

F. H Chesterfield Historic Designation.

1. Purpose. The H Chesterfield Historic Designation is intended to promote, preserve and educate the general public about Chesterfield's rich history by recognizing certain historic properties, structures or sites as having historical significance and placing them on the Chesterfield Historic Register. The CHLPC shall undertake the following actions with the City of Chesterfield to identify properties and sites for zoning to the H Designation.
2. Scope Of Provisions. This Section contains the regulations of the H Designation. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the district ordinance authorizing the establishment of a H Designation.
3. Minimum Standards Of Design. In addition to the development standards and district requirements required for the site in accordance with the zoning district for that site, the following performance standards are applicable to the H Designation:
 - a. Survey and research.
 - (1) The CHLPC shall undertake an ongoing survey and research effort in the City of Chesterfield to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, archaeological, architectural or aesthetic importance, interest or value.
 - (2) Before the CHLPC shall on its own initiative nominate any landmark or property for historic designation, it shall develop a plan and schedule for conducting a comprehensive survey of the City of Chesterfield to identify significant resources. As part of the survey, the CHLPC shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs.
 - (3) The CHLPC shall systematically identify potential H Designations and adopt procedures to nominate them based upon the following criteria:
 - (a) The proposed H Designation in one identifiable neighborhood or distinct geographical area of the City of Chesterfield.
 - (b) The potential H Designation associated with a particular person, event or historical period.
 - (c) The potential H Designation of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman.

- (d) The potential H Designation containing historic and prehistoric archaeological resources with the potential to contribute to the understanding of historic and prehistoric cultures.
 - (e) Such other criteria as may be adopted by the CHLPC to assure systematic survey and nomination of all potential H Designations within the City of Chesterfield.
 - b. Nominations shall be made to the CHLPC on a form prepared by it and may only be submitted by the owner of record of the nominated property or structure, by a member of the CHLPC, or by elected members of the City Council. Nominations shall be submitted to the City Clerk, who will within seven (7) days of receipt mail a notification of intent to nominate to the owner of record of the nominated property. Forms and criteria for nomination will be available at the Office of the City Clerk.
 - c. Criteria For Consideration Of Nomination.
 - (1) The CHLPC shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area or district meets one (1) or more of the following criteria:
 - (a) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, State or country;
 - (b) Its overall setting and harmony as a collection of buildings, structures, or objects where the overall collection forms a unit;
 - (c) Its potential to be returned to an accurate historic appearance regardless of alterations or insensitive treatment that can be demonstrated to be reversible;
 - (d) Its location as a site of significant local, county, State, or national event;
 - (e) Its identification with a person or persons who significantly contributed to the development of the community, county, State or country;
 - (f) Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials;
 - (g) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state or country;
 - (h) Its embodiment of design, detailing, materials, or craftsmanship that renders it architecturally significant;

- (i) Its embodiment of design elements that makes it structurally or architecturally innovative;
 - (j) Its unique location or singular physical characteristic that makes it an established or familiar visual feature of the neighborhood, community or City;
 - (k) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
 - (l) Its suitability for preservation or restoration; and
 - (m) Its potential to yield information important to history and prehistory;
- (2) Any structure, property, or area that meets one (1) or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.
- d. In the case of a nominated H Designation found to meet the criteria for designation, the following items must be provided:
- (1) The types of significant exterior architectural features of the structures within the nominated Historic Designation that should be protected;
 - (2) The types of alterations and demolitions that should be reviewed for appropriateness as described in this policy;
 - (3) The type and significance of historic and prehistoric archaeological sites within the nominated H Designation;
 - (4) Proposals for design guidelines of CHLPC's review of certificates of appropriateness within the nominated H Designation;
 - (5) The relationship of the H Designation to the ongoing effort of the CHLPC to identify and nominate all potential cultural resources that meet the criteria for designation;
 - (6) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, lot size, and parking regulations necessary or appropriate to the preservation of the nominated landmark or Historic Designation, including recommendations for buffer zones to protect and preserve visual integrity; and
 - (7) A map showing the location of the nominated H Designation.
- e. Applications For Certificates Of Appropriateness.
- (1) An application for a certificate of appropriateness must be made prior to applying for a demolition permit or a building permit affecting the

exterior architectural appearance of any landmark or any structure within a H Designation, including but not limited to the following:

- (a) Any construction, alteration, or removal requiring a building permit from the City of Chesterfield;
 - (b) Any demolition in whole or in part requiring a demolition permit from the City of Chesterfield;
 - (c) Any construction, alteration, demolition or removal affecting a significant exterior architectural feature or appearance as specified in the ordinance designating the H Designation;
 - (d) Any construction, alteration or removal involving earth-disturbing activities that might affect archaeological resources; and
 - (e) Any actions to correct a violation of a minimum maintenance standard.
- (2) Applications for a certificate of appropriateness shall include accompanying plans and specifications affecting the exterior architectural appearance of a designated landmark or a property within a designated Historic Designation; and applications for demolition permits shall include plans and specifications for the contemplated use of the property.
- (3) The Department shall forward applications for building and demolition permits to the CHLPC within seven (7) days following the receipt of the application. A building or demolition permit shall not be issued until the CHLPC has issued a certificate of appropriateness. Any applicant may request a meeting with the CHLPC before the application is reviewed by the CHLPC or during the review of the application.
- (4) Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the CHLPC and available at the Office of the City Clerk. The CHLPC shall consider the completed application at its next regular meeting.
- f. Uses. Permitted and conditional uses for any property or structure shall be those uses allowed in the zoning district for said property.
- (1) Uses requiring an adult entertainment area permit shall not be permitted.
4. The procedure for zoning to the H Designation and site development plan approval is established in Article 02 of this UDC.

G. AEA Adult Entertainment Area Procedure.

1. Purpose. The purpose of this Section is to provide for regulation of adult entertainment establishments and businesses in order to insure that their secondary uses will not contribute to the blighting of surrounding areas and to insure stability of said areas.
2. Scope Of Provisions. Adult entertainment uses and establishments may only be established in a PC or PI District with approval of an AEA adult entertainment area. See Section 405.02.040 of this UDC for information pertaining to the development review process.
3. The regulations herein have three (3) major intentions:
 - a. To provide for the confinement of adult entertainment establishments and businesses to those areas in the City in which the special impacts mentioned are judged to be least disruptive to the use and enjoyment of adjacent properties.
 - b. To require that adult entertainment establishments and businesses shall not be permitted to locate in such concentration that their operation may establish the dominant character for the areas where they are located.
 - c. To protect and balance lawful rights of expression with other lawful rights to the enjoyment and use of properties.
4. In addition to all other requirements applicable to the PC and PI districts, the following requirements apply to any use in an adult entertainment area:
 - a. Permitted uses shall be established in the permit for the adult entertainment area and are found in Section 405.03.070 of this Article.
 - b. Performance standards and other development requirements may be made more restrictive with the ordinance which establishes the AEA procedure.
 - c. No adult use or adult establishment shall be permitted within one thousand two hundred (1,200) feet of a school, religious institution, residential use, child-care use, park or municipal boundary.
 - d. No expansion or location of an adult use or adult establishment shall be permitted within one thousand (1,000) feet of any other adult use or adult establishment which serves alcohol.
 - e. Setbacks (For Structures And Parking Areas).
 - (1) Front yard: thirty (30) feet from the right-of-way.
 - (2) Side yard: six (6) feet from any property line.
 - (3) Rear yard: ten (10) feet from any property line.
 - f. No minimum lot area shall be required for this district. However, the property on which such use is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way.

- g. Sign Regulations. The facility in which such a use is located shall be limited to one (1) wall-mounted sign in accordance with Article 04; said sign shall not flash, blink or move by mechanical means and shall not extend above the roofline of the building. Said sign shall not exceed eight (8) feet in height from ground level. Further, no merchandise, symbol, or pictures of products or entertainment on the premises shall be displayed in window areas or on any sign or any area where such merchandise or pictures can be viewed from the exterior of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted. No temporary signs shall be allowed.
 - h. The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities from any pedestrian, sidewalk, walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the adult entertainment establishment.
 - i. Adult use and adult use establishments shall adhere to all sign regulations as described in Article 04 of this UDC. Said uses and establishments shall be permitted one (1) attached wall sign, no more than eight (8) feet in height from ground elevation. Roof top signs, window signs, temporary signs, symbols, and displays are prohibited.
5. The procedure for zoning to the AEA procedure and site development plan approval is established in Article 02 of this UDC.

Section 405.03.060. Use Table For Residential Districts.

[CC 1990 § 31-03-06]

Editor's Note: The Use Table for Residential Districts is included as an attachment to this chapter.

Section 405.03.070. Use Table For Nonresidential Districts.

[CC 1990 § 31-03-07]

Editor's Note: The Use Table for Nonresidential Districts is included as an attachment to this chapter.

Section 405.03.080. Use Table For Overlays And Special Procedures.

[CC 1990 § 31-03-08]

Editor's Note: The Use Table for Overlays and Special Procedures is included as an attachment to this chapter.

ARTICLE 04

Development Requirements And Design Standards**Section 405.04.010. Architectural Review Design Standards.****[CC 1990 § 31-04-01; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]****A. Applicability And Compliance.**

1. **Applicability.** The City of Chesterfield architectural review design standards shall apply to all vacant or undeveloped land and all property to be redeveloped, including additions and alterations. Applications for site plan, site development plan and site development section plan shall be reviewed by the Architectural Review Board (ARB) unless otherwise specified in any planned district ordinance or special procedure approval. The ARB will provide recommendations to the City on projects it has reviewed. Projects which are exempt from being reviewed by the ARB are reviewed by staff to meet the design standards.
2. Unless otherwise required by the City of Chesterfield to be reviewed by the ARB, new single-family residential subdivisions shall be reviewed by the Department of Public Services (the Department) during site plan, site development plan or site development section plan review.
3. **Exemptions.**
 - a. Single residential lots are exempt from the provisions of these ARB design standards, provided that no construction, addition or alteration of a nonresidential building is proposed.
 - b. Residential additions and tear downs are reviewed under Section 405.02.160 of this UDC.
 - c. Nonresidential additions and architectural amendments that meet all of the following criteria may be considered for administrative approval by the Planning and Development Services Director. Said approval shall be at the discretion of the Planning and Development Services Director if:
 - (1) The proposed addition is less than five thousand (5,000) square feet; or
 - (2) The proposed addition does not impact the site such that the approved plan for the site must be reviewed by utility and fire protection agencies;
 - (3) The proposed addition or amendment does not significantly impact architectural elements previously approved by the Planning Commission or the ARB.
4. **Compliance.** For projects that are not administratively approved, upon review by staff after receiving recommendation from the ARB, projects will be forwarded to the Planning Commission for review and consideration.

5. Alternative Compliance. The design standards may be modified if it may be demonstrated said amendment is necessary to provide creative or imaginative design that exceeds the minimum performance standard requirements. Said amendment shall require two-thirds-vote of the Planning Commission. Use of sustainability features in regards to items such as, but not limited to, building mass, building orientation, building materials, and energy source and usage, shall be considered when determining if a modification is warranted. Notwithstanding the recommendation of the Planning Commission, the Council may modify the standards contained in this Section by a majority vote.

B. Submittal Requirements And Procedures.

1. Submittal Requirements. When an application is required to be reviewed by the ARB, the following shall be submitted for review:
 - a. Color site plan with contours, site location map, and identification of adjacent uses.
 - b. Color elevations for all building faces.
 - c. Color rendering or model reflecting proposed topography.
 - d. Photos reflecting all views of adjacent uses and sites.
 - e. Details of screening and retaining walls.
 - f. Section plans highlighting any building off-sets.
 - g. Architect's statement of design which clearly identifies how each section in the design standards has been addressed and the intent of the project.
 - h. Landscape plan.
 - i. Lighting cut sheets for any proposed building lighting fixtures.
 - j. Large exterior material samples.
 - k. Any other exhibits which would aid understanding of the design proposal as required by the City of Chesterfield.
 - l. Electronic files of each document required shall also be submitted in a format as specified by the City.
2. Alternative Compliance To Submittal Requirements. In some cases, atypical projects may benefit by the use of alternate submittals; including additional items or less than those items as provided above. The Planning and Development Services Director shall review and approve the use of alternate submittals prior to submission for review by the ARB.
3. Procedures.
 - a. All applicable development as provided in Section 405.04.010(A) of this Article shall submit the appropriate materials for review by the City of Chesterfield.

- b. When required, these submittal materials shall be reviewed by the ARB and/or the Planning Commission.
- c. Any amendments or proposed modifications to previously approved architectural elevations shall be reviewed for compliance with the standards set forth in this Section by the Planning and Development Services Director. However, when the Planning and Development Services Director deems the requested amendment or modification to be a major change, he or she may require that the request be reviewed by the ARB for the purpose of obtaining a recommendation.
- d. When a planned district ordinance or special procedure approval requires that all architecture be reviewed by the ARB and/or the Planning Commission, all amendments and proposed modifications shall also be reviewed by said Board and/or Commission.

C. General Requirements For Site Design. All projects should address the following requirements as directed by the City of Chesterfield:

- 1. Site Relationships. Developments should emphasize site relationships to provide a seamless transition between phases of a project, which are compatible with neighboring developments, and which also provide a transition from the street to the building.

Desirable Practices

- Provide safe pedestrian movement between elements
- Provide public plazas, courtyards, assembly areas, etc.
- Incorporate scenic views, fountains, public art, etc. within outdoor spaces
- Consider climate, solar angles, and outdoor activities when designing elements within outdoor spaces

Undesirable Practices

- Site design that impairs or interferes with other properties or developments
- Excessive noise, lighting, glare
- Delivery zones, trash enclosures, storage areas, transformers and generators that are not screened and are visible by the public
- Aboveground public utilities

- 2. Circulation System And Access. Circulation systems shall be designed to avoid conflicts between vehicular, bicycle, and pedestrian traffic to and from buildings on the site. Circulation patterns shall be safe, obvious, and simple as described in the standards below.

Bicycle circulation:

- Provide bicycle parking in highly visible locations
- Provide racks with a locking opportunity

Pedestrian circulation:

- Give precedence to pedestrian circulation over vehicular circulation.
- Provide pedestrian access from large parking areas.

- Design open and attractive circulation systems between buildings, blocks, and adjacent developments.
- Utilize materials, textures and/or colors to improve safety and visibility at points of conflict with vehicular routes.
- Surface routes with durable materials in order to eliminate short cuts which damage landscape areas.

Vehicular circulation:

- Provide accommodations for public transportation as directed by the City of Chesterfield and transportation agencies.

Parking:

- Encourage rear and side parking areas. Front parking may be considered if appropriate landscaping and setbacks are incorporated into the parking design.
- Provide landscaped separation of parking areas and buildings and create a landscaped foreground for buildings.

Pedestrian orientation:

- Establish areas with visual interest, such as outdoor dining areas or outdoor seating areas which face the street and pedestrianways.
- Provide open spaces, such as covered walkways, courtyards and plazas.
- Provide connections to public transportation, bus stops, future light rail stations and commuter lots.

3. Topography.

- a. Utilize topography for screening, buffering, and transition between uses and developments.
- b. Retain the natural slope and topography while minimizing changes to the existing topography. Avoid abrupt or unnatural appearing grading design.
- c. Round proposed cut and fill slopes, both horizontally and vertically.

4. Retaining Walls.

- a. Minimize the height and length of retaining walls. Screen with appropriate landscaping, where appropriate.
- b. Incorporate design elements of other architectural or natural features of the project.
- c. Use terracing as an alternative to tall or prominent retaining walls, particularly in highly visible areas on hillsides.
- d. Use stone, masonry or textured concrete walls or other similar materials.
- e. Use of timber tie walls is not permitted.

D. General Requirements For Building Design. These requirements shall apply to all structures.

1. Scale.

Building scale:

- Demonstrate through elevations and renderings that the size, proportion, design and orientation of buildings are compatible with the adjacent or predominant development in the area.
- Provide transitions between buildings and uses to visually reduce differences in scale and proportion.

Human scale:

- Design to achieve a sense of human scale through the use of wall insets, balconies, window projections or other architectural elements.

Generic scale:

- Respect and/or improve the rhythm established by adjacent or predominant buildings and development.
- Coordinate the actual and apparent height of adjacent structures. Adjust apparent height by placing window lines, belt courses and other horizontal elements in a pattern that complements the same elements on neighboring buildings.

2. Design.

- a. Design and coordinate all facades with regard to color, types and numbers of materials, architectural form and detailing.
- b. Avoid linear repetitive streetscapes.
- c. Avoid stylized corporate and/or franchise designs that use the building as advertising.
- d. Provide architectural details particularly on facades at street level.
- e. Encourage art elements, such as wall sculptures, murals, and artisan-created details, etc., throughout a project.
- f. Encourage designs that enhance energy efficiency.
- g. Encourage the use of environmentally conscious building techniques and materials.
- h. Provide entry recesses, plazas, roof overhangs, wall fins, projecting canopies or other similar features indicating the building's entry points while providing protection.
- i. Paint and trim temporary barriers/walls to complement the permanent construction excluding tree protection fencing.
- j. Screen rooftop equipment on all visible sides with materials that are an integral part of the architecture. Parapet walls or screen walls shall be treated as an integral part of the architecture and shall not visually weaken the design of the structure.

3. Materials And Colors.

Desirable Practices

Use compatible colors, materials and detailing on a building. Colors, materials and detailing should also be compatible with adjacent buildings and properties. Encourage the use of integral color where practical.

Utilize durable materials.

Utilize contrasting paving surfaces for pedestrian access in large paved areas.

Undesirable Practices

False or decorative facade treatments, inconsistent adornment and overly frequent material changes should be avoided.

Highly reflective materials and prefabricated buildings are discouraged.

4. Landscape Design And Screening.

Development landscaping:

- Use a consistent theme throughout each development. Variations may be used to create distinction between spaces but such themes shall be internally consistent.
- Use landscape design to accentuate significant views.
- Incorporate or include landscaped areas throughout the site design. Tree and shrub plantings should be grouped together to create strong accent points.
- Incorporate existing landscape elements into design. Mature trees, tree groupings and rock outcroppings shall be considered as design determinants.
- Provide for screening of unfavorable views either to or from the subject site.

Building landscaping:

- Incorporate landscaping into building design.
- Incorporate landscaped setbacks to buffer adjacent buildings and uses and to create separation between the building and the street.
- Include works of art in landscape plans.

Parking area landscaping:

- Protect landscape materials from pedestrian or motor traffic with curbs, tree guards, or other devices.
- Enhance paved access, parking, and circulation spaces with berms, islands or other landscaped spaces. Provide trees and tree groupings.
- Screen parking structures with dense landscaping on all sides.

Walls and fences:

- Design sound walls, masonry walls, and fences to minimize visual monotony through changes in plane, height, material or material texture.

- Present fencing design and materials in the architect's letter of intent submitted for review. Chain-link fencing is discouraged; additionally, chain-link fencing with wood or any type of inserts or lining is not considered suitable.

Screening:

- Use screening materials for exterior trash and storage areas, service yards, loading docks and ramps, wood service poles, electric and gas meters, irrigation back flow prevention devices, and transformers that are substantial, durable, opaque, and well designed.
- Integrate the design of fencing, sound walls, carports, trash enclosures, rooftop screening, and similar site elements into the building design and construct with similar materials.

5. Signage. Signs and sign packages are reviewed through a separate process. All signs shall adhere to the Unified Development Code (UDC) and/or the sign package for the site. For existing buildings under review for additions or alterations the following shall apply:

- a. Integrate sign locations into the building or development design theme.
- b. New sign locations proposed for existing buildings shall be compatible with existing building signage locations. Where no sign package exists, unifying elements, such as size, shape, or materials, shall be used to create continuity.

6. Lighting. Site lighting is reviewed through a separate process. All lighting including architectural lighting and building light fixtures shall adhere to the UDC.¹⁰

- E. Specific Requirements For The Chesterfield Valley. These requirements for Chesterfield Valley are to be applied to commercial and industrial development in addition to addressing all other applicable design standards in the UDC.

Facades:

- Utilize architectural elements from the front facade on the side and rear of the structure.
- Utilize accent lighting and avoid floodlighting for facades of buildings facing I-64/US 40.
- Screen trash enclosures and construct with materials consistent to the building.

Storage:

- Screen outdoor storage of goods, equipment or automobiles for sale or service from I-64/US 40.

Utilities:

- Install all new and existing site utilities underground.

Parking:

10. Editor's Note: The Site And Building Design table, which immediately followed, is included as an attachment to this chapter.

- Locate parking primarily to the side or rear of any building facade facing I-64/ US 40 or along North Outer 40.
- Screen loading areas and construct with material consistent to the building.

Section 405.04.020. Tree Preservation And Landscape Requirements.

[CC 1990 § 31-04-02; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Purpose And Intent. The purpose of this Section of the City of Chesterfield UDC is to provide a detailed guide for the preservation and planting of trees within the City of Chesterfield. Tree preservation and planting in the City of Chesterfield represents an on-going effort to maintain the character and benefits derived from trees. Whether trees exist as a natural occurrence of native tree species or as planted trees around existing developments, their protection can only be assured when tree protection measures are utilized. By selecting the trees that will be preserved before the final stages of development, tree protection design standards can be created and included prior to the early stages of development of the site. Planting of new trees should be used to supplement a site's existing landscaping, not replace it.
- B. Applicability. Except where expressly exempted, the terms and provisions of this Section of the UDC shall apply to:
1. All vacant and undeveloped land; and
 2. All property to be redeveloped including additions and alterations.
- C. Exceptions.
1. Single residential lots of less than one (1) acre that have been subdivided for more than two (2) years are exempt from the provisions of this Section of the UDC.
 2. Single residential lots of one (1) acre or more are not required to submit a tree stand delineation or tree preservation plan when:
 - a. Constructing a residential addition or deck less than 1,000 square feet in area; or
 - b. No tree mass, as defined in Article 10 of this UDC, is being disturbed.
 3. Plants that create a public nuisance are not protected by the provisions of this Section of the UDC.
- D. Overview Of Submittal Process.

Development Process	Plan Submittal	Staff Action	Decisionmaking Authority
Zoning Map amendment or special procedure	Tree stand delineation (TSD)	Review/ recommendation	N/A

Development Process	Plan Submittal	Staff Action	Decisionmaking Authority
Site development concept plan	TSD, tree preservation plan (TPP), conceptual landscape plan	Review/recommendation	Planning Commission
Site plan/site development plan/site development section plan	TSD, TPP, landscape plan	Review/recommendation	Planning Commission or staff
Special conditions request	Mitigation plan	Review	Staff
Municipal zoning approval	TSD, TPP (except where specifically exempted)	Review	Staff
Grading permit/improvement plan	The approved TPP	Review	If modification requested is 10% or less: Staff reviews and may approve in part or whole and mitigation may be required. If modification requested is more than 10%: Planning Commission reviews
Bond release	N/A	Staff reviews site against approved landscape plan and TPP	Staff

E. Protection Of Public Or Private Trees.

1. It is unlawful for any person to attach any sign, advertisement, notice, fence or any other man-made object to any tree in the public right-of-way, park or any other City property. Exceptions: temporary devices used for normal installation or maintenance of planted trees or as permitted by the City of Chesterfield.
2. It is unlawful for any person to damage, cut down, destroy, top or injure any tree without first obtaining the necessary approval from the City of Chesterfield. If any tree, shrub or plant is damaged, removed, or destroyed without first acquiring approval from the City of Chesterfield, this shall constitute a violation of Section 405.04.020 of this Article and a fine shall be assessed based upon the value and number of each tree, shrub or plant which was removed, damaged, or destroyed. Tree values shall be based on procedures in "Guide for Plant Appraisal," latest edition, published by the International Society of Arboriculture. Monies collected from fines will be placed in the Tree Preservation account in accordance with Section 405.04.020(M) of this Article.

- a. Trees may not be removed from any common open space or green space preservation area unless authorized by the City of Chesterfield.
 - b. This provision shall not apply to any ordinary care and maintenance or removal of hazardous trees or tree parts by a governmental entity or its designee authorized to exercise jurisdiction over the right-of-way, park or other infrastructure, or public property, or to provide regular road maintenance.
3. The Planning and Development Services Director has the authority to order the removal of trees or shrubs on private property which may endanger life, health, safety, or property of the public.
 - a. Removal shall be done by owners at their expense within sixty (60) days after the date of notice served.
 - b. Disposal of trees with communicable diseases shall be performed in a manner which prevents the spread of disease.
 - c. In the event the owners fail to comply with such provisions, the City shall have the authority to remove such trees and charge the costs of removal as well as any costs for fees to record or release any lien and reasonable administrative costs, as a special assessment represented by a special tax bill against the real property affected, and shall be filed by the City Clerk and deemed a personal debt against the property owner and shall remain a lien on the property until paid.
 4. The Public Works Director may authorize the removal of street trees for public or private construction projects.
 5. When deemed appropriate due to the nature of the existing vegetation on the site, the City may require the applicant to provide a landscape or forestry study by an independent tree specialist.
- F. Tree Stand Delineation (TSD).
1. Purpose. The purpose of the TSD is to provide a general accounting of existing vegetation so that a conceptual design of the proposed development can be done.
 2. Applicability. A TSD is required for submittal as outlined in Section 405.04.020(D), Overview of submittal process, of this Article.
 3. Exceptions. For single-family residential dwellings which do not meet the criteria in Section 405.04.020(C), Exceptions, the property owner may be required to submit a letter stating the acreage, the work proposed and that no tree mass is being disturbed. If there are trees on site, a partial TSD and partial TPP is acceptable.
 4. Criteria.
 - a. The following items are required on a TSD:

- (1) Detailed description and location of individual trees and groups of trees, including specific size and estimated number of trees within a natural area.
 - (2) Identification of existing roads, building footprints, parking lots, stormwater structures and utilities.
 - (3) Signed by a tree specialist.
 - (4) For trees larger than five (5) inches DBH, either BAF 10 study or ocular estimate method may be utilized.¹¹
 - (5) As directed by the City of Chesterfield, submit a site plan with TSD overlay. An "overlay" is defined as a transparent sheet containing the proposed TSD line work which will be superimposed over the proposed site plan.
- b. The City's Tree Specialist may, at the City's discretion, be asked to verify any information provided on the TSD.

G. Tree Preservation Plan (TPP).

1. Purpose. A TPP is a plan based upon information provided by a tree specialist that delineates areas where trees are to be saved and details measures to be taken to ensure protection and survivability of trees to be saved, prior to and during construction, and also complies with guidelines which are listed in this Section.
2. Applicability. A TPP is required for submittal as outlined in Section 405.04.020(D), Overview of submittal process, of this Article. In addition and unless otherwise exempted in this Section of the UDC, the TPP provisions of this Section of the UDC shall also apply to all vacant or undeveloped land and all property to be redeveloped, including additions and alterations with five thousand (5,000) square feet or more of wooded area of any site that contains a monarch tree stand.
3. Exceptions. For single-family residential dwellings, which do not meet the criteria in Section 405.04.020(C), Exceptions, of this Article, the property owner may be required to submit a letter stating the acreage, the work proposed and that no tree mass is being disturbed. If there are trees on site, a partial TSD and partial TPP is acceptable.
4. Criteria. The following items are required on a TPP:
 - a. A minimum thirty percent (30%) of any wooded area shall be maintained as protected wooded area without disturbing the roots of trees within the protected wooded area.
 - b. The applicant shall save tree groupings within wooded areas to maintain the trees' structural integrity and natural aesthetics.

11. Editor's Note: Depictions of the BAF 10 Method and the Ocular Estimate Method are included as attachments to this chapter.

- c. The applicant shall not include any trees or wooded area in building areas, in areas with proposed or existing utilities, or rights-of-way as preserved or protected to satisfy the canopy coverage requirements.
 - d. In order to minimize interference with overhead utility lines, all trees located within existing and proposed easements that are anticipated to include overhead utility lines, shall be removed by the applicant so as to limit the potential for damage to utility distribution facilities. Specific trees and landscaping materials may be retained if, as approved by the Planning and Development Services Director, they will not damage or interfere with the delivery of utility service at normal mature height.
5. Plan Requirements. The following is a list of all items and information that must be included in the TPP.
- a. Provide detailed description and location of individual and groups of trees to be preserved and the proposed protection measures.
 - b. Plan must be at the same scale as the site plan or grading plan.
 - c. Signed and sealed by a Missouri landscape Architect.
 - d. Table listing the following:
 - (1) The total site area.
 - (2) The existing tree canopy coverage, excluding the area in easements and rights-of-way with overhead utility lines as described in Section 405.04.020(G)(4) of this Article.
 - (3) The tree canopy coverage proposed for removal.
 - (4) The tree canopy coverage provided for preservation.
 - e. Existing and proposed contours.
 - f. Location of existing tree canopy.
 - g. Locations of all improvements with proposed utilities as shown on the site plan, including building areas, easements, or rights-of-way.
 - h. Limit of disturbance line.
 - i. General or conceptual locations of all sediment control devices and structures.
 - j. The location, type, size, and proposed removal or preservation of all monarch trees as shown on the TSD and the critical root zone for those monarch trees within fifty (50) feet of the limit of disturbance.
 - k. Tree protection notes shall include the following language:
 - (1) Clearing limits shall be rough staked or marked by the applicant's surveyor in order to facilitate location for trenching and fencing installation.

- (2) No clearing or grading shall begin in areas where tree treatment, preservation, and protection measures have not yet been completed.
- (3) Protective devices with details (aeration systems, retaining walls, etc.).
- (4) Early maintenance schedule (i.e., pruning, injection fertilizing, etc.).
- (5) Name of tree specialist and company.

H. Construction Standards For Field Practice.

- 1. Protective fencing shall be installed along the limit of disturbance line to prevent damage to the roots, trunk, and tops of protected trees. This protective fence shall protect the tree and its roots from clearing, grading, soil filling, storage of materials, parking of vehicles, utility installation or other construction activity of any kind.
- 2. Signs designating required tree protection areas, common open space areas, or green space preservation areas shall be posted along the limit of disturbance line.
- 3. Root pruning or trenching shall occur when roots, within the critical root zone of a protected tree, would be damaged as a result of nearby excavation or the addition of fill over the root system.
- 4. Trenches are not permitted inside the dripline of a tree's canopy.
- 5. Sediment and erosion control structures must be used to keep eroded soil from covering roots of protected trees. Siltation screens, etc., are appropriate.
- 6. Tunneling may be required when utilities are to run through a tree's critical root zone. Tunneling is required for permitted work within a tree's canopy coverage. Tunneling must adhere to the requirements set forth in Table 1.

Table 1
Tunneling Standards
Tunnel Distance From Trunk of Tree
Measured in All Directions

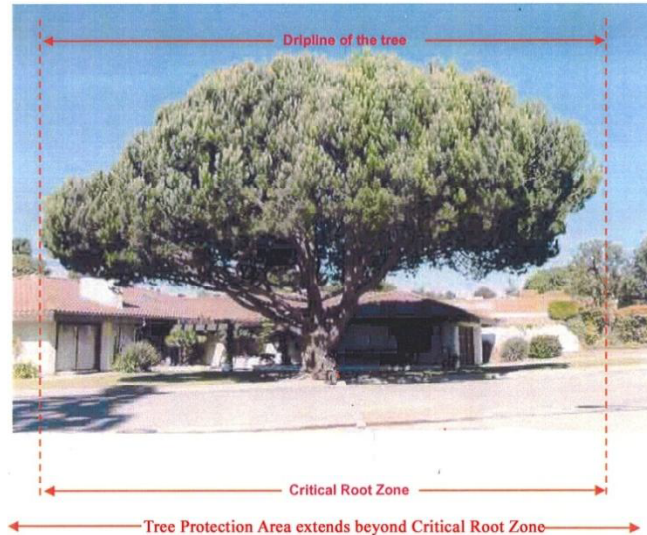
Tree Diameter (DBH) (inches)	(feet)
Less than 6	3
6 to 9	5
10 to 14	10
15 to 19	12
Over 19	15

I. Preservation Requirements On Construction Site.

- 1. Tree Protective Measures And Protection.
 - a. No tree shall be removed in a green space preservation area, tree protection area, or common open space area without approval from the City of Chesterfield. The location of green space preservation area, tree protection

areas, or common open space areas shall be determined during the establishment of the site specific ordinance or as established on the approved TPP.

- b. The applicant shall not disturb the tree protection area of any tree to be preserved.



- c. No healthy living plant material shall be removed, disturbed, or damaged in a green space preservation area. The location of any green space preservation area shall be determined during the establishment of the site specific ordinance or during the site plan review process.
 - d. A tree specialist shall be named and employed by the applicant. Said tree specialist should be available for on-site inspections as directed by the City of Chesterfield.
 - e. During the erection, alteration, or repair of any building structure, street, sidewalk, underground pipe or utility, the contractor shall place guards, fences, or barriers to prevent injury to the trees.
 - f. During construction or during improvement plan review, the City of Chesterfield may determine that certain trees originally marked for preservation may have to be removed due to location of utilities or required improvements. If such determination is made, an amended plan shall be submitted to the Planning and Development Services Director for review and approval.
2. Prior to the issuance of any occupancy permits, should any preserved tree die or be damaged beyond repair as a result of grading or construction damage, the applicant shall pay a fine to the City equal to the value of the trees that died or are damaged beyond repair as certified and determined by the City's Tree Specialist. Said cost shall include the cost of appraisal incurred by the City of Chesterfield. The City will withhold occupancy permits and/or any other required

permits until the fine is paid. Tree values shall be based on procedures in "Guide for Plant Appraisal," latest edition, published by the International Society of Arboriculture. Monies collected from fines will be placed in the Tree Preservation Account in accordance with Section 405.04.020(M) of this Article.

3. Should any tree die, or be damaged beyond repair, as a result of grading or construction within a two-year period after cessation of grading or completion of the required improvements, whichever is less, the applicant shall be responsible for replacing the tree. Failure to replace shall constitute default and the City of Chesterfield shall be entitled to proceed against the tree protection surety.
4. Refer to Section 405.04.020(L) of this Article for surety and escrow procedures.

J. Plant Selections.

1. All trees shall be selected from the City of Chesterfield Tree List¹² provided in this Article.
2. All trees within five (5) feet of existing or proposed rights-of-way or public sidewalks shall be taken from the Street Tree category in the City of Chesterfield Tree List.
3. A variety of trees from the City of Chesterfield Tree List must be utilized so that there is a mix of tree species, growth rate, and tree size.
4. A minimum of thirty percent (30%) of the trees must be of a species with a slow or medium growth rate.
5. For projects in which more than fifty (50) trees will be installed, a variety of tree species within each category of deciduous, evergreen, and ornamental trees must be utilized. Each of the three (3) categories shall provide a minimum of twenty percent (20%) of the total trees to be planted. No more than twenty percent (20%) of the trees selected shall be from the same species. For projects that require only street trees, no one species shall comprise more than twenty percent (20%) of the total trees to be planted.

K. Landscape Proposals. Landscape plans must be submitted to the Department in conjunction with a proposed development or redevelopment. A conceptual landscape plan must be submitted with the site development concept plans.

1. Landscape Plan Requirements. The information to be submitted as a part of the landscape plan shall include but not be limited to the following:
 - a. The landscape plan shall be of the same size and scale as the applicable site plan(s) submitted to the City.
 - b. The landscape plan shall be produced by a Missouri landscape architect, whose name and seal are attached.
 - c. Trees shall be selected from the City of Chesterfield Tree List.

12. Editor's Note: The Tree List is included as an attachment to this chapter.

- d. All proposed deciduous trees and ornamental trees shall be a minimum caliper of two and one-half (2 1/2) inches, and evergreen trees shall be a minimum of six (6) feet in height.
 - e. Tree locations, species, and numbers shall be identified on the scaled drawing. A conceptual landscape plan only indicates the proposed landscaping along arterial and collector roadways.
 - f. Trees shall be selected according to Section 405.04.020(J) of this Article.
 - g. Elevations and plan views of proposed landscaping shall be provided as requested by the City of Chesterfield.
 - h. The landscape plan shall include a legend identifying the symbols for the various types of trees.
 - i. The landscape plan shall show the location of any easements or utilities.
 - j. Protection measures must be identified around all trees required to be retained.
 - k. The landscape plan shall list the percentage of open space in relation to total area of the site.
 - l. The landscape plan shall include a summary table for all plant materials, listing common and scientific name and variety, deciduous, evergreen or ornamental, quantity, maturity, height and caliper.
 - m. Plant selection shall comply with all other applicable sections of the UDC.
2. Landscape Buffers, Setbacks, Berms Or Walls.
- a. Landscape buffers are required per the criteria set forth in Table 2 below. Landscape buffers shall contain a combination of deciduous trees, evergreen trees, ornamental trees and shrubs and should enhance and preserve native vegetation.

Table 2

Landscape Buffer Requirements

Type of Subdivision	Landscape Buffer Required
When a residential development abuts a residential development	Minimum 20-foot-wide buffer strip, 10 feet of which may be satisfied by installing landscaping on the abutting property with property owner consent.
When a residential development abuts a nonresidential development	Minimum 30-foot-wide buffer strip, 10 feet of which may be satisfied by installing landscaping on the abutting property with property owner consent.

Table 2

Landscape Buffer Requirements

Type of Subdivision	Landscape Buffer Required
When a nonresidential development abuts a residential development	Minimum 30-foot-wide buffer strip, 10 feet of which may be satisfied by installing landscaping on the abutting property with property owner consent.
When a residential subdivision abuts a nonsubdivision street	Minimum of 30-foot-wide buffer strip.
For all property zoned as an E District	Minimum of 30-foot-wide buffer strip. The buffer strip shall not be counted towards minimum lot size.
Development along collector or arterial roadway	Minimum of 30-foot-wide buffer strip.

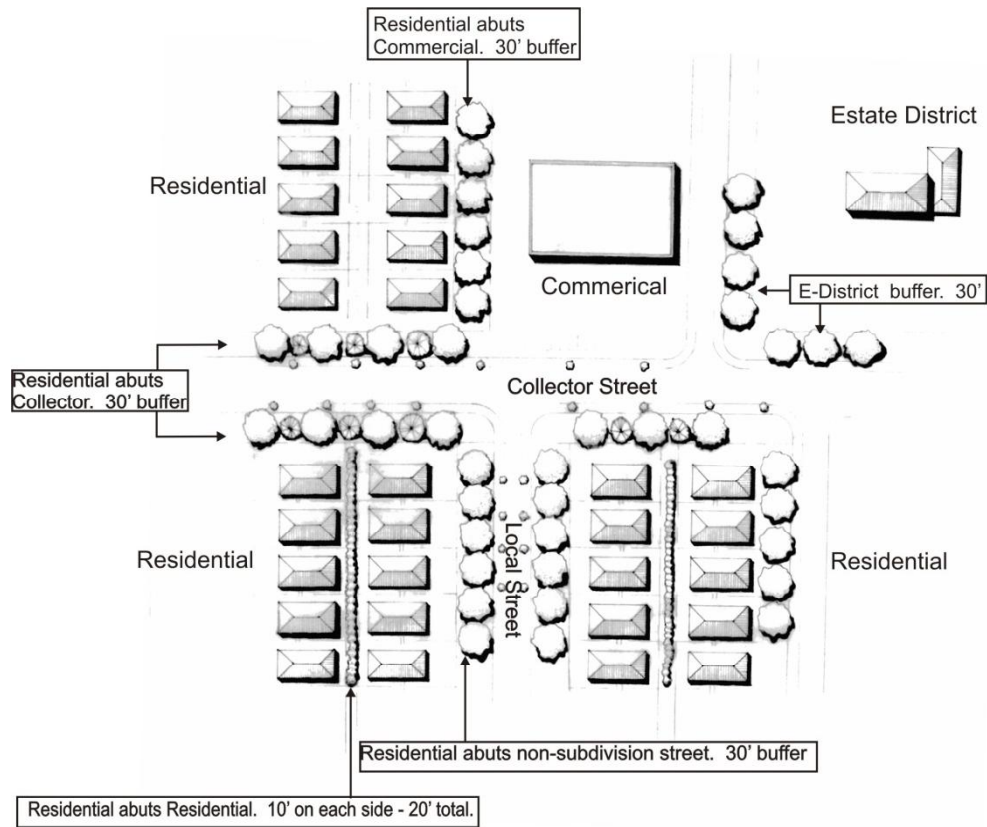
NOTES:

For the purpose of this Article, if the abutting property is zoned NU Non-Urban, the Comprehensive Plan is to be consulted to determine if the abutting property should be considered residential or nonresidential.

Landscaped berms, walls or fences are required to screen automobile headlights from areas zoned residential or non-urban.

- b. Flexible landscape buffer requirements may be granted by the Planning and Development Services Director in cases where it can be demonstrated that the proposed landscape buffer encourages a creative design solution to the issue of buffering adjacent land uses.
- c. For all districts, landscape buffers must be outside of any right-of-way dedication.
- d. For all districts, no plantings are allowed within drainage swales or ditches.
- e. For all districts, entrance islands and culs-de-sac shall be landscaped as directed by the City of Chesterfield.

Figure 1: Buffer Requirements



3. Landscaping For Parking Lots And Tree Islands.

a. Landscaped Islands.

- (1) Landscaped islands shall be placed at the ends of parking aisles and within aisles.
- (2) Landscaped islands shall contain plantings consisting of deciduous trees and ground covers, such as shrubs, ivy, flowers, and grasses that do not block required line of sight for vehicles.
- (3) All parking aisle and end cap islands shall be at least nine (9) feet wide as measured face to face of curb.
- (4) Landscaped islands with trees shall be at least nine (9) feet wide measured face to face of curb, with at least one hundred thirty-five (135) square feet of pervious area per tree.
- (5) Interior islands landscaped without trees shall be at least six (6) feet wide as measured face to face of curb.
- (6) Landscaped islands shall be landscaped in accordance with Table 3 below:

Table 3

Landscape Requirements for Tree Islands

Type of Island	Landscaping Required
Single island	1 deciduous tree required. Minimum landscape width of 9 feet with minimum island pervious area of 135 square feet
Double island	2 deciduous trees are required per double landscaped island. Minimum island pervious area of 135 square feet per tree.
Double island at end of double row of parking	There shall be a double island of 270 square feet placed at the ends of a double row of parking. 2 deciduous trees are required that do not block required line of sight for vehicles. Minimum island pervious area of 135 square feet per tree.

b. Parking Lots.

- (1) No parking space shall be located further than fifty (50) feet from a tree.
- (2) Vehicular areas should have a minimum fifteen-foot landscape setback from existing or proposed rights-of-way lines.
- (3) Vehicular areas along a collector or arterial roadway shall have a minimum landscape setback of thirty (30) feet.
- (4) Parking islands are not required to have a tree in instances where the adjacent parking spaces are within fifty (50) feet of a tree in other areas of the development.
- (5) Trees planted in parking islands at no time shall block the required sight lines for motorists.

4. Street Trees, Shrubs And Plantings.

- a. The use of street trees and shrubs in landscaping for residential and nonresidential developments shall adhere to the requirements set forth by Table 4 in this Article. Acceptable street trees for residential and nonresidential subdivisions are included in the City of Chesterfield Tree List¹³ provided in this Article and may be amended by Council policy as needed.
- b. The Planning and Development Services Director may require that street trees be provided for all public streets within and adjacent to any proposed development where insufficient street trees presently exist. Proper approvals and permits must be obtained from the applicable agency. Planting locations will be guided by specifications found herein.

13. Editor's Note: The Tree List is included as an attachment to this chapter.

Table 4
Street Tree Placement for Residential and Nonresidential Developments

Frontage requirement	A minimum of 1 street tree for every 40 feet of lot frontage for single-family subdivisions and 50 feet of street frontage for multifamily subdivisions, including common land, and nonresidential subdivisions.
Size requirement	Street trees shall be at least 2 1/2 inches in caliper.
Species utilized	A maximum of twenty percent (20%) of one species may be utilized for street trees.
Location to right-of-way	Street trees shall be located within a street right-of-way unless so approved by variance.
Location to curb and sidewalks	Street trees shall not be planted closer than three (3) feet to any curb.
Location to streetlights, street signs, and intersections	Street trees shall not be placed within 25 feet of streetlights, street signs and intersections.
Location to street inlets or manholes	No trees shall be planted within 10 feet of street inlets or manholes.

- c. For all districts, landscaped entrance islands shall not block required lines of sight.
 - d. For all districts, no tree, shrub or planting shall be placed within the sight distance triangle or the area of adjacent right-of-way bounded by the street pavement and the extension of the sight distance triangle.
 - e. Shrubs at mature size shall not extend over pavement or sidewalks. Trees shall be placed such that they can be trimmed to provide a minimum clearance of ten (10) feet over City-maintained sidewalks and twelve (12) feet over roadways. Trees shall not obstruct the view of street signage. [NOTE: These requirements apply to shrubs and plantings that at mature height exceed three (3) feet above the elevation of the adjacent pavement or sidewalk and trees that at mature height have bottom branches less than seven (7) feet above the adjacent pavement.]
5. Installation And Maintenance.
- a. Consideration must be given to year-round appearance.
 - b. All landscaped areas, including islands, shall be provided with mechanical, in-ground irrigation system.
 - c. All landscaped areas should be curbed or protected by parking stops. Consideration should be given to access for mowing equipment.

- d. Burlap and twine shall be removed from at least the top one-third (1/3) of the root ball, and wire baskets shall be completely removed prior to backfilling.
 - e. Mulch may be used instead of grass or in combination with grass. When mulch is used, it shall completely cover the root area with a maximum of two (2) to four (4) inches of mulch.
6. Landscape Sureties.
- a. Prior to the signing of any Mylar for a record plat or approval of any municipal zoning approval application (MZA) other than for a display house plat, a landscape surety shall be posted.
 - b. The requirements for landscape installation and maintenance sureties in the City of Chesterfield are as follows:
 - (1) Landscape installation surety. When the estimated material's costs for new landscaping shown on the site development plan exceeds one thousand dollars (\$1,000.00) as determined by a plant nursery, the applicant shall furnish a two-year surety (bond or escrow) sufficient in amount to guarantee the installation of said landscaping with an executed landscape agreement. Alternatively, landscape installation surety may be included in the subdivision escrow, as approved by the Planning and Development Services Director.
 - (2) Landscape maintenance surety. Upon confirmation of planting of all required landscaping, the landscape installation surety can be transferred to a two-year landscape maintenance surety.
- L. Tree Protection Surety And Escrow Procedures.
1. Prior to the issuance of any grading permit or improvement plan approval, a tree protection surety shall be posted to account for trees that die, or are damaged beyond repair, as a result of grading or construction damage. The tree protection surety will remain for two (2) years after the issuance of the cessation of grading or completion of the required improvements, whichever is later.
 2. The amount of the tree protection surety shall be in the amount of ten thousand dollars (\$10,000.00) per one hundred (100) linear feet, or portion thereof, of wooded canopy perimeter to be preserved adjacent to any proposed clearing, grading, or other disturbance; or twenty thousand dollars (\$20,000.00) per acre to be preserved, whichever is less.
 3. The number of replacement trees is determined by matching the total caliper inches of trees to be planted with the total DBH inches of the trees that were lost.
 4. A landscape plan shall be developed for the replacement trees according to specifications shown in Section 405.04.020(K) of this Article.
 5. Failure to replace trees shall constitute default, and the City of Chesterfield shall be entitled to proceed against the surety. Monies collected from fines will be

placed in the Tree Preservation Account according to Section 405.04.020(M) of this Article.

6. A tree protection surety is not required for projects or sites that are exempt from the provisions of this Article as described in Section 405.04.020(C), Exceptions, or for single-family residential lots over one (1) acre in size which are not disturbing any monarch tree stand or as determined by the Planning and Development Services Director.
- M. **Tree Preservation Account.** There is hereby established a Tree Preservation Account which shall be held as a separate account from the City's general fund. The monies paid as a result of fines or payments under the mitigation provisions of this Section or monies paid into this account pursuant to any other term of this Section shall be used only for tree plantings on public property in the City of Chesterfield as directed by the Planning and Development Services Director.
- N. **Requests For Modification.** In cases where the strict adherence to this Section of the UDC creates practical difficulties or unnecessary hardships in carrying out these provisions due to an irregular shape, topography or other condition as solely determined by the Planning and Development Services Director, said modification to the requirements found in this Section of the UDC may be approved in whole or in part, provided that the modification will not seriously affect the integrity and soundness of the project.
1. **Special Conditions.** To establish that special conditions exist on a site which necessitates a modification to the requirements of this Section of the UDC, information must be submitted which shall include, but not be limited to the following:
 - a. Explanation of project qualification as a special or unusual site. The site to which a modification is being requested must meet one (1) of the following criteria:
 - (1) Property for which:
 - (a) An ordinance detailing development requirements has been in existence as a result either by the City of Chesterfield or St. Louis County (prior to the City's incorporation); and
 - (b) A valid site development concept plan, site development plan, site development section plan or a final development plan has been approved prior to the adoption of the original Tree Ordinance, Number 1345, enacted on November 17, 1997; or
 - (2) Property zoned commercial or industrial which will allow for clearing of the lot for the development of the square footage as previously approved by the current ordinance in place by the City of Chesterfield or St. Louis County on the date of the adoption of the original Tree Ordinance, Number 1345, enacted on November 17, 1997; or
 - (3) Property for which a tree specialist determines that the applicant is unable to provide tree preservation in accordance with the Tree

Manual due to highly unique and severe circumstance, such as extremely poor quality of trees, extreme topography, unusual lot shape, or other similar condition.

- b. A tree stand delineation (TSD) with an overlay of the existing conditions when applicable. When seeking a modification to the preservation requirement of thirty percent (30%), a TSD is required.
 - c. An engineering plan and/or drawings which depict and describe that development of the structures as proposed or authorized is impracticable because of the unique character or topography of the site which is not generally applicable to other sites.
 - d. A statement by a tree specialist stating why the development cannot adhere to the requirement.
 - (1) When seeking a modification to the preservation requirement of thirty percent (30%), the statement certified by a tree specialist must include that a minimum of thirty percent (30%) of the original wooded canopy will be replanted with appropriate tree species on the site. Specific details as to the location, tree type, tree size, etc., must be included. New trees required as part of a mitigation plan may not be used to meet the minimum requirements for landscaping on a site.
 - (2) When seeking a modification to the landscape buffer requirement, the statement certified by the tree specialist must include specific details as to the width of the landscape buffer that will be provided, as well as the location, tree type, tree size, etc. An alternate landscape plan showing this information is required to be submitted for review and approval.
2. Approval.
- a. The Planning and Development Services Director will review information provided by the applicant requesting consideration that special conditions exist on the site. The applicant will be notified in writing of the decision of the Planning and Development Services Director.
 - b. If special conditions are identified to exist on the site, projects seeking modification from the preservation requirement of thirty percent (30%) shall submit a mitigation proposal, as directed by the City of Chesterfield, explaining how the applicant plans to mitigate the loss of trees on the site. This may include a plan or detailed schematic of mitigation method. This will be reviewed and approved by the City of Chesterfield. The mitigation plan may be approved in full or in part.
 - c. Where site constraints or other factors prevent replacement on or off site, the applicant shall make a cash contribution to the Tree Preservation Account, according to Section 405.04.020(M) of this Article, in an amount equal to the cost of replacing the trees which are not able to be preserved. Said costs shall include labor and plant material.

3. Mitigation Plan. If special conditions have been identified in accordance with Section 405.04.020(N) of this Article, then a mitigation plan shall be required which will show, at a minimum, the following information and shall be submitted for review and approval by the Planning and Development Services Division.
 - a. Selective clearing and supplemental planting shall be displayed on an overlay plan.
 - b. An on-site afforestation plan using larger or smaller stock; the number of trees will depend on the species selected and the ultimate tree canopy; based on tree sizes noted in the list of trees in Table 5 of this Section of the UDC.
 - (1) Four hundred (400) square feet for large trees.
 - (2) Three hundred (300) square feet for medium trees.
 - (3) Two hundred (200) square feet for small trees.
 - c. Planting must achieve a minimum of thirty percent (30%) of the area of original tree canopy coverage.
 - d. Applicants submitting mitigation plans must utilize a mix of trees that varies in species, size, growth rate, and life span and consists of no more than twenty percent (20%) of one category.

O. Appeal.

1. Decisions of the Planning and Development Services Director regarding the application of this Section of the UDC may be appealed to the Board of Adjustment in accordance with applicable procedures as established by the Board of Adjustment and found in Chapters 2 and 23 of the City Code.
2. Decisions of the Public Works Director regarding the application of this Section of the UDC may be appealed to the Public Works Board of Variance in accordance with the applicable procedures as established by the Department and found in Chapters 2 and 23 of the City Code.

Section 405.04.030. Lighting Standards.

[CC 1990 § 31-04-03; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. Purpose.

1. The purpose of this Section is to provide minimum standards for effective, economical, and attractive outdoor lighting. It is the intent of this Section to:
 - a. Discourage excessive lighting, to minimize glare and light trespass protecting neighbors from the consequences of stray light.
 - b. Create a safe environment in hours of darkness.
 - c. Regulate the type of light fixtures, lamps and standards.

2. The requirements of this Section shall apply to all uses, including residential, and all jurisdictions, including public, private, and municipal, except as provided elsewhere in this Article.

B. Applicability.

1. These regulations shall apply to all outdoor lighting, including, but not limited to, lighting for:
 - a. Buildings and structures.
 - b. Recreation areas.
 - c. Parking lot lighting.
 - d. Landscape lighting.
 - e. Other outdoor lighting.
2. All required lighting installations must be regularly maintained (cleaned, repaired, etc.), such that they always provide acceptable luminance levels and glare control.

C. Light Fixtures And Usage.

1. All outdoor light fixtures and lamp types installed and hereafter maintained shall use only shielded and/or enclosed light fixtures as specified in Table 1 below.

**Table 1
Shielding and Enclosure Requirements**

Fixture Lamp Type	Shielding	Enclosure
Mercury vapor ¹	Fully shielded	None
Low pressure sodium ²	Fully shielded	None
High pressure sodium	Fully shielded	None
Metal halide ³	Fully shielded	Yes
Fluorescent ⁴	Fully shielded	Yes
Quartz ⁵	Fully shielded	None
Incandescent greater than 160 watt	Fully shielded	None
Incandescent 150 watt or less	Partial shielding	None
Glass tube filled with argon, krypton	None	None

NOTES:

1. Clear mercury lamps for general illumination are discouraged. Only mercury vapor lamps that are environmentally safe, as defined (by the manufacturer) by their ability to be recycled and self-extinguish, are permitted.
2. Except where color rendition is critical, this lamp type may be a permissible light source to minimize undesirable emission into the night sky due to its monochromatic spectral distribution.
3. Metal halide lamps shall be installed only in enclosed luminaires.

NOTES:

- 4. Warm white and natural lamps are required to minimize detrimental effects.
- 5. For the purposes of this UDC, quartz lamps shall not be considered an incandescent light source.
- 2. Exterior lighting shall be fully shielded flat-lens enclosed luminaires with the following exceptions:
 - a. For streetlight standards, see Section 405.04.030(E), Streetlighting.
 - b. Dusk-to-dawn post-top luminaires for residential subdivisions, only provided by Ameren Missouri, are permitted.
- 3. Building-mounted lighting, including both utilitarian and decorative applications, shall be limited to fully shielded, cut-off optics, flat-lens luminaires.
- 4. The height of all light standards shall be reviewed by the Department.
- 5. Exterior building lighting shall be architecturally integrated with the building style, material, and color. The color of exterior lamps shall be consistent with that on surrounding buildings.
- 6. All accent lighting, including light emitting diodes (LED), and lighting used for signage shall be subject to the approval of the Department.
- 7. To achieve uniformity of light distribution and reduce light pollution, glare, and spillover, all outdoor lighting for nonsecurity purposes shall meet the footcandle standards set forth in Table 2 below:

Table 2
Footcandle Standards

Location	Average Maintained Footcandles	Uniformity Ratio (avg: min)
Roadways, local residential	0.4	6:1
Roadways, local commercial	0.9	6:1
Walkways and bikeways	0.5	5:1
Building entrances and exits	5.0	n/a
Material storage areas:		
Active	8.0	n/a
Inactive	1.0	n/a

- D. **Parking Area Lighting Plan.** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.
 - 1. Parking area lighting shall be designed and installed so as to achieve the illumination levels set forth in Table 3 below. Lighting shall be maintained so as to achieve not less than eighty percent (80%) of the minimum illumination level set forth by the following Table 3.

- 2. The Planning and Development Services Director may permit lighting arrangements exceeding the maximum initial level set forth in Table 3 below to allow lighting designs which substantially exceed the required minimum and average illumination levels.
- 3. The source of illumination shall not be lower than ten (10) feet above grade except as approved by the Planning Commission.
- 4. Parking lot lighting shall be fully shielded flat-lens enclosed luminaires.
- 5. Mounting heights of lighting fixtures shall not exceed twenty (20) feet.

Table 3
Illumination Standards in Footcandles for Structures and Their Parking Areas

	Residential	Commercial	Other
Minimum initial level at any point on the parking area	0.07	0.5	0.3
Maximum initial level 5 feet from the base of a light standard	3.0	8.0	5.0

NOTE:

For the purpose of this Subsection, "commercial" refers to parking areas for any land use, regardless of zoning designation, in which goods or services are offered to the general public on the premises.

- E. Streetlighting. Streetlights shall be required in residential and nonresidential subdivisions in accordance with the criteria set forth in this Section of the UDC along public or private streets or roadway easements which provide access to or through any lot or driveway connecting the subdivision to a public street.
 - 1. Streetlighting Plan Submission And Review For Preliminary Plats. The developer shall submit for review and approval such number of copies as requested by the Department of the approved preliminary plat indicating the location of light standards in compliance with the following:
 - a. Illumination standards for streetlighting for residential developments shall comply with Table 4A:

Table 4A
Illumination Standards for Residential

Height	Not less than 16 feet above grade
Lumen output	Minimum 6,800 output
Illumination level	Not greater than 5 feet from the base of the light source shall be no greater than 3.0 footcandles.

- b. Illumination standards for streetlighting for nonresidential developments shall comply with Table 4B:

Table 4B

Illumination Standards for Nonresidential

Height	Not less than 22 feet above grade
Lumen output	Minimum 25,500 output
Illumination level	As recommended by the IESNA

- c. In a nonresidential subdivision, single-family residential subdivision or multiple-family subdivision, streetlights shall be provided at each intersection of a street within the subdivision, on street frontage between intersections, at each intersection of a street with a pedestrianway, at each circular turnaround, and within parking lot areas to comply with the provisions and regulations described herein. In a large-lot subdivision or a subdivision in the NU Non-Urban District utilizing the density development procedure, a streetlight shall be required only at each intersection of a private roadway easement with an existing or proposed public street. A streetlight shall also be provided at each intersection of a street within a subdivision in the NU Non-Urban District utilizing the density development procedure.
- d. Light criteria for residential subdivisions shall comply with Table 5.

Table 5

Distance Requirement for Residential Subdivision Light Standards

Type of District/Street	Maximum Distance Permitted Between Light Standards (feet)
Cul-de-sac and loop streets not in special procedure districts	325
Local streets	325
Collector streets	250
Arterial streets not in special procedure districts	200
Arterial streets in R-1, R-1A, R-2, E-1, E-2, E-3, PEU, or PUD District	250
Cul-de-sac and loop streets in R-1 Residence District	400
Cul-de-sac and loop streets in R-1A, R-2, E-1, E-2, E-3, PEU or PUD District	325

- e. Light criteria for nonresidential subdivisions shall comply with Table 6.

Table 6

**Distance Requirement for Nonresidential Subdivision Light Standards
Maximum Distance Permitted
Between Light Standards**

Type of District/Street	(feet)
Cul-de-sac streets, loop streets, local streets	325
Collector streets	250
Arterial roadways not located in PI, LI or M District	200
Collector streets in PI, LI and M Districts	325
C-8 and/or PC Planned Commercial District	325

2. Alternate streetlighting for nonresidential subdivisions to accomplish the above standard may be considered as provided in Section 405.04.080 of this Article.
 - a. Lighting shall be designed and maintained to avoid unnecessary illumination of residential interiors.
 - b. Energy source. All energy sources supplying illumination shall be buried a minimum of eighteen (18) inches below grade. All piping and wiring to illumination sources shall be contained within the light standards or pole structure.
 - c. All electric lighting shall be controlled automatically by programmed time devices, photo electric cells, or the like. Street and residential lighting shall be on from dusk to dawn.
 - d. Location. Light standards shall not be located within three (3) feet of the street pavement. Where sidewalks are required, streetlight standards shall be located between the sidewalk and street pavement. Variation to this Section may be approved by the Planning and Development Services Director.
 - e. Maintenance and operation. The developer shall submit to the Department a maintenance agreement, a trust indenture, or other similar instrument setting forth the person, corporation, trustees, or other agency responsible for the assessment as well as the collection of the monies necessary for the operation of the lighting system within the subdivision.
 - f. Installation. All lighting shall be installed and maintained in accordance with the approved lighting plan.
 - g. Fixtures. Streetlighting fixtures for new developments shall be approved by the City of Chesterfield Planning Commission.
 - (1) To achieve uniformity, existing developments shall utilize the same light fixture, standard, and luminaire throughout the entire development.

- (2) Existing commercial developments shall utilize the same fixture, standard and luminaire throughout the entire development, unless otherwise approved by the Department.
 3. Review. Streetlighting plans are reviewed by the City of Chesterfield Planning Commission if there is a change in light fixture, standards, or luminaire.
- F. Use-Specific Criteria. The following uses must adhere to all lighting criteria set forth in this Section of the UDC, in addition to specific requirements as detailed below. These uses include, but are not limited to, recreational facilities, commercial holiday lighting, outdoor theaters, medical facilities, and gasoline stations.
 1. Recreational Facilities. Any light source permitted by this UDC may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, and horse or show areas, provided that all of the following conditions are met:
 - a. Lighting for parking lots and other areas surrounding the playing field, court, or track shall comply with these lighting standards.
 - b. All fixtures used for evening lighting shall be fully shielded. To the extent that it is not feasible to use fully shielded fixtures, then lighting shall be designed and provided with sharp cut-off capability so as to minimize any light nuisance, spill light, and glare.
 - c. Illumination of the playing field, court, or track shall not be permitted after 10:30 P.M., except to conclude a scheduled event that was already in progress.
 2. Holiday Lighting. Residential and commercial holiday lighting is permissible from November 15 to January 25.
 - a. Commercial holiday flashing lights are prohibited.
 - b. Commercial holiday lights are encouraged to be turned off after the close of business.
 3. Outdoor Theaters.
 - a. Lighting will be installed in such a manner that it will not create a driving hazard on abutting streets and it will not cause direct illumination, nuisance, or glare on abutting property.
 - b. All lamp source types shall meet the guidelines of the IESNA or the National Building Code requirements.
 - c. A lighting plan shall be submitted for review before the City of Chesterfield Planning Commission and adhere to all the requirements set forth in Section 405.04.030(H) of this Article.
 - d. Marquee lighting shall not spill over into adjacent or surrounding property.

- e. A marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structures shall be permanently attached to the principal building, and be located no closer than five (5) feet from the edge of curve or edge of pavement.
- f. Lighting standards must adhere to the illuminances levels set forth by the IESNA as described in Table 7 below.

Table 7

Recommended Illuminances and Theater Advertising Sign Luminances in Various Locations

Type of Area in Which Theater is Located	Range of Ambient	Recommended Sign Luminance (cd/m²)
	Horizontal Illuminances [lx (fc)]	
City center	50-100 (5-10)	500-1,200
Shopping mall	20-70 (2-7)	400-700
Residential	10-50 (2-5)	300-500
Under marquee	200-500 (20-50)	2,000-5,000

- 4. Medical Facilities.
 - a. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
 - b. Parking lot lighting for medical facilities shall conform to the standards set forth in Section 405.04.030(D) of this Article.
 - c. The minimum luminance level recommended by the IESNA for hospital parking lot lighting is six-tenths (0.6) footcandle.
 - d. A lighting plan shall be submitted for review before the City of Chesterfield Planning Commission and adhere to all the requirements set forth in Section 405.04.030(H) of this Article.
 - e. The height of all light standards shall be submitted for review before the City of Chesterfield Planning Commission.
- 5. Lighting Of Gasoline Station Aprons And Canopies.
 - a. Lighting levels on gasoline station aprons and under canopies shall be adequate to facilitate the activities taking place in such locations as well as to provide a safe, secure environment.
 - b. All lighting illumination levels and fixtures shall comply with the provisions of the City of Chesterfield Lighting Standards.
 - c. All lamp source types and illuminance levels shall meet the guidelines of the IESNA.

- d. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth in Section 405.04.030(D) of this Article. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
- e. Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is no more than five and five-tenths (5.5) footcandles. The ratio of average to minimum illuminance shall be no greater than four to one (4:1). This yields an average illumination level of no more than twenty-two and zero tenths (22.0) footcandles.
- f. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than eighty-five degrees (85°) beyond the vertical plane.

G. Planned Districts And Special Procedure Specific Criteria.

1. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
2. Parking lot lighting shall adhere to the conditions set forth in Section 405.04.030(D) of this Article.
3. Advertising signs must adhere to the conditions set forth in Section 405.04.050 of this Article.
4. Building-mounted lighting, including both utilitarian and decorative applications, shall be limited to fully shielded, cut-off optics, flat-lens luminaires.
5. The height of all light standards shall be reviewed by the City of Chesterfield.
6. Exterior building lighting shall be architecturally integrated with the building style, material, and colors, and the color of exterior lamping shall be consistent with the surrounding buildings.
7. A lighting plan shall be submitted for review before the City of Chesterfield Planning Commission and adhere to all the requirements set forth in Section 405.04.030(H) of this Article.
8. The facades of buildings facing I-64/US 40 should utilize accent lighting, as opposed to floodlighting. All lighting should consist of metal halide with flat lenses and mounted at a maximum height of thirty (30) feet.
9. All streetlighting located in the Urban Core of the City of Chesterfield, specifically along Chesterfield Parkway, shall be reviewed and approved by the Department.
10. Streetlighting shall be unobtrusive and not create any light nuisance or glare.

11. The streetlighting assembly, including, but not limited to, illumination levels, lamping, fixtures, enclosure, mast arm, pole, photo cell, and any other device shall be subject to the review and approval of the Department.
 12. The location, spacing, and height of streetlighting shall be as directed by the Department.
- H. Submittal Requirements; Submission Contents. The applicant for any site development plan, site development concept plan and site development section plan shall also submit a lighting plan that shall comply with this UDC. Lighting plans are approved by the City of Chesterfield. The following information shall be included in the plan:
1. A diagram indicating the location of all standards and fixtures and the proposed type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices as well as a photometric plan denoting footcandle levels.
 2. A description of the illuminating devices, fixtures, lamps, color of lights, supports, reflectors, and other devices.
 3. A cut sheet will be required delineating all light standards and fixtures.
- I. Prohibitions.
1. The operation of searchlights for advertising purposes is prohibited.
 2. The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.
 3. With the following exceptions, all lamp source types are acceptable, provided that they are installed in equipment which meets the Illuminating Engineers Society's requirements:
 - a. The use of mercury vapor lamps and low-pressure sodium lamps is discouraged.
 - b. Fluorescent lamps with a color rendering index greater than seventy (70) and color temperatures between 3000°K and 4100°K are required.
 4. Neon.
 - a. Neon Prohibited. The use of visible neon tubing as a sign or for architectural element, whether located on the exterior or interior of a wall or window, if visible from the street is prohibited.
 - b. Request For Exception. Requests for the allowance of neon as an architectural feature shall be made to the Planning Commission, which shall review the same in accordance with the following criteria:
 - (1) A written statement from an architect explaining the intended use of the neon lighting and its relationship to the project and surrounding environment shall be submitted to the Planning Commission demonstrating that the neon will encourage, promote, or reward good architecture and/or urban planning.

- (2) The light plan, including neon, shall be submitted for review to the Department and shall adhere to all conditions set forth in this Section of the UDC.
- (3) In reviewing a request for such an exception, the Planning Commission shall consider safety, design and other factors deemed appropriate and shall verbally make a record relative to their specific determination.

c. Additionally, refer to the sign requirements in Section 405.04.050 of this Article.

J. Times Of Operation.

1. Exterior lighting for security purposes may be on from dusk to dawn.
2. Nonsecurity lighting, other than that used for special and infrequent occasions, shall not be on past approved hours of operation, if any, or 11:00 P.M., whichever is later.

K. Airport Lighting.

1. Airport lighting which is required for the safe and efficient movement of aircraft during flight, take off, landing, loading, unloading, servicing areas and taxiing is exempt from the provisions of this UDC. All other outdoor lighting at airports shall comply with this UDC.
2. Strobe lights on communication towers and other hazards to aerial navigation, required by the Federal Aviation Administration (FAA) during the daytime and permitted but not required at night, may not be used at night. Other lights used at night on such structures shall not be brighter than the minimum required by the FAA.

L. Exemptions.

1. Grandfathered Existing Fixtures. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this UDC are exempt from all requirements of it unless:
 - a. It involves removing or replacing existing light fixtures with light fixtures that will increase the footcandle level above the originally approved level or changes the shielding of the fixture from what was originally approved; or
 - b. Fossil fuel light is used.
2. Fixture Design Exemptions. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare light trespass in excess of five-tenths (0.5) footcandle and the proposed fixtures will improve the appearance of the site.
 - a. Lamp or fixture substitution. Should any outdoor light fixture, or the type of light source subject to a lighting plan required by this UDC, be changed after zoning authorization or the issuance of a permit, a change request must be submitted to the City of Chesterfield for approval, together with

adequate information to assure compliance with this UDC. Such submittals and approval must be received prior to substitution.

3. Temporary Exemptions. Lighting that is required for a lawful use, where compliance with this UDC would substantially impair its use, shall be considered for a temporary exemption by the Planning Commission.
 - a. Any person may submit a written request to the Planning and Development Services Director for consideration of a temporary exemption. Temporary exemption requests shall contain:
 - (1) Specific exemption or exemptions requested.
 - (2) Type and use of outdoor light fixture involved.
 - (3) Duration of time for the requested exemption.
 - (4) Type of lamp and calculated lumens.
 - (5) Total wattage of lamp or lamps.
 - (6) Proposed location on premises of the outdoor light fixtures.
 - (7) Previous temporary exemption, if any.
 - (8) Physical size of outdoor light fixtures and type of shielding provided.
 - (9) Such other data and information as may be required by the Planning and Development Services Director.
 - b. Approval Duration. If approved, temporary exemptions shall not be valid for longer than thirty (30) days from the date of issuance. Approvals may be renewable upon the discretion of the Planning and Development Services Director, and each such renewal shall not be valid for more than thirty (30) days.
- M. Appeal. Decisions of the Planning and Development Services Director regarding the application of this Section of the UDC may be appealed to the Board of Adjustment in accordance with applicable procedures as established by the Board of Adjustment.
- N. Penalty For Violation. This Section of the UDC and the requirements thereof are exempt from the warning and summons for violation set out in Article 08 of the UDC.

Section 405.04.040. Off-Street Parking, Stacking And Loading Space Requirements.

[CC 1990 § 31-04-04; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Purpose.
 1. The regulations contained in this Section shall govern the number, size, design and location of all off-street parking, stacking, and loading spaces in the City of Chesterfield.

2. Every use, including a change or expansion of a use or structure, shall have appropriately maintained off-street parking and loading spaces or areas in compliance with the regulations identified in this Article. The purpose of this Section of the UDC is to:
 - a. Alleviate or prevent traffic congestion and shortages of parking spaces while not over-parking sites;
 - b. Ensure that adequate off-street parking and loading facilities are provided for new land uses in proportion to the need for the facilities created by each use and in compliance with any applicable design guidelines;
 - c. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and promote sustainability practices.
- B. Applicability.
1. All buildings or structures which are erected or have a change in square footage, and all uses of land established or changed after the adoption of this UDC shall comply with all the requirements herein.
 2. The provisions of this Section of this UDC shall not apply to any existing building or structure except where there is a change of use or change to building square footage.
- C. Minimum Design Criteria. Except as otherwise provided for in this Section, the requirements for off-street parking, stacking, and loading spaces shall meet the minimum dimensions and design criteria of the City of Chesterfield.
- D. Off-Street Parking Requirements.
1. Fractions. When determination of the number of off-street parking spaces required by this Section results in a fraction of a space, the resulting fraction may be disregarded.
 2. Bench Length. When a minimum parking requirement is calculated using seats, twenty-four (24) inches of bench length shall be equal to one (1) seat.
 3. Commercial Vehicles. In addition to the requirements of this Section, one (1) off-street parking space shall be required for each commercial vehicle which is directly associated with uses, and which is parked on the premises during normal business hours. Required loading spaces may be credited as part of the total space needed for commercial vehicles.
 4. Final Determination. Where no minimum requirement is specified, or when one (1) or more of the parking requirements may be construed as applicable to the same use, lot or building, or where any other calculation clarification is required, the final determination of required parking shall be made by the Planning and Development Services Director.
 5. Construction parking shall not be permitted on public maintained roadways. Adequate stabilized parking area(s) shall be provided for construction employees.

6. Uses in all zoning districts shall comply with the minimum requirements listed by use category in tables of the following:

Use Category	Code Section
Commercial uses	Section 405.04.040(D)(7)
Institutional uses	Section 405.04.040(D)(8)
Cultural, entertainment, and recreation uses	Section 405.04.040(D)(9)
Industrial uses	Section 405.04.040(D)(10)
Residential uses	Section 405.04.040(D)(11)
Retail centers	Section 405.04.040(D)(12)

7. Minimum Parking And Loading Requirements For Commercial Uses.

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Section 405.04.040(E)]
Adult bookstore	4.0/1,000 GFA	120% of minimum parking required	Table B
Adult entertainment business or establishment	5.0/1,000 GFA	120% of minimum parking required	Table B
Adult entertainment facility		120% of minimum parking required	Table B
Adult motion-picture theater	1 space for every 3 seats	1 space for every 2 seats	Table B
Airports, heliports, and landing strips	2 spaces for every 3 employees on the maximum shift, plus 5 spaces for every 1,000 square feet of lobby area	n/a	Table A
Animal grooming service	4.0/1,000 GFA	120% of minimum parking required	None
Automobile dealership	3.0/1,000 GFA	120% of minimum parking required	Table A
Automotive detailing shop	3.3/1,000 GFA	120% of minimum parking required	None
Automotive retail supply	3.0/1,000 GFA	120% of minimum parking required	Table B
Bakery	3.3/1,000 GFA	120% of minimum parking required	None
Bar	12.0/1,000 GFA	120% of minimum parking required	None

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Section 405.04.040(E)]
Barber- or beauty shop	5.0/1,000 GFA	120% of minimum parking required	None
Bathroom	4.0/1,000 GFA	120% of minimum parking required	None
Boat (and marine supply) storage, charter, repair, sale	1.0/1,000 GFA	120% of minimum parking required	None
Brewpub	12.0/1,000 GFA	120% of minimum parking required	None
Broadcasting studio	3.3/1,000 GFA	120% of minimum parking required	None
Car wash, full-service	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the max. shift	None
Cemetery	1 space per 4 seats in the chapel or assembly area	1 space per 3 seats in the chapel or assembly area	None
Check-cashing facility	4.0/1,000 GFA	120% of minimum parking required	None
Church and other place of worship	1 space for every 4 seats in the largest assembly area	1 space per 3 seats in the chapel or assembly area	None
Coffee shop	5.0/1,000 GFA	120% of minimum parking required	Table B
Commercial service facility	4.5/1,000 GFA	120% of minimum parking required	Table B
Drugstore and pharmacy	4.0/1,000 GFA	120% of minimum parking required	Table B
Dry-cleaning establishment	3.3/1,000 GFA	120% of minimum parking required	Table A
Filling station and convenience store with pump stations	4.5/1,000 GFA	120% of minimum parking required	None
Film dropoff and pickup station	5.0/1,000 GFA	120% of minimum parking required	None
Financial institution	3.3/1,000 GFA	120% of minimum parking required	None
Grocery, community	4.0/1,000 GFA	120% of minimum parking required	Table B

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Section 405.04.040(E)]
Grocery, neighborhood	3.3/1,000 GFA	120% of minimum parking required	Table A
Grocery, supercenter	4.5/1,000 GFA	120% of minimum parking required	Table B
Harbor, marina, and dock for waterborne vehicles	1 space for every berth	2 spaces for every berth	None
Hotel and motel	1.2 parking spaces for each unit. If there are other accessory uses provided therein, additional off-street parking shall be provided for those accessory uses at the rate of 40% of the requirements for such uses.	120% of minimum parking required	Table B
Hotel and motel, extended stay	1.2 parking spaces for each unit. If there are other accessory uses provided therein, additional off-street parking shall be provided for those accessory uses at the rate of 40% of the requirements for such uses.	120% of minimum parking required	Table B
Kennel, boarding	2.5/1,000 GFA	120% of minimum parking required	None
Kennel, private	2.5/1,000 GFA	120% of minimum parking required	None
Laboratory	2.5/1,000 GFA	120% of minimum parking required	Table B
Laboratory, professional/scientific	2.5/1,000 GFA	120% of minimum parking required	Table B
Laundromat	4.0/1,000 GFA	120% of minimum parking required	None
Massage parlor	5.0/1,000 GFA	120% of minimum parking required	None

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Section 405.04.040(E)]
Modeling studio	5.0/1,000 GFA	120% of minimum parking required	None
Mortuary	5.0/1,000 GFA	120% of minimum parking required	None
Newspaper stand	4.0/1,000 GFA	120% of minimum parking required	Table B
Office, dental	4.0/1,000 GFA	5.0/1,000 GFA	Table B
Office, general	3.3/1,000 GFA	4.5/1,000 GFA	Table B
Office, medical	4.0/1,000 GFA	5.0/1,000 GFA	Table B
Oil change facility	4.0/1,000 GFA	120% of minimum parking required	None
Pawnshop	3.3/1,000 GFA	120% of minimum parking required	None
Professional and technical service facility	3.3/1,000 GFA	120% of minimum parking required	None
Reading room	3.0/1,000 GFA	120% of minimum parking required	None
Research facility	3.0/1,000 GFA	120% of minimum parking required	Table B
Restaurant, fast-food	15.0/1,000 GFA	120% of minimum parking required	None
Restaurant, sit-down	12.0/1,000 GFA	120% of minimum parking required	None
Retail sales establishment, community	4.5/1,000 GFA	120% of minimum parking required	Table B
Retail sales establishment, neighborhood	4.0/1,000 GFA	120% of minimum parking required	Table B
Retail sales establishment, regional	5.0/1,000 GFA	120% of minimum parking required	Table B
Riding stable	1 space for every 3 stalls and 1 space per 3,000 SF of riding arena	120% of minimum parking required	None

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Section 405.04.040(E)]
Sales yard operated by a church, school, or other not-for-profit organization	3.3/1,000 GFA	120% of minimum parking required	None
Self-storage facility	1.0/1,000 GFA	120% of minimum parking required	None
Shooting range, indoor	1 space per range position	120% of minimum parking required	None
Shooting range, outdoor	1 space per range position	120% of minimum parking required	None
Specified sexual activities	5.0/1,000 GFA	120% of minimum parking required	None
Tackle and bait shop	3.3/1,000 GFA	120% of minimum parking required	None
Tattoo parlor/body piercing studio	3.3/1,000 GFA	120% of minimum parking required	None
Vehicle repair and services facility	2 spaces per service bay	3 spaces per service bay	None
Veterinary clinic	3.3/1,000 GFA	120% of minimum parking required	None

8. Minimum parking and loading requirements for institutional uses.

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Sec. 31-04-04(E)]
Day-care center	3.0/1,000 GFA	4.0/1,000 GFA	None
Education facility, specialized private schools	1.5 spaces per classroom, and 1 space per 4 students of driving age based on the maximum student capacity	None	None
Education facility, vocational school	1.5 spaces per classroom, and 1 space per 4 students of driving age based on the maximum student capacity	None	None

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Sec. 31-04-04(E)]
Education facility, vocational school, outdoor training	1.5 spaces per classroom, and 1 space per 4 students of driving age based on the maximum student capacity	None	None
Educational facility, primary/secondary	1.5 spaces per classroom, and 1 space per 4 students of driving age based on the maximum student capacity	None	None
Educational facility, college/university	1 space per 4 students of driving age based on the maximum student capacity	None	None
Educational facility, kindergarten or nursery school	2 spaces per classroom	None	None
Hospice	1.0/1,000 GFA	1.5/1,000 GFA	None
Hospital	1 space per bed for the first 100 beds; 1 space per 2 beds for the next 100 beds; 1 space per 4 beds thereafter	None	Table B
Nursing home	1 space for every 3 beds	None	Table B
Postal stations	3.0/1,000 GFA	None	None
Public building facilities owned or leased by the City of Chesterfield	3.3/1,000 GFA	None	None
Public safety facility	3.0/1,000 GFA	None	None
Substance abuse facility, outpatient	5.0/1,000 GFA	None	None
Substance abuse facility, inpatient	1 space for every 3 beds	None	None

9. Minimum parking and loading requirements for cultural, entertainment, and recreation uses.

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Sec. 31-04-04(E)]
Amusement park	1% of total land area	None	None
Arena and stadium	1 space for every 4 seats	None	Table A
Art gallery	2.0/1,000 gross floor area (GFA)	None	Table B
Art studio	1 space for every 4 seats	None	None
Auditorium	1 space for every 4 seats	1 space for every 3 seats	Table B
Athletic fields	20 spaces for every diamond or athletic field, or 1 space for every 4 seats, whichever is greater (one seat is equal to 2 feet of bench length)	None	None
Botanical garden	2.0/1,000 GFA	None	None
Bowling center	4.0 spaces per alley	5.0 spaces per alley	None
Club	5.0/1,000 GFA	6.0/1,000 GFA	Table B
Community center	3.3/1,000 GFA	None	None
Fairground	1% of total land area	None	None
Farmers' market	3.3/1,000 GFA	None	None
Golf course	4 spaces per hole	None	None
Gymnasium	1 space for every 4 seats	1 space for every 3 seats	None
Library	2.0/1,000 GFA	None	Table B
Museum	2.0/1,000 GFA	None	Table B
Park	1% of total land area	None	None
Recreation facility	3.3/1,000 GFA	4.5/1,000 GFA	None
Theater, indoor	1 space for every 4 seats	1 space for every 2 seats	Table B
Theater, outdoor	1 space for every 4 seats	1 space for every 2 seats	None
Union halls and hiring halls	1 space for every 4 seats	1 space for every 2 seats	Table B
Zoological garden	1% of total land area	None	None

10. Minimum parking and loading requirements for industrial uses.

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Sec. 31-04-04(E)]
Batching plant	2.5/1,000 gross floor area (GFA)	3.0/1,000 GFA	Table A
Blacksmith shop	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the maximum shift	Table A
Brewery	0.75/1,000 GFA	1.25/1,000 GFA	Table A
Correctional institution	1 space for every 5 beds	None	None
Dry-cleaning plant	2.0/1,000 GFA	2.5/1,000 GFA	Table A
Extraction/processing of raw materials	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the maximum shift	None
Film processing plant	2.0/1,000 GFA	2.5/1,000 GFA	Table A
Highway Department garage	2.0/1,000 GFA	2.5/1,000 GFA	None
Incinerator	2.0/1,000 GFA	2.5/1,000 GFA	Table A
Industrial sales, service, and storage	2.0/1,000 GFA	2.5/1,000 GFA	Table A
Junk/salvage yard	2.0/1,000 GFA	2.5/1,000 GFA	None
Lumberyard	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the maximum shift	Table A
Mail order sale warehouse	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the maximum shift	Table A
Manufacturing, fabrication, assembly, processing, or packaging facility	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the maximum shift	Table A
Meat packing facility	1.0/1,000 GFA	1.5/1,000 GFA	Table A
Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility	3.3/1,000 GFA	4.0/1,000 GFA	Table A
Railroad switching yard	0.5/1,000 GFA	None	None
Sanitary landfill	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the maximum shift	None
Sheet metal shop	2.0/1,000 GFA	2.5/1,000 GFA	Table A

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Sec. 31-04-04(E)]
Solid waste, compost facility	2.0/1,000 GFA	None	None
Solid waste, facility	2.0/1,000 GFA	None	None
Solid waste, transfer facility	2.0/1,000 GFA	None	None
Steel mill, foundry, and smelter	2.0/1,000 GFA	2.5/1,000 GFA	Table A
Storage and repair garage for public mass transit vehicles	2.0/1,000 GFA	None	None
Sulphur, cement, or rubber reclamation plants	2.0/1,000 GFA	2.5/1,000 GFA	Table A
Tow yard	2.0/1,000 GFA	2.5/1,000 GFA	None
Transit storage yard	2.0/1,000 GFA	None	None
Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage	2.0/1,000 GFA	2.5/1,000 GFA	Table A
Warehouse, general	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the maximum shift	Table A
Warehouse, live animals, explosives, or flammable gases and liquids	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the maximum shift	Table A
Welding shop	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the maximum shift	Table A
Yard for storage of contractors' equipment, materials, and supplies	2 spaces for every 3 employees on the maximum shift	1.2 spaces for every employee on the maximum shift	None

11. Minimum parking and loading requirements for residential uses.

Use	Minimum Parking Required	Maximum Parking Requirement	Minimum Loading Requirement [see Sec. 31-04-04(E)]
Display homes	2 spaces for every display home unit and 1 space for every office unit	None	None
Group residential facility	1 space for every 2 units	None	None
Dwelling, employee	1 space per unit	None	None
Dwellings, multiple-family	1.75 spaces for every living unit	None	None
Dwellings, single-family (including single-family earth sheltered)	2 spaces for every dwelling	None	None
Dwellings, two-family	1.75 spaces for every living unit	None	None
Group homes	1 space for each such use	None	None

12. "Retail center" is defined as a mixed use development that is owned and managed as a unit where one (1) or more nonrestaurant uses exist.

a. Minimum parking for retail centers shall be calculated based on the following:

Center Size (gross floor area in square feet)	Percentage Gross Floor Area in Restaurant Use		
	0%-10% (spaces per 1,000 GFA)	11%-20% (spaces per 1,000 GFA)	21%-30% (spaces per 1,000 GFA)
Under 40,000	4.0	4.25	4.5
40,000 to 100,000	4.25	4.5	4.75
100,001 to 400,000	4.5	4.75	5.0
Over 400,000	4.75	5.0	5.25

(1) For retail centers that include a theater use with more than two hundred fifty (250) seats, the minimum parking requirement for the theater portion of the development shall be parked as a stand-alone use.

- (2) For retail centers with more than thirty percent (30%) gross floor area devoted to restaurant use, separate parking shall be provided for the portion of restaurant use in excess of thirty percent (30%).
 - b. **Maximum Parking Permitted.** Retail centers shall not contain more than one hundred twenty percent (120%) of the minimum number of spaces required, except as permitted under Section 405.04.040(I) of this Article.
 - c. **Minimum Loading Requirements For Retail Centers.** Retail centers shall provide loading spaces in accordance with Table A in Section 405.04.040(E), Minimum Loading Requirements.
- E. **Minimum Loading Requirements.** When required in conjunction with uses specified elsewhere in this Section, loading spaces shall be provided in accordance with the following tables:

Table A

Gross Floor Area (square feet)	Number of Minimum 10-Foot-By-40-Foot Loading Spaces¹
5,000 to 25,000	1
25,001 to 50,000	2
50,001 to 100,000	3
100,001 to 150,000	4
150,001 to 200,000	5
For each additional 100,000	1 additional

NOTE:

¹ Each 10-foot-by-40-foot loading space shall have a height clear of obstruction of not less than 14 feet.

Table B

Gross Floor Area (square feet)	Number of Loading Spaces	
	10 Feet By 25 Feet Minimum	10 Feet By 40 Feet Minimum¹
2,000 to 10,000	1	—
10,001 to 25,000	2	—
25,001 to 100,000	2	1
For each additional 100,000	—	1 additional

NOTE:

¹ Each 10-foot-by-40-foot loading space shall have a height clear of obstruction of not less than 14 feet.

- 1. The Planning and Development Services Director shall determine the off-street loading space requirements for a use not specified, based upon the most similar

use listed in the preceding minimum parking requirements tables or using certified service/goods handling data for the specific use.

2. In calculating the required number of loading spaces, fractional spaces are rounded to the nearest whole number, with one-half (1/2) counted as an additional space.
- F. Schedule Of Off-Street Drive-Through Stacking Requirements. Off-street drive-through stacking spaces shall be provided, at a minimum, in accordance with the following schedule and shall not interfere with vehicular or pedestrian circulation, or parking on the site. Where stacking space is provided in a single stacking lane, the stacking requirement shall be calculated as the sum of the requirement for each feature that requires stacking.
1. Car Wash.
 - a. Full service: one (1) space at each vacuum or wash station, plus four (4) additional stacking spaces for each wash bay lane.
 - b. Self-service (drive-through/automated): one (1) space in the wash bay, plus three (3) additional stacking spaces for each wash bay lane.
 - c. Self-service (open bay): one (1) space per vacuum or wash bay, plus two (2) additional stacking spaces for each wash bay lane.
 2. Vehicle Drying Area.
 - a. Full service: two (2) spaces per wash bay, located at the exit of the wash bay.
 - b. Self-service: one (1) space per wash bay.
 3. Financial Institution.
 - a. One (1) space at each drive-up service lane, plus five (5) additional stacking spaces for each service lane where there are two (2) or fewer service lanes.
 - b. One (1) space at each drive-up service lane, plus four (4) additional stacking spaces for each service lane when there are three (3) or more service lanes.
 - c. Drive-up automated teller machine (ATM): one (1) space at each ATM, plus two (2) additional stacking spaces for each ATM.
 4. Oil change facility: one (1) space in the service bay, plus two (2) additional stacking spaces for each service bay.
 5. Retail uses with drive-up facilities: one (1) space for each drive-up service lane, plus two (2) additional stacking spaces for each service lane.
 6. Restaurant with drive-up facilities: one (1) space for each drive-up service lane, plus seven (7) additional stacking spaces for each service lane.

- G. Joint Parking. All parking spaces required by this UDC shall be located on the same parcel of land as the use to be served except as follows:
1. Parking for one (1) or more uses in a commercial or industrial district may be provided on a separate lot when said separate lot is within a similar zoning district type and within four hundred (400) feet of the use or uses to be served, as measured along a pedestrian walkway designed to allow pedestrians to safely access the use.
 2. When two (2) or more owners agree to provide their required parking spaces jointly, the number of joint parking spaces shall be equal to the number of parking spaces required if each were to provide parking separately, unless otherwise stated in this Section.
 - a. The applicants for joint parking shall submit a joint parking plan and an appropriate legal instrument of agreement among the involved property owners for review by the Planning and Development Services Director.
 - b. Such joint parking plan and agreement shall include language binding the owners of the properties and their successors and assigns to the agreement and limiting and controlling use of land to those uses and conditions accepted by the Planning and Development Services Director and agreed to by the owners of the properties involved.
 - c. If the joint parking plan and agreement are found to conform to the requirements of applicable codes, laws, and ordinances, they shall be stamped accepted by the City of Chesterfield and returned to the applicant. The applicant shall record these accepted documents with the County Recorder of Deeds. Recorded copies of the accepted documents shall be provided to the City of Chesterfield prior to release of municipal zoning approvals (MZAs) associated with the joint parking plan and agreement.
- H. Deferral Of Parking Construction. An applicant may request to defer the construction of the number of required parking spaces during the site plan, site development concept plan, site development section plan, or site development plan review process. A parking deferral means that some of the required parking spaces would not be provided until full build-out occurs, but that an area on the site would be reserved so that these spaces could be provided in the future upon demand or request by the City. Said demand would be made if the spaces were needed to meet the parking needs of the project.
1. Criteria For Parking Deferral. The Planning and Development Services Director may grant a deferral for construction of up to fifty percent (50%) of the off-street parking spaces required by this Section in an industrial district; thirty percent (30%) in a commercial district and any other district if an applicant demonstrates:
 - a. Trip generation characteristics and time of day usage characteristics for similar uses show that the parking spaces can be reduced without causing parking to overlap into other nearby developments or onto public streets.
 - b. Vehicles owned by the occupants are characteristically different from the norm, or the proximity to employment, shopping, educational and transit developments is such that reduced auto usage would be anticipated.

- c. The immediate proximity to public transportation facilities serves a significant proportion of residents, employees, and/or customers.
 - d. Operation of effective private or company car pool, van pool, bus or similar transportation programs with proof of continued financial viability.
 - e. Evidence that a proportion of residents, employees, and/or customers utilize, have available or on a regular basis use bicycle or other transportation alternative commensurate with reduced parking requirements.
 - f. Development will be in phases so that deferring the parking will have green space until further build-out. The site must meet all parking requirements based upon square footage actually built.
2. Application. Applicants for deferral of parking shall provide a written statement which addresses how the proposal meets the applicable criteria. The application shall include a site plan depicting the total required parking on-site, and the deferred parking area shall be labeled as reserved for future parking.
 3. Landscaping. The land area delineated for deferred parking shall be shown on the plan with proposed finish grades and landscaping. Landscaping for the deferred parking area shall be as approved by the Planning and Development Services Director with the remainder of the site landscaped per City of Chesterfield Landscape Guidelines for the appropriate district. All landscaping shall be indicated on the plan submitted.
 4. Notice Of Change Of Condition. The owner of the property, or his or her designated party, shall notify the City of any change in the conditions that were the basis for a deferral.
 5. Construction Of Deferred Parking Areas. The City may require the construction of parking in areas previously reserved at any time upon sixty (60) days' written notice. A parking deferral shall apply to the developer and all subsequent owners of said property and shall run with the land and be shown on all recorded plats. The plat shall state that the developer/owner and all subsequent owners grant the City, or its designated representative, authority to enter onto its property in the future to construct the deferred parking in the areas shown on the approved site plan if owners fail to take action sixty (60) days after receiving written notice by the City. The costs incurred by the City shall be repaid by the owners or shall be placed as a special lien against the property. Development and construction by the City shall not be in lieu of a municipal zoning ordinance violation, but shall be in addition to any action taken for violation of provisions of this Section of the UDC.

I. Modification of standards.

1. In order to ensure that adequate, but not excessive, parking is provided for a site, to promote environmental initiatives, and to support alternative modes of transportation, flexibility in parking through a modification to the requirements found herein may be requested.

2. An applicant may request a modification of the requirements of this Section of the UDC by providing a parking demand study, as defined below, that supports the request and demonstrates by clear and convincing evidence that the requested modifications are appropriate for the site and do not cause detriment to adjacent properties.
 - a. Applicability. A parking demand study is required when an applicant:
 - (1) Requests a reduction in the minimum parking requirements.
 - (2) Requests to exceed the maximum parking requirements.
 - (3) Requests any other modification to the standards of this Section.
 - b. Elements Of A Parking Demand Study. The parking demand study shall contain the following information as determined by the City of Chesterfield:
 - (1) The study shall be signed by a licensed professional engineer or certified planner.
 - (2) A plan which graphically depicts where the parking spaces, loading spaces, stacking area, and parking structures are to be located, as well as the on-site circulation for automobile, pedestrian, and bicycle movement.
 - (3) A report which demonstrates how any variations from this Section were calculated and upon what assumptions such calculations were based; and how everything shown on the plan complies with, or varies from, applicable standards and procedures of the City.
 - (4) The plan shall show all entrances and exits for any structured parking and the relationship between parking lots or structures and the circulation.
 - (5) The plan, supported by the report, shall show the use, number, location, and typical dimensions of parking for various vehicle types, including passenger vehicles, trucks, vehicles for mobility-impaired persons, motorcycles, buses, other transit vehicles and bicycles.
 - (6) The plan, supported by the report, shall include phasing plans for the construction of parking facilities and any interim facilities planned.
 - (7) Whenever the applicant requests 1) to reduce the number of required parking spaces, or 2) to exceed the maximum parking provided for in this Section, the required report shall document how the proposed parking was calculated and upon what assumptions such calculations were based.
 - (8) Such other information as determined by the Department to be necessary to process the parking demand study.
 - c. Design Features And Review Criteria. Design features and review criteria, including, but not limited to, those listed below, will be reviewed when in

conjunction with requests for modification to any of the requirements of this Section.

- (1) The parking demand study provides sufficient number and types of spaces to serve the uses identified on the site.
 - (2) Adequate provisions are made for the safety of all parking facility users, including motorists, bicyclists and pedestrians.
 - (3) Sites are designed to minimize or alleviate traffic problems.
 - (4) Parking spaces are located near the uses they are intended to serve and shall provide safe and convenient access for pedestrian access to the facility.
 - (5) Adequate on-site parking is provided during each phase of development of the district.
 - (6) The development provides opportunities for shared parking or for other reductions in trip generation through the adoption of transportation demand management (TDM) techniques to reduce trip generation, such as car pools, van pools, bicycles, employer transit subsidies, compressed work hours, and high-occupancy vehicle (HOV) parking preference.
 - (7) Reductions in the number of parking spaces should be related to significant factors such as, but not limited to:
 - (a) Shared parking opportunities;
 - (b) Hours of operation;
 - (c) The availability and incorporation of transit services and facilities;
 - (d) Opportunities for reduced trip generation through pedestrian circulation between mixed uses;
 - (e) Off-site traffic mitigation measures;
 - (f) Recognized variations in standards due to the scale of the facilities;
 - (g) Parking demand for a specified use; and
 - (h) The provisions of accessible parking spaces beyond those required per the UDC.
- d. Approval. Requests for modifications will be considered by the Planning and Development Services Director and may be approved if the requested modifications are appropriate to the site and do not cause detriment to the adjacent properties. If said request for modifications is approved, the property owner(s) involved in the parking demand study shall submit a written agreement to the City of Chesterfield requiring that the parking

facility and any associated transportation demand management (TDM) techniques shall be maintained without alteration unless such alteration is authorized by the Planning and Development Services Director. Such written agreement shall be approved by the City of Chesterfield and recorded by the property owner with the St. Louis County Recorder's Office prior to the issuance of a building permit, and a copy filed in the project review file.

- (1) Review procedure. Requests for a reduction in the minimum parking requirement:
 - (a) The Planning and Development Services Director shall review and may approve requests for reduction for up to twenty percent (20%) of the minimum parking requirement.
 - (b) Requests that exceed twenty percent (20%) shall be subject to the review and approval of the Planning Commission.
 - (c) Requests to exceed the maximum parking requirement by twenty percent (20%) shall be subject to the review and approval of the Planning and Development Services Director.
 - (d) Requests to exceed the maximum parking requirement by more than twenty percent (20%) shall be subject to the review and approval of the Planning Commission. Where Planning Commission approval is required for the proposed parking, the applicant shall submit a statement that identifies measures to mitigate for the increase in parking area. Mitigation measures shall be subject to the review and approval of the Planning Commission and may include, but not be limited to, the following:
 - [1] Increased open space;
 - [2] Pervious pavements;
 - [3] Green roofs;
 - [4] Cool pavement materials;
 - [5] Structured parking; or
 - [6] Native vegetation.
 - (e) Review of other modifications. Requests for modifications to the requirements of this Section, other than those listed above, shall be submitted to the Department for review and approval.

- J. Previously Approved Reductions. Developments with parking reductions approved by the City of Chesterfield prior to the enactment of this Section of this UDC shall be required to provide parking in accordance with the minimum parking requirements at the time the reduction was granted. Any property owner with a previously approved parking reduction wishing to apply "minimum parking for retail centers" may do so in

lieu of utilizing the previously approved parking reduction. No property shall be permitted to utilize a parking reduction and the parking for retail centers option concurrently.

- K. Supplementary Off-Street Parking And Loading Requirements. In addition to the above parking and loading requirements, the following standards shall apply:
1. In all zoning districts, all parking and loading areas, including driveways, shall be paved, except in the FP, PS, NU, AG, LLR, E-1, E-2 and R-1 Districts, where the City of Chesterfield may approve an alternate dust-proofing method.
 2. All areas for off-street parking and loading in the C-2, C-3, C-4, and C-7 Districts shall be so arranged that vehicles at no time shall be required to back into any street or roadway to gain access thereto.
 3. For all nonresidential uses, off-street parking and loading shall be so designed such that a single unit vehicle shall not be required to back into a vacant parking space or into a street or roadway in order to turn around or exit.
 4. An area used for off-street parking spaces for five (5) or more vehicles, when located in any PS Park and Scenic, NU Non-Urban, AG Agricultural or residential district, shall not be closer to an adjoining PS Park and Scenic, NU Non-Urban or residential district than ten (10) feet. Said parking setbacks shall be effectively screened. Such screening shall consist of a sight-proof fence or wall, and such screening shall be not less than five (5) feet in height above the surface elevation of the parking area, except where sight distance regulations at street intersections require other arrangements. When requested by the property owner, the Department may approve the use of topographic features, landscaping, or a combination of fences, walls, topographic features or landscaping in lieu of fences or walls, where such alternates will achieve a comparable effect. The limitations of this Subsection may be modified in a development plan when authorized under a planned district procedure.
 5. In a C Commercial or M Industrial District, no unenclosed parking or loading space or internal drive, except for ingress and egress drives, shall be closer to the street right-of-way than fifteen (15) feet. The area within fifteen (15) feet of the street right-of-way shall be landscaped as approved by the Department, and such landscaping shall be adequately maintained. The limitations of this Subsection may be modified in a development plan when authorized under a planned district procedure.
 6. In a C Commercial or M Industrial District, no unenclosed parking or loading space or internal drive shall be closer than ten (10) feet to any adjoining PS Park and Scenic, AG Agricultural, NU Non-Urban or residential district. Said parking setbacks shall be effectively screened. Such screening shall consist of a sight-proof fence or wall, and such screening shall be not less than five (5) feet in height above the surface elevation of the parking area, except where sight distance regulations at streets require other arrangements. When requested by the property owner, the Department may approve the use of topographic features, landscaping, or a combination of fences, walls, topographic features or landscaping in lieu of fences or walls, where such alternates will achieve a

comparable effect. Except for the screening provisions, the limitations of this Subsection may be modified in a development plan when authorized under a planned district procedure.

7. Required off-street parking, stacking and loading spaces shall not include spaces located in the floodplain or floodway, as determined by the City of Chesterfield, except when accessory to a permitted or conditional use in the FP Floodplain Overlay District.
8. All parking spaces required by this UDC shall be located on the same parcel of land as the use to be served except:
 - a. Parking for one (1) or more uses in a commercial or industrial district may be provided on a separate lot from the use or uses to be served when said separate lot is within a similar zoning district type and within three hundred (300) feet of the use or uses to be served, as measured along a pedestrian pathway. When two (2) or more uses combine to provide the required parking space jointly, the parking space so provided shall equal the total space required if each were to provide parking space separately. Joint or remote parking areas provided in accordance with this Subsection shall be comprised of a minimum of twenty (20) stalls except when provided in conjunction with uses in the C-1 Neighborhood Business District. Such parking must be approved by the Planning and Development Services Director. Subsequent to approval, said parking plan and an appropriate legal instrument of agreement among the owners of the various properties involved shall be recorded with the County Recorder of Deeds, with a copy to be filed with the City of Chesterfield. Such recorded plans and agreement shall be binding upon the owners of the properties involved and their successors and assigns and shall limit and control the use of land included in the plan to those uses and conditions approved by an officer designated by the City of Chesterfield and agreed to by the owners of the properties involved.
9. Off-street parking areas shall provide ingress and egress to any public right-of-way only at such locations as approved by the City of Chesterfield.
10. No off-street parking space required under this UDC shall be used for any other purpose. Where a change in use creates greater parking requirements than the amount being provided, a municipal zoning approval (MZA) shall not be issued unless provision is made for the increased amount of required off-street parking.
11. Where an addition is made to an existing use which does not comply with the parking requirements cited for such use, additional parking shall be provided in proportion to the addition.
12. The number of parking spaces required to be provided for physically handicapped persons shall be as set forth in the building code¹⁴ adopted by the City of Chesterfield City Council.

14. Editor's Note: See Ch. 500, Buildings And Building Regulations.

13. Tandem parking shall count as one (1) space.

Section 405.04.050. Sign Requirements.**[CC 1990 § 31-04-05; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]****A. Purpose.**

1. The purpose of the sign regulations provided herein is to encourage excellence in design of signs, fostering economic viability of the community, and provide safe and concise directional information designed to facilitate traffic flow. Signs shall be designed so as to protect motorists, bicyclists, and pedestrians from distractions that may cause accidents or other detrimental impacts.
2. Signs shall not overload the public's capacity to receive information, or cause visual confusion by interfering with pedestrian or vehicular traffic. Signs shall conform to the character of the community, enhance the visual harmony of development, and preserve the public health, convenience, welfare and/or safety within the City of Chesterfield by maintaining the high aesthetic quality of the community.

B. Scope Of Provisions.

1. These regulations are supplemented and qualified by the regulations of the particular zoning district in which a sign may be located and by additional general regulations appearing elsewhere in this UDC which are incorporated as part of this Section by reference. This Section contains regulations applicable to all signs in all zoning districts.
2. Regulations for any signs may be made more restrictive in the conditions of the ordinance governing a particular planned district or special procedure. Regulations may also be modified when a sign package is submitted and approved by the City of Chesterfield.
3. On the effective date of this UDC, no sign, except a sign presently so lighted, shall be illuminated by intermittent light sources. This prohibition shall not apply to signs displaying time and temperature, stock market quotes or the manual changeable copy on a sign.
4. When sign illumination is desired, it shall be arranged so as not to cast light directly from any source of illumination on any public right-of-way or on adjoining properties in the NU Non-Urban, PS Park and Scenic, AG Agricultural or any residential district.

C. Permits And Municipal Zoning Approvals (MZAs) For Signs.

1. Unless excepted by these regulations or the City of Chesterfield Building Code, no sign shall be erected, constructed, posted, altered, enlarged, maintained, or relocated until an MZA has been issued by the Department and a sign permit issued by St. Louis County Department of Public Works. Before any MZA is issued, an application, provided by the Department, shall be filed, together with drawings and specifications as may be necessary to fully advise and acquaint the

Department and St. Louis County Department of Public Works with the location, construction, materials, manner of illuminating, and securing or fastening, and the wording or delineation to be carried on the sign. All signs that are to be illuminated by one (1) or more sources of artificial light shall require a separate electrical permit and inspection conducted by St. Louis County Department of Public Works.

2. Structural and safety features and electrical systems shall be in accordance with the requirements of the City of Chesterfield Building Code or any applicable building codes being enforced by the City of Chesterfield. No sign shall be approved for use unless it has been inspected by the Department issuing the permit and is found to be in compliance with all the requirements of this UDC and applicable technical codes. Signs found to be in violation of the requirements of this UDC and/or applicable technical codes and which are determined to be a danger to public health and safety may, after fifteen (15) days of an inspection determining said violation and after notification to the property owner, be dismantled and removed by the City of Chesterfield. The expense for such action shall be charged to the owner of the property on which the sign is erected and shall be filed as a special lien thereon.
3. Planning Commission Approval. The proponent of a sign subject to Planning Commission approval as set out in subsequent sections shall file with the Department, in addition to those document requirements specified in Section 405.04.050(C) of this Article, a written statement addressing the following information:
 - a. The underlying business, directional, or informational purpose of such a sign.
 - b. Why such a sign should exceed the maximum height and/or outline area specification for a particular sign in order to accomplish the underlying purpose as stated in Subsection (C)(3)(a) above.
 - c. What the proponent of such a sign believes the adverse impact may be upon the underlying business, directional, or informational purpose of such a sign if the proponent is compelled to reduce the height and/or outline area of such a sign to within the maximum height and/or outline area specification for any one (1) sign and the factual basis supporting such belief.
 - d. The approximate distance the proposed sign will be from other existing or planned structures visible or planned to be visible within a radius of one thousand (1,000) feet from said sign, identifying such structures with sufficient particularity to enable the Planning Commission to determine whether there is a reasonable likelihood of an adverse public health, convenience, welfare and/or safety impact within the one-thousand-foot radius area while maintaining the high aesthetic quality of said area.
 - e. What steps, if any, the proponent has taken to integrate the design with the surrounding environment, including, but not limited to, use of colors and materials, size and character of typeface(s), regularity of overall shape, type of illumination, orientation and situation of such a sign in order to minimize

the amount of visual clutter, and to avoid the distraction to pedestrians and motorists beyond that necessary to convey the underlying business, information, or directional purpose of said sign.

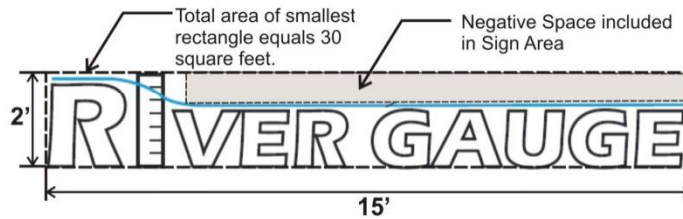
- f. If no steps [referred in Subsection (C)(3)(e) above] have been taken, provide information as to why such steps should not be required of the applicant.
- g. Any other information, such as length of frontage, special speed limit or topographic considerations, that the proponent deems pertinent to the approval of such a sign request.

D. Sign Package Submittals.

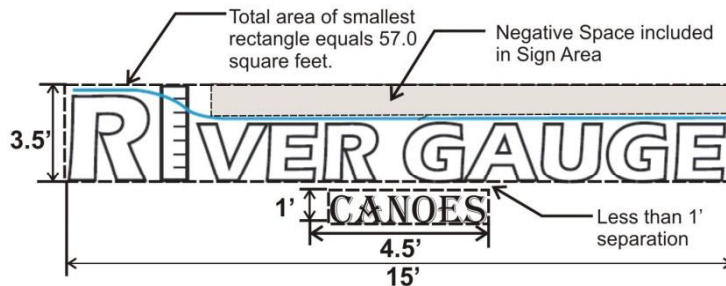
1. The purpose of a sign package is to provide comprehensive, complementary and unified signage throughout a single development or contiguous lots under common ownership. If a sign package exists for a multilot development or subdivision, then individual lots within that subdivision or development may not submit their own, separate sign package. In addition, developments of a certain size, quality, or mix of uses may require special signage consideration. Therefore, in order to encourage superior design, quality and character, comprehensive sign packages allow for specialized review of signs and flexibility from standard signage requirements.
2. When a sign package is requested for a proposed or existing development, the criteria for signs, as provided for in this Article, may no longer be applicable in its entirety or portions thereof. The reason for the requested modification is to provide for flexible sign criteria that promotes superior design and is tailored to a specific development which may vary from general ordinance provisions.
3. Consideration of flexibility in sign criteria is based on a number of review factors, including, but not limited to, the physical impact of the proposed comprehensive sign package, the quality of the proposed comprehensive sign package, and mitigation of unfavorable conditions such as excessive signs, light spillover from signs, height, and other related conditions and potentially negative impacts.
4. When a sign package is requested for a development, the following shall be submitted to the Department:
 - a. A narrative detailing the reasoning for the sign package request and why it will enhance the proposed development above what would be permitted through the City of Chesterfield UDC.
 - b. The maximum number of proposed signs.
 - c. Location, size, height, construction material, and placement of all proposed signs.
 - d. General elevations of all proposed freestanding, monument, wall, and any other sign that requires City of Chesterfield approval.

- e. Illumination level, color and type. Illumination shall conform to the Section 405.04.030, Lighting standards, of this Article.
 - f. Dimensions, height, square footage of all existing signs or note that none exist for both freestanding and attached signs (submit picture of all existing signage).
 - g. Material specifications for proposed signs including sign materials and colors.
 - h. Landscaping of any freestanding or monument signs.
- E. Sign Regulations: Area And Height Computations. The following regulations shall govern the computation of sign area and height computations:
1. Freestanding Sign: Outline Area.
 - a. The outline area of a freestanding sign shall include the area within a continuous perimeter of a plane enclosing the limits of writing, graphic representation, logo, or any figure or similar character, together with the outer extremities of any frame, or other material or color forming an integral part of the display which is used as a background for this sign. The area of a freestanding sign of individually cut out writing, graphic representation, logo, or any figure or similar character which is not enclosed by framing, and which projects from a sign support or main body of a sign, is the sum of the areas of all of the triangles or parallelograms necessary to enclose each writing, graphic representation, logo, or any figure or similar character, including the space between individual letters comprising a word, but not including the space between individual words.
 - b. The outline area of a freestanding sign shall not include the necessary supports for the sign when such supports do not extend above the sign and are not a part of the overall design of a sign. The outline area of a freestanding sign shall also not include the area between separate cabinets or modules of such sign or any pole covers, lighting fixtures, or landscaping, provided that they contain no writing, graphic representation, logo, or any figure or similar character.
 2. Freestanding Signs: Height.
 - a. Except as may be specifically noted in these regulations, setbacks for all signs shall be governed by the minimum setback yard requirements in each particular zoning district.
 - b. Freestanding business signs shall not exceed the maximum allowed height above the ground elevation. The ground elevation of freestanding signs shall be measured at the elevation of the adjacent street or the average existing finished ground elevation at the base of the sign, whichever is higher.
 - c. The height of all signs on corner lots shall not exceed three (3) feet above the elevation of the adjacent street pavement when located within the sight distance triangle.

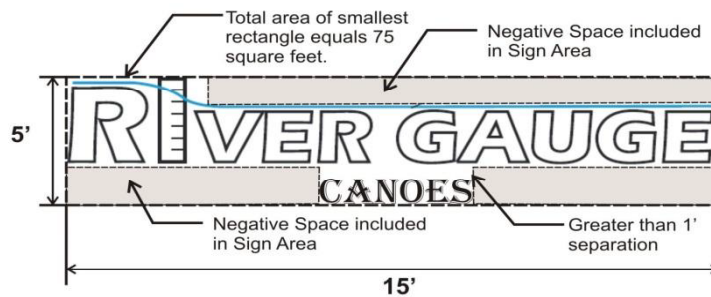
3. Attached Sign: Outline Area. The size of attached wall signs shall be measured in the following manner:
 - a. The outline area of an attached sign shall include all lettering, graphic representation, logo, design or any figures, together with the background, whether open or enclosed, upon which they are displayed.
 - b. A sign consisting of individually cut out writing is measured as the total area of a rectangle or square enclosing all words. This includes any negative space.



- c. A sign with multiple lines of wording, where the lines are one (1) foot or less apart from each other, shall be measured as the area enclosing the wording on the first line plus the area enclosing the wording on subsequent lines.

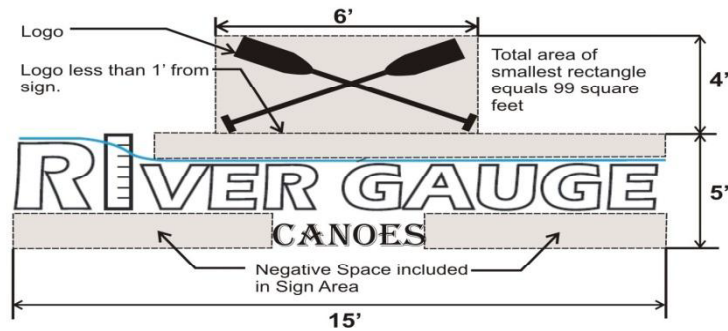


- d. A sign with multiple lines of wording where the lines are greater than one (1) foot apart shall be measured as the total area of the smallest rectangle or square enclosing all words.

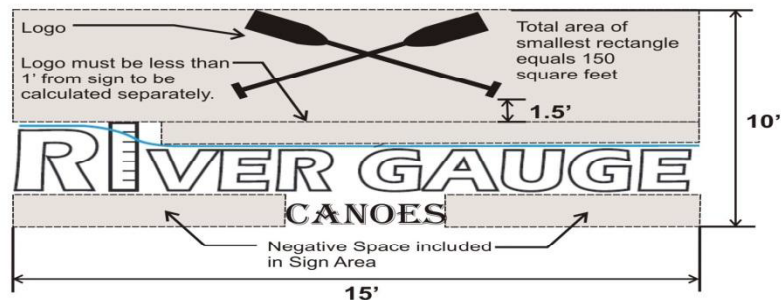


- e. Logos or other graphic representation:

- (1) When an attached wall sign includes a graphic representation or logo located one (1) foot or less directly above individually cut out writing, the outline area shall be calculated as the sum of the area within the limits of writing plus the area within a rectangle or square enclosing the graphic representation or logo.



- (2) When an attached wall sign includes a graphic representation or logo located more than one (1) foot directly above individually cut out writing or when a logo or graphic representation is located on either side of individually cut out writing, the outline area shall include the area within a rectangle or square, which completely contains all the sign's letters, logos, figures, designs, graphic representations or symbols.



4. Outline Area: Double-Faced Signs. Only one (1) side of a double-faced sign shall be included in the sign area. Double-faced signs shall include those signs where the sign face is parallel or where the interior angle formed by the faces of a V-shaped sign is sixty degrees (60°) or less. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face.
5. Sign Area On Walls Of Circular Buildings And Other Buildings With Curved Wall Surfaces.
 - a. The area constituting a single wall of a circular building shall be designated by the owner on a portion of the wall, but shall be limited to be determined by multiplying three-fourths (3/4) of the diameter of an area of the building by the average height of the exterior walls of the building at the finished ground elevation of the building.

- b. The area contained on a single wall of a non-circular building with continuous curved wall surfaces shall be designated by the owner on a portion of the wall but shall be limited to an area determined by multiplying three-fourths (3/4) of the average diameter of the building by the average height of the exterior walls of the building at the finished ground elevation of the building.
 - c. The area contained on any single curved wall of a building that is not totally circular or is not composed of a continuous curved wall surface shall be determined by multiplying the shortest distance between the two (2) ends of the arc forming the curved wall surface by the average height of the exterior walls of the curved wall surface at the finished ground elevation of that surface.
 - d. The horizontal length of any single wall of a building that is characterized by the multiple curved wall surfaces or other irregular wall surfaces shall be measured as a straight line extending between both edges of the wall.
6. Outline Area: Exceptions. The total outline area for any freestanding signs shall be exclusive of any decorative trim. Said trim shall not exceed thirty percent (30%) of the outline area as determined in accordance with Section 405.04.050(F)(1) of this Article.
- F. Sign Regulations: Permanent Signs. The following provisions shall govern the erection of all permanent signs, together with their appurtenant and auxiliary devices, with respect to size, number, height, location and construction.
1. General Provisions.
 - a. Permitted business, information, and directional signs may either be a flat sign permanently affixed to the face of a building, awning or canopy or be freestanding. Business information and directional signs affixed to buildings shall not project above the eave line of the roof, except as an integral roof sign.
 - b. Permitted information or directional signs may be flat signs permanently affixed to a boundary wall or fence. However, other than a horizontal projection of not more than six (6) inches, such signs shall not project beyond the surface of the boundary wall or fence.
 - c. All freestanding signs shall be located so as not to impair the visibility of any official highway sign or marker, and no business sign shall be so placed as to unnecessarily obstruct the visibility of any other business sign.
 2. Business And Identification Signs: Freestanding.
 - a. General.
 - (1) Subject to other provisions of this Section, each developed lot may have no more than one (1) freestanding business sign facing each roadway on which the lot has frontage, regardless of the number of buildings upon the lot. Furthermore, each building, regardless of the number of lots upon which it may be located, shall have no more than

one (1) freestanding business sign facing each roadway on which its lot or lots has frontage. For the purpose of these regulations, an aggregation of two (2) or more structures connected by a wall, firewall, facade or other structural element, except for a sidewalk, shall constitute a single building.

- (2) The height of all business and identification signs shall not exceed six (6) feet when located within the minimum front yard setback of a particular zoning district.

b. Specific Regulations And Exceptions.

- (1) A freestanding business sign shall not exceed six (6) feet in height above the average existing finished grade at the base of the sign, or the elevation of the adjacent street, whichever is higher. The total outline area per face shall not exceed fifty (50) square feet or twenty-five one hundredths (0.25) square foot of signage per linear foot of street frontage up to one hundred (100) feet of street frontage and one-tenth (0.1) square foot of signage per linear foot of street frontage thereafter, whichever is less. (See exceptions below.)
- (2) Said sign face shall be attached to a proportionate enclosed base, integrated planter or structural frame, the width of which shall be a minimum of one-half (1/2) the width of the widest part of the sign face. The bottom of the sign face shall not exceed a height of three (3) feet above the average existing finished grade at the base of the sign, or elevation of the adjacent street, whichever is higher. An enclosed sign base or integrated planter shall not be required if the sign face is within one (1) foot of the average finish grade at the base of the sign.

(a) Exceptions:

- [1] For each additional four-foot setback from the minimum yard requirement, one (1) additional foot may be added to the sign height to a maximum of ten (10) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. However, at no time shall the bottom of the sign face exceed a height of three (3) feet above the average existing finished grade at the base of the sign or the elevation of the adjacent street, whichever is higher; or
- [2] The maximum outline area and/or height of any freestanding business sign may be increased to a maximum of one hundred (100) square feet in outline area and/or twenty (20) feet in height above the average existing finished grade elevation at the base of the sign or elevation of the adjacent street, whichever is higher, with no height restriction for the bottom of the sign face

subject to Planning Commission approval as outlined in Section 405.04.050(C) of this Article.

- (3) An individual lot having a minimum of eight hundred fifty (850) feet of frontage on any roadway, and a minimum size lot of twenty (20) acres or more, shall be allowed two (2) freestanding business signs on each roadway frontage exceeding seven hundred fifty (750) feet of frontage. However, a minimum of four hundred (400) feet shall separate the two (2) permitted signs. In lieu of the two (2) permitted freestanding signs, one (1) freestanding business sign may be permitted, the maximum outline area of which may be increased to one hundred fifty (150) square feet, subject to Planning Commission approval as outlined in Section 405.04.050(C)(3), Planning Commission approval, of this Article.
- (4) A single commercial or industrial development or subdivision which is in excess of twenty (20) acres in size shall be permitted a project identification sign at each main entrance to the subdivision or development identifying the name of the project and/or containing a directory of tenants. The sign may include the name and/or logo of the development or subdivision. Such sign may be located on any platted lot or common ground of a development or subdivision or any unplatted portion of the development or subdivision identified as part of a particular development on an approved preliminary plat, site development concept plan, site development section plan, or site development plan.
- (5) A project identification sign shall not exceed six (6) feet in height above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher, with the total outline area per face not to exceed fifty (50) square feet or twenty-five one hundredths (0.25) square foot of signage per linear foot of street frontage up to one hundred (100) feet of street frontage and one tenth (0.1) square foot of signage per linear foot of street frontage thereafter, whichever is less.
 - (a) Exceptions:
 - [1] For each additional four-foot setback from the minimum yard requirement, one (1) additional foot may be added to the sign height of a project identification sign to a maximum of ten (10) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. However, at no time shall the bottom of the sign face exceed a height of three (3) feet above the average existing finished grade at the base of the sign or the elevation of the adjacent street, whichever is higher; or
 - [2] The minimum outline area and/or height of any project identification sign may be increased to a maximum of one

hundred (100) square feet in outline area and/or twenty (20) feet in height above the average existing finished grade elevation at the base of the sign or elevation of the adjacent street, whichever is higher, with no height restriction for the bottom of the sign face subject to Planning Commission approval as outlined in Section 405.04.050(C)(3), Planning Commission approval, of this Article.

- (6) Commercial, industrial or mixed use subdivisions of ten (10) lots/units or more that are less than twenty (20) acres shall be permitted a subdivision identification sign at each main entrance to the subdivision and may include the name, logo and/or the directory of tenants of the subdivisions. Such sign shall not exceed fifty (50) square feet in outline area per face, nor extend more than six (6) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. Commercial, industrial or mixed use subdivision identification signs shall be located within an easement on any platted lot or on common ground of subdivision. Such sign may also be located on any unplatted portion of the subdivision identified as part of a particular development on an approved preliminary subdivision plat, site development concept plan, site development section plan, or site development plan. No subdivision identification sign shall be permitted for a development permitted a project identification sign.
 - (7) Developments over twenty (20) acres located adjacent to major arterials may increase the height and the size of the project identification sign by decreasing the number of permitted project identification signs with approval of the Department. The maximum size of one (1) sign utilizing this section shall be thirty (30) feet in height and one hundred fifty (150) square feet of outline area per face. Total square footage is not to exceed the original allowed by the Planning Commission.
 - (8) Landscaping. All permanent freestanding signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. If the outline area and/or a height increase for any permanent freestanding sign is requested, the required landscaping for such a sign will be subject to Planning Commission approval.
- c. A service station shall be permitted one (1) separate price sign attached to the same structure of any one (1) permitted freestanding business sign on the lot or lots on which the use may be located. The outline area of a separate price sign shall not exceed twenty (20) square feet per face.
 - d. A movie theater shall be permitted one (1) additional freestanding business sign, with manual changeable copy only, facing each roadway on which the

lot containing the movie theater has frontage. All size requirements as provided for in Section 405.04.050(F) of this Article shall apply.

3. Business Signs: Attached To Wall.

a. General Provisions.

- (1) Subject to the specific regulations set out below, each business occupying a tenant space or being the sole occupant of a freestanding building shall have no more than one (1) attached business sign on any two (2) walls of a building that are exterior walls of the particular building or tenant space. In addition to identifying a particular business, such signs may be used for the name and logo of the building or development project.
- (2) The outline area of each sign shall not exceed five percent (5%) of the wall area of the business on which said sign is attached. No business sign shall exceed three hundred (300) square feet in outline area.
- (3) Countable wall area shall include the entire surface of a wall, such as gable and similar areas, and the vertical face of a mansard roof, whether real or artificial, which extends above the wall of the business on which the sign is attached. However, the countable area of mansard roofs shall be limited to the area not greater than six (6) feet above the eave line of the roof times the length of associated wall.

Example: Where "Z" equals the maximum square footage of a wall sign. The height of a building "Y" is multiplied the width of a building "X" to provide the total square footage of the facade. This value is then multiplied by five hundredths (0.05) or five percent (5%) to provide "Z" the maximum signage square footage. See Illustration A:

Illustration A



b. Specific Regulations And Exceptions.

- (1) For a business being the sole occupant of a building located on a corner lot or a lot with double frontage, said business may have one (1) attached business sign on any three (3) walls of a building that are exterior walls.
- (2) Where a lot or parcel of land is developed with more than one (1) building, interior buildings shall be permitted the same type and number of wall signs on the interior buildings as are allowed on peripheral buildings. The mounting requirements of the permitted signs shall be the same as any attached business sign.
- (3) In buildings containing single or multiple tenants where public access to individual tenant space(s) is gained via interior entrances, said building shall be allowed no more than one (1) attached business sign on any two (2) walls having roadway frontage. Said attached business signs shall be the same, each identifying either the building or major tenant.
- (4) Individual letters (exclusive of words), a symbol or graphic logo pertaining to a business on premises, may be painted or otherwise permanently affixed to the surface of an awning or canopy. The outline area of the message shall not exceed fifteen percent (15%) of the horizontal projection in elevation of the exterior surface of the awning or canopy. Said message outline area, when utilized as a design accent only as described above, shall not be counted toward the allowable outline area for a business sign.
- (5) Where a multitenant building contains both public access to individual tenant space(s) via interior entrances and an additional exterior access point(s) that services only one (1) tenant, signage may be permitted above said exterior access point of the tenant. This signage is in addition to the exterior signage permitted in Subsection (F)(3)(b)(3) above. The outline area of each sign shall not exceed five percent (5%) of the wall area of the business on which said sign is attached. No business sign shall exceed three hundred (300) square feet in outline area.

4. Directional Signs.

- a. Directional signs shall not exceed ten (10) square feet in outline area per facing. Freestanding directional signs shall not extend more than six (6) feet above the elevation of the adjacent street or elevation of the average existing finished grade at the base of the sign, whichever is higher.
- b. The height of all directional signs shall not exceed three (3) feet when located within the minimum front yard setback of each particular zoning district.
- c. No directional sign shall be located on or over a public right-of-way without approval of the City of Chesterfield, and/or St. Louis County Department of Highways and Traffic, and/or the Missouri Department of Highway and Transportation as applicable.

5. Advertising Signs (Billboards).
 - a. Advertising signs [Subsection (F)(5) refers to billboards only] are permitted in the Planned Commercial District, Planned Industrial District, and MXD Mixed Use Development District if permitted in the conditions of the ordinance governing the particular planned district.
 - b. Advertising signs shall not exceed eight hundred (800) square feet in outline area, nor extend more than thirty-five (35) feet above the elevation of the adjacent street. Subject to more restrictive regulations of the zoning district in which it is located, an advertising sign shall not be located closer than one hundred (100) feet to any other advertising sign or building, nor within fifty (50) feet of any PS Park and Scenic or any residentially zoned property or any property line of any NU Non-Urban zoned property, nor within ten (10) feet of any side or rear property line. Not more than one (1) advertising sign shall be permitted on one (1) structure, except that where a structure is located perpendicular to the street right-of-way, two (2) sign facings shall be permitted in each direction.
 - c. No outdoor advertising sign shall be located within fifty (50) feet of any roadway right-of-way line, except that where existing buildings on immediately adjacent tracts (on both sides) are located closer to the roadway right-of-way than fifty (50) feet, an advertising sign may be placed within the average setback of the existing buildings on each side of the advertising sign. Where a building on an adjacent tract exists on one (1) side only, located closer to the roadway right-of-way than fifty (50) feet, an advertising sign may be placed within the average setback of the existing building and the fifty-foot setback required by these regulations.
 - d. Notwithstanding the regulations as set out above, all advertising signs (billboards) must be in conformance with Sections 226.500 through 226.600 RSMo., as amended.
 - e. Separation From Other Zoning Districts. No advertising sign shall be located within one thousand (1,000) feet of any NU Non-Urban District, AG Agricultural, residential districts, or PS Park and Scenic District zoned tract, or any tract subject to the landmark and preservation area special procedure.
 - f. Separation From Other Advertising Signs. No advertising sign shall be erected within five (5) miles of any existing sign on the same side of the highway. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of any official traffic sign, signal, or device, or obstruct or physically interfere with motor vehicle operators' view of approaching, merging, or intersecting traffic. The separation requirements between advertising signs outlined in this subsection shall be measured perpendicular to the center line off the subject highway. The separation distance shall apply only to advertising sign structures located on the same side of the subject highway.

- g. Lighting. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any advertising sign. No flashing, intermittent, or moving light or lights shall be allowed. External lighting, such as floodlights, thin line and gooseneck reflectors may be permitted in the conditions of the ordinance governing a particular planned or mixed use district, provided that the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the public right-of-way. Lights shall not be 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. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal, nor shall any sign illumination cast light on adjacent properties.
 - h. In accordance with the authority granted to the City pursuant to H.B. 831, 89th General Assembly (1997), the following regulations shall apply to all billboards and outdoor advertising structures, within the meaning of H.B. 831 and Sections 226.500 to 226.600, RSMo., which are placed or proposed to be placed at any location within the view of any federal, State, interstate, primary or other highway within the City:

 - (1) No outdoor advertising structure or billboard shall be erected or maintained which exceeds fifteen (15) feet in height above ground level.
 - (2) No outdoor advertising structure or billboard shall be erected or maintained within the view of any federal, State, interstate or primary highway at a distance of less than five (5) miles from any other outdoor advertising structure or billboard within the City which is visible to persons traveling in the same direction on such highway.
 - (3) No outdoor advertising structure or billboard, other than on-premises signage specifically regulated pursuant to other provisions of the UDC of the City of Chesterfield, shall be lighted or artificially illuminated after dark in any manner visible from any location outside the right-of-way of the highway from which the outdoor advertising structure or billboard is visible.
6. Informational Signs.
- a. Informational signs shall not exceed sixteen (16) square feet in outline area per facing. Freestanding informational signs shall not extend more than six (6) feet above the elevation of the adjacent street or elevation of the average existing finished grade at the base of the sign, whichever is higher.
 - b. No informational sign shall be located on or over a public right-of-way without approval of the City of Chesterfield, and/or St. Louis County Department of Highways and Traffic, and/or the Missouri Department of Highway and Transportation as applicable.

- c. The height of all informational signs shall not exceed six (6) feet when located within the minimum front yard setback of each particular zoning district.
 - d. Outdoor public artwork or public art displays are permitted one (1) information sign. Signage shall not exceed three (3) feet in height, from grade to top of sign, and the sign face shall not exceed ten (10) inches by ten (10) inches or five (5) inches by twenty (20) inches in outline area. Requests for modification to the size limitation shall be reviewed by the City of Chesterfield City Council. Said modification shall require a two-thirds-vote of the City Council.
7. Residential Subdivision Identification Signs. Residential subdivisions of ten (10) lots/units or more shall be permitted a subdivision identification sign at each main entrance to the subdivision and may include the name or logo or both of the subdivision. Such sign shall not exceed fifty (50) square feet in outline area per face, nor extend more than six (6) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. Residential subdivision identification signs shall be located within an easement on any platted lot or on common ground of a subdivision. Such sign may also be located on any unplatted portion of the subdivision identified as part of a particular development on an approved preliminary subdivision plat or site development concept plan, site development section plan, or site development plan.
8. Supplementary Regulations.
 - a. Church Or House Of Worship.
 - (1) A church or house of worship located in any district shall be permitted one (1) freestanding identification sign. However, a church or house of worship which has a minimum frontage of four hundred (400) feet on each of two (2) or more roadways shall be permitted one (1) freestanding identification sign on each of two (2) such roadways. Said identification sign height shall be in accordance with Section 405.04.050(F), Sign regulations: permanent signs, of this Article. The copy portion of such sign shall not exceed fifty (50) square feet in area, exclusive of one (1) separate religious symbol without lettering which may have an additional outline area not exceeding twenty (20) square feet.
 - (2) A church or house of worship shall have no more than one (1) attached identification sign with the size requirements in accordance with Section 405.04.050(F) of this Article "Sign Regulations: Permanent Signs."
 - (3) A church or house of worship within the City of Chesterfield is permitted to have two (2) off-site directional signs, not to exceed six (6) square feet. The sign message shall be limited to church name and location/direction. A permit is required for all church signs. If the sign is not maintained, the City will require its repair or removal.

- b. Hospitals, public park and recreation facilities, schools, libraries, auditoriums, and similar institutions for public assembly having a minimum frontage of two hundred fifty (250) feet on a roadway shall be permitted one (1) freestanding identification sign not to exceed fifty (50) square feet in outline area per face on each roadway meeting the above minimum frontage requirements. Said identification sign height shall be in accordance with Section 405.04.050(F), Sign Regulations: Permanent Signs, of this Article. Each hospital, public park and recreation facility, school, library, auditorium, or other similar institutional use shall have no more than one (1) attached identification sign with the size requirements in accordance with Section 405.04.050(F), Sign Regulations: Permanent Signs, of this Article.
- c. Window signs may be placed on any window in addition to other permitted signs. However, the outline area of said signs, whether temporary or permanent, shall occupy no more than forty percent (40%) of the outline area of any window on the ground or first floor level of the building and no more than twenty percent (20%) of any window on any other level of the building. A sign permit shall not be required for any window sign.
- d. Signs placed on vending machines, express mailboxes, or service station pumps advertising products sold or services offered from the particular machine, mailbox, or pump are permitted. However, no vertical or horizontal projection greater than six (6) inches from the surface of the machine, mailbox, or pump is permitted. Any other sign placed on the machine shall be considered as an advertising, business, directional, or information sign, subject to the regulations of the zoning district in which such sign is located.
- e. A restaurant with a drive-up or drive-through food pickup facility may have either one (1) freestanding or one (1) wall menu sign not to exceed thirty-two (32) square feet in area associated with the order station. No freestanding menu sign shall exceed eight (8) feet in height or width or be illuminated in any manner other than from an internal source.
- f. A financial institution with an outdoor automatic teller or similar facility may have either one (1) freestanding or one (1) wall sign not to exceed sixteen (16) square feet in outline area associated with the facility. No freestanding sign for such a facility shall exceed eight (8) feet in height or width or be illuminated in any manner other than from an internal source.
- g. A service station with a canopy may have no more than one (1) sign which may include the name and logo of the business and one (1) sign which may include the words "self-service" and "full service" attached on each of any two (2) sides of the vertical face of the canopy, excluding canopy supports. The outline area of each sign shall not exceed ten (10) square feet in outline area. Each sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below the vertical face of the canopy more than one (1) foot. No projection shall be permitted from any other side of the vertical face of the canopy. Such signs shall only be

illuminated by internal and nonintermittent light sources. For service stations located on corner lots, such signs may be located on each of any three (3) sides of the vertical face of the canopy, excluding canopy supports.

- h. In addition to other freestanding or attached wall signs in this Section, an individual lot or project may have a sign displaying time and temperature, and/or stock market activity not to exceed twenty-four (24) square feet in outline area per face. Such sign may be attached to the same structure of any permitted freestanding business sign, or may be a flat sign permanently affixed to the face of a building. When affixed to a building, such sign shall not project above the eave line of the roof.

G. **Sign Regulations: Temporary Signs And Attention-Getting Devices.** The provisions of this Section shall govern the erection of all temporary signs and attention-getting devices, together with their appurtenances, with respect to size, height, location, and construction.

1. **General.**

- a. A sign not permanently affixed to a vehicle or trailer which is parked or located such that the primary purpose is to display such sign is prohibited. This prohibition shall not apply to signs or lettering on buses, trucks, or other vehicles while in use in the normal course of business.
- b. For the purpose of these regulations, a temporary sign shall be considered any sign permitted for a duration not to exceed one (1) year.

2. **Advertising Or Informational Signs (On-Premises).** The following provisions shall govern the erection of all temporary advertising/informational signs and appurtenances with respect to size, height, location and construction.

- a. **Banners.** Commercial banners, except those used for real estate leasing, affixed to a fence or wall or similar structure are allowed in conjunction with a special promotion or grand opening with a temporary sign authorization. The use of a banner in conjunction with a grand opening shall be limited to a fifteen-day period. Banners used for special promotions shall be limited to thirty (30) days per calendar year for each business. Said banner shall not exceed fifty (50) square feet in outline area.
- b. **Flags.** One (1) commercial flag incorporating a business name and/or logo may be flown in conjunction with a flag display in all commercial, industrial and mixed use development districts. One (1) commercial flag incorporating a business name and/or logo used in conjunction with a flag display may be flown in the NU Non-Urban District, AG Agricultural and all residential districts operating under a conditional use permit. A minimum of three (3) flags, including a local, State or national flag in addition to one (1) permitted commercial flag shall constitute a flag display. All flag lengths, excepting the national flag, shall not exceed ten (10) feet, with a pole height not to exceed forty (40) feet. An MZA and building permit is required prior to erecting any flagpole.

- c. Garage Sale. Garage sale signs may be erected on premises in the NU Non-Urban District, AG Agricultural and all residential districts only. A temporary sign authorization is not required for garage sale signs.
 - d. Public Information Signs. Freestanding public information signs are allowed in any zoning district with a temporary sign authorization. Said signs shall not exceed thirty-two (32) square feet nor extend more than ten (10) feet above the elevation of the street adjacent, or the average existing finished grade at the base of the sign, whichever is higher. The height of any public information sign shall not exceed six (6) feet when located in the minimum front yard setback of a particular zoning district.
 - e. Sandwich Boards. Sandwich boards, not to exceed eight (8) square feet per face, may be used to convey commercial messages in all commercial districts, Industrial districts and MXD Mixed Use Development Districts. A sandwich board shall be considered as an incidental sign and therefore should not be visible from off site. At no time shall a sandwich board block a public walkway. An MZA is not required for a sandwich board.
 - f. Window Signs. Window signs may be placed on any window in addition to other permitted signs. However, the outline area of the signs, whether temporary or permanent, shall not exceed forty percent (40%) of the window in which it is placed on the first floor and shall not exceed twenty percent (20%) of any window for which it is placed on any other level of the building. The method for calculating area shall be as provided for in Section 405.04.050(F)(3) of this Article. An MZA shall not be required for window signs.
 - g. Living or human signs associated with a commercial or retail business or activity are permitted on the premises of the business for which the advertising is for. The maximum size of a sign that may be held by an individual is three (3) square feet. These signs do not require an MZA and are not permitted off-site or within the right-of-way.
3. Advertising Or Informational Signs (Off-Premises).
 - a. General. Temporary off-premises advertising/informational signs, such as portable signs attached to vehicles, are prohibited by the provisions of these regulations.
 - b. Specific Regulations And Exemptions. Banners and freestanding public information signs which convey public, not-for-profit, or civic information are permitted with a temporary sign authorization. Street banners shall not exceed thirty (30) inches by eighty-four (84) inches per face. Freestanding public information signs shall not exceed thirty-two (32) square feet in outline area or ten (10) feet in height above the elevation of the adjacent street, or average existing finished grade at the base of the sign, whichever is higher. Signs that are accessory to signage for a civic, noncommercial event shall be subject to Department approval.
 4. Political Signs: political campaign signs announcing the candidates seeking public political office and other pertinent data. The maximum area for any one (1) sign

shall be eight (8) square feet, with a total area of sixteen (16) square feet permitted for each lot or unit. These signs shall be erected only on private property and shall be removed within seven (7) days after the election for which they were made.

5. Temporary Off-Premises Directional Signs.
 - a. Temporary off-premises directional sign(s) shall be allowed for businesses where recent changes in traffic patterns adversely affect access to said businesses, as determined by the Department. Said temporary directional sign(s) may be erected for a period not to exceed six (6) months following completion of construction.
 - b. Said temporary directional sign(s) shall not exceed ten (10) square feet in outline area per face, nor extend more than six (6) feet above the elevation of the adjacent street or elevation of the average existing finished grade at the base of the sign, whichever is higher.
 - c. The height of a temporary directional sign shall not exceed three (3) feet when located within the minimum front yard setback of each particular zoning district.
 - d. No temporary directional sign shall be located on or over a public right-of-way without approval of the City of Chesterfield, and/or St. Louis County Department of Highways and Traffic, and/or the Missouri Department of Highway and Transportation, as applicable.
6. Temporary Signs: Development Related.
 - a. General. Only one (1) construction, future use of site, or subdivision promotion sign may be erected per roadway frontage at any one time after first obtaining the required zoning approval and sign permit. At no time shall guy wires or auxiliary support posts be used to anchor a temporary development related sign.
 - b. Banners, subdivision identification. Subdivision identification banners are allowed in any zoning district with a temporary sign authorization. Said banners shall not exceed thirty (30) inches by eighty-four (84) inches in sign area and shall be erected, internal to a subdivision, for a period not to exceed one (1) year.
 - c. Flags, Subdivision Promotion. Within developing subdivisions, subdivision promotion flags are allowed without securing a temporary sign authorization; however, an MZA and building permit are required prior to erecting a flagpole. Said flags shall not be flown on poles exceeding sixteen (16) feet in height with a flag length not to exceed two and one-half (2 1/2) feet.
 - d. Temporary Construction Signs.
 - (1) Construction signs which identify the architects, engineers, contractors or other individuals or firms involved with construction on a site may be erected during the construction period. Each

construction site may have no more than one (1) such sign facing each roadway on which the site has frontage. No construction sign shall exceed thirty-two (32) feet in outline area, nor exceed ten (10) feet in height above the average existing finished grade.

- (2) The signs shall be confined to the site of the construction and shall be removed no later than fourteen (14) days after completion of all construction on the site or after ninety (90) days of suspension of work. The message on a construction sign shall not include any advertisement of a product but may include information announcing the character of the business enterprise or the purpose for which the business is intended.
- (3) The maximum outline area of a temporary construction sign may be increased to sixty-four (64) square feet subject to Planning Commission approval as outlined in Section 405.04.050(C)(3) of this Article.

e. Temporary Signs Announcing Future Use Of Site.

- (1) Signs announcing the future use of a site, by a use permitted by the regulations of the particular zoning district in which the lot or development is located or by an approved special procedure permit, may be erected immediately following the approval of said use but not more than six (6) months prior to construction or development of the site. If after six (6) months construction has not commenced, the sign(s) must be removed. Signs announcing future use of a site shall be erected only on the lot or development in question and shall be removed within fourteen (14) days after the completion of construction of a building on the site in the case of a previously undeveloped site, or the occupancy of an existing building, or the beginning of the intended use of the site where no building is to be constructed.
- (2) Each site may have no more than one (1) such sign facing each roadway on which the site has frontage. No such sign shall exceed thirty-two (32) square feet in outline area per facing, nor exceed ten (10) feet in height above the average existing finished grade elevation of the sign or elevation of the adjacent street, whichever is higher.
- (3) The maximum outline area of temporary signs announcing future use of a site may be increased to sixty-four (64) square feet, subject to Planning Commission approval, as in Section 405.04.050(C)(3) of this Article.

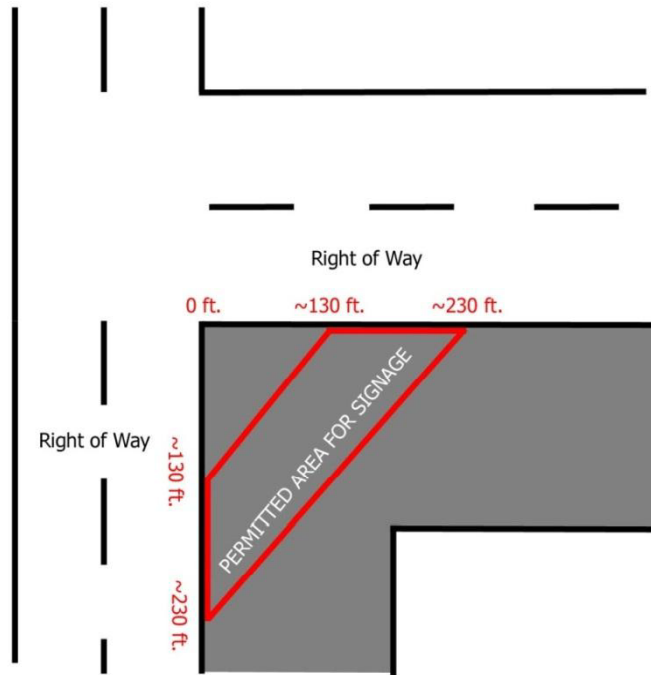
f. Subdivision Direction Signs.

- (1) For the purpose of these regulations, a subdivision direction sign is a sign placed at some location outside the limits of a residential subdivision intended to inform and direct the general public to an approved or pending development. Subdivision direction signs may not be erected until a site plan or preliminary plat has been approved

for the subject development. The message upon the sign shall be limited to the name of the subdivision, the name of the developer, insignia, price range, a directional arrow, and written directions.

- (2) Signs may have one (1) face, a face on each side of the sign board, or be V-shaped [not to exceed an interior angle of sixty degrees (60°)] and contain two (2) faces.
- (3) Subdivision direction signs may be erected on properties at any of the corners of intersecting streets, highways or roads, subject to the following criteria. See Illustration B.
 - (a) Location:
 - [1] Within the area bounded by the street right-of-way lines, a line connecting two (2) points from the street right-of-way lines one hundred thirty (130) feet from the point of intersection of the street right-of-way lines, but not including the area within the sight distance triangle; or
 - [2] Subdivision direction signs may be erected beyond a point located not closer than one hundred thirty (130) feet, but not farther than two hundred thirty (230) feet from the point of intersection of the street right-of-way lines, as measured along the right-of-way line.
 - [3] In the case of nonsymmetrical intersections, the limits established for sign placement shall be measured from the prolongation of the right-of-way lines on the opposite side of the street.
 - [4] No subdivision direction sign shall be erected within the sight distance triangle or otherwise be placed to obstruct vehicular sight distance.

Illustration B



- (b) Subdivision direction signs shall be located no closer to the street right-of-way line than permitted under the requirements for structure setbacks of the applicable zoning district.
- (c) Guy wires shall not be utilized to anchor the sign.
- (d) Subdivision direction signs shall not be located closer than twenty (20) feet to any other sign.
- (e) Not more than four (4) subdivision direction signs, each authorizing the placement of a single subdivision direction sign at a location, will be authorized for each development at any given time. Each development is allowed not more than four (4) sign locations concurrently. For the purposes of this Section, multiple plats or phases of contiguous development shall be considered a single development without regard to ownership.
- (f) All subdivision direction signs shall be removed within one (1) year of the date the authorization was issued for said sign.
- (g) A limit of one (1) sign per development shall be allowed at an intersection.
- (h) A residential subdivision located outside the City limits of the City of Chesterfield shall be permitted one (1) subdivision directional sign to be located within the City of Chesterfield.

- (i) A limit of four (4) subdivision direction signs shall be allowed per intersection. Only one (1) of the four (4) subdivision direction signs per intersection shall be permitted for a residential development located outside the City limits of the City of Chesterfield.
 - (j) Each sign face shall have a decorative border of a minimum width of one and one-half (1 1/2) inches.
 - (k) No single sign shall exceed thirty-two (32) square feet or be less than sixteen (16) square feet in outline area. The total permitted sign area allocated for an individual development shall not exceed ninety-six (96) square feet.
- (4) An MZA shall be obtained from the Department for the placement of all subdivision direction signs. Applicant must provide a written consent authorizing the removal of said sign upon permit expiration. Any existing subdivision directional sign erected prior to the establishment of this UDC shall be permitted until expiration of the municipal zoning approval.
- (5) Sign Maintenance. The permittee of any approved subdivision direction sign is required to maintain such signage in a safe and satisfactory manner. A sign is considered to be unsafe and in unsatisfactory condition if the sign contains peeling paint, and/or the sign surface or support structures are rotted, warped, damaged, faded, sun-baked or deteriorated. If the Department determines repair is needed and the owner fails to repair said sign within thirty (30) days of receiving notification of the disrepair, the City will remove such signs at the permittee's expense.
- g. Subdivision Promotion Signs.
- (1) For the purpose of these regulations, a "subdivision promotion sign" is a sign which may be erected within a subdivision in progress and which is intended to inform the general public about the project. Subdivision promotion signs may not be erected until a site plan or preliminary plat has been approved for the subject development. The message upon the sign shall be relevant to the subdivision, including the name of the subdivision, the name of the developer, insignia, price range, and related information.
 - (2) Subdivision promotion signs shall not exceed thirty-two (32) square feet. The maximum outline area of a subdivision promotion sign may be increased to sixty-four (64) square feet subject to approval by the Planning Commission as outlined in Section 405.04.050(C)(3) of this Article.
 - (3) Subdivision promotion signs shall not exceed ten (10) feet in height above the average existing finished grade at the base of the sign or above the elevation of the adjacent street.

- (4) Location.
 - (a) Subdivision promotion sign(s) may be erected at each main entrance to a subdivision or at the entry to each individual plat of a subdivision.
 - (b) No subdivision promotion sign shall be erected within the sight distance triangle or otherwise be placed to obstruct vehicular sight distance.
 - (c) No subdivision promotion sign shall be located within a street right-of-way, access easement or designated emergency accessway.
 - (5) Guy wires shall not be utilized to anchor the sign.
 - (6) An MZA shall be obtained from the Department for the placement of all subdivision promotion signs. The applicant must provide a written consent authorizing the removal of said sign upon permit expiration.
 - (7) Sign maintenance. The permittee of any approved subdivision promotion sign is required to maintain such signage in a safe and satisfactory manner. A sign is considered to be unsafe and in unsatisfactory condition if the sign contains peeling paint, and/or the sign surface or support structures are rotted, warped, damaged, faded, sun-baked or deteriorated. If the City of Chesterfield determines repair is needed and the owner fails to repair said sign within thirty (30) days of receiving notification of the disrepair, the City will remove such signs at the permittee's expense.
- h. Display House Signs.
- (1) For the purpose of these regulations a "display house sign" is a sign placed on a subdivision lot where a display house has been properly permitted by the City. The display house sign is intended to provide information to the general public related to the display home. In those instances where lots have not yet been permitted, display house signs shall only be permitted in those locations where construction has been authorized by an approved display house plat.
 - (2) A single display house promotion sign may be erected on each lot on which a display house has been erected.
- i. Attention-Getting Devices (On-Premises). Attention-getting devices, which shall include, but are not limited to, inflatables, beacons, festoons, pennants and streamers, shall be allowed in conjunction with a grand opening for each business. Said devices shall be in use for a period not to exceed fifteen (15) consecutive days and only upon the initial opening of each business. Attention-getting devices, with the exception of balloons, may be used in conjunction with a special promotion for a period not to exceed forty-five (45) days per calendar year. A temporary zoning approval is not required for an attention-getting device.

H. Sign Regulations: Exempt, Prohibited, And Real Estate Signs.

1. Exempt Signs. The following signs shall be exempt from the provisions of this UDC. However, setback and height requirements for all structures, where applicable, shall be in accord with the regulations of the particular zoning district in which the structure is located.
 - a. Official traffic or government signs, including memorial plaques and signs of historical interest.
 - b. Flags of any nation, government, or noncommercial organization.
 - c. Scoreboards on athletic fields.
 - d. Display window signs, not attached to a window, incorporated and related in content to such a display.
 - e. Temporary signs indicating a potential danger.
 - f. Public notices and legal notices required by law.
 - g. Window signs.
 - h. Signs mandated by the federal, State, local or City government.
 - i. "Now Hiring" banners under twenty-five (25) square feet and attached to a permanent structure.
 - j. Holiday or seasonal displays. Property owners and tenants shall be permitted to put up and display decorations and displays celebrating or denoting religious holidays or events, the seasons of the year, State and national holidays, and similar occasions; provided, however, that this shall not allow balloons or similar devices prohibited herein; nor shall such seasonal displays be in place for a period longer than thirty (30) days. Should any seasonal display fail to meet these criteria, it shall be considered a sign under this Section. If any seasonal display conveys a commercial advertising message or bears the name of the business, it shall be considered a sign.
 - k. Gravestones.
 - l. Statues.
 - m. Commemorative tablets and monument citations of less than ten (10) square feet that are an integral part of a permanent structure.
 - n. Incidental signs, such as signs placed on vending machines, mailboxes, or service station pumps. Any sign such as a sandwich board with a commercial message that cannot be understood from a position off-site shall be considered incidental.
 - o. Accessory signs not exceeding four (4) square feet in outline area, which have an accessory use with respect to the lot on which the sign is located.

- p. Identification signs which shall consist of lettering permanently attached to a wall or building, not exceeding four (4) square feet in outline area, which announce the name, and/or occupation of the building occupant and are absent of any illumination.
- q. Post Office Address.
 - (1) All buildings and structures having a post office address shall list the street number of such post office address on the front of the building or structure in a type of sufficient size as to be clearly visible from any street adjacent to the property. In any case where the building or structure is not visible from the street that is adjacent to the property, or if the building is more than one hundred fifty (150) feet from the street adjacent to the property, the street number must be placed at some location on said property within fifty (50) feet of the adjacent street. This number need not always be on a mailbox, but a number on the mailbox on said property will satisfy the requirements of this statute. In the case of buildings or structures which are adjacent to more than one (1) street, the number shall be visible from the street to which the post office address corresponds.
 - (2) All buildings or structures which are used for business, commercial, industrial, manufacturing or public purposes which have post office addresses shall list the street number of such post office address on the front of the building in a type of sufficient size [minimum three (3) inches, maximum twelve (12) inches] as to be clearly visible from a street adjacent to the property and on the rear of the building on the right edge of the building when facing the rear of the building and not less than six (6) feet nor more than eight (8) feet above the ground level.
- 2. Prohibited Signs. All signs not expressly permitted under this UDC or expressly exempt from regulation hereunder in accordance with the above Section are prohibited within the City of Chesterfield. Such signs shall include:
 - a. Abandoned signs.
 - b. Inflatables.
 - c. Electronic message centers.
 - d. Neon Prohibited. The use of visible neon tubing as a sign or for an architectural element, whether located on the exterior or interior of a wall or window, if visible from the street, is prohibited.
 - (1) Exceptions. Neon window "OPEN" signs are permitted and are not subject to review by the Planning Commission. Said signs shall not exceed in aggregate an area equal to more than twenty percent (20%) of the window glass area on which it is located. Said signs may not utilize an intermittent light source or flash and/or blink.

- (2) Request For Exception. Requests for the allowance of a neon sign shall be made to the Planning Commission, which shall review the same in accordance with the following criteria:
 - (a) A written statement from an architect explaining the intended use of the neon lighting and its relationship to the project and surrounding environment shall be submitted to the Planning Commission demonstrating that the neon will encourage, promote, or reward good architecture and/or urban planning.
 - (b) The light plan, including neon, shall be submitted for review to the Department and shall adhere to all conditions set forth in this Section of the UDC.
 - (c) In reviewing a request for such an exception, the Planning Commission shall consider safety, design and other factors deemed appropriate and shall verbally make a record relative to its specific determination.
 - e. Off-premises signs, other than those specified previously in this Section of the UDC.
 - f. Portable signs, unless used to convey public, not-for-profit, or civic information.
 - g. Projecting signs.
 - h. Rooftop signs.
 - i. Signs attached or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of a business.
 - j. Signs affixed to bus stop shelters or other similar structures.
3. Real Estate Signs. Real estate signs advertising the sale, rental or lease of a property or portion thereof may be erected on the property being offered. Each property may have no more than one (1) such sign facing each roadway on which the property has frontage. These signs may be either freestanding or attached wall signs or banners. Such signs shall be confined to the property in question and shall be removed within fourteen (14) days after the sale, rental or lease being advertised. A sign permit and MZA shall not be required for freestanding real estate signs which are not greater than twenty-five (25) square feet in outline area.
 - a. Total area of real estate signs in the "FP Flood Plain District, PS Park and Scenic District, NU Non-Urban District, AG Agricultural" or any residential district on vacant, undeveloped property containing five (5) or more acres in area shall not exceed thirty-two (32) square feet in outline area per frontage or eight (8) feet in height.
 - b. Total area of other real estate signs located in the FP Flood Plain District, PS Park and Scenic District, NU Non-Urban District, AG Agricultural, and

all residential districts shall not exceed sixteen (16) square feet in outline area per frontage or three (3) feet in height.

- c. Total area of real estate signs located in any commercial, industrial, or mixed use zoning district shall not exceed thirty-two (32) square feet in outline area per frontage or five (5) feet in height.
- I. Sign Regulations: Nonconforming Signs. Information on nonconforming signs may be found in Article 7 of this UDC.
 - J. Sign Regulations: Real Estate Signs. The following provisions shall govern the erection of all real estate signs, together with their appurtenant and auxiliary devices with respect to size, number, height, location and construction.
 1. Real Estate Signs. Real estate signs advertising the sale, rental or lease of a property other than single-family residential property or portion thereof may be erected on the property being offered.
 - a. Signs Erected Prior To Occupancy Of A Building.
 - (1) Each property may have no more than one (1) such sign facing each roadway on which the property has frontage. These signs may be either freestanding, attached wall sign, or banner attached to the unoccupied building.
 - (2) Such signs shall be confined to the property in question and shall be removed within fourteen (14) days after the closing of the sale, rental or lease being advertised.
 - (3) A sign permit shall not be required for freestanding real estate signs which are not greater than nine (9) square feet in outline area; however, an MZA is required for all real estate signs.
 - (4) Real estate signs in the FP Flood Plain District, PS Park and Scenic District, NU Non-Urban District, or any residence district on vacant, undeveloped property containing five (5) or more acres in area shall not exceed thirty-two (32) square feet in outline area per facing. Signage for parcels less than five (5) acres shall not exceed nine (9) square feet in outline area per facing.
 - (5) Real estate signs located in any commercial, industrial district, or mixed use zoning district shall not exceed thirty-two (32) square feet in outline area per facing.
 - b. Signs Erected After Occupancy Of A Building.
 - (1) Each property may have no more than one (1) such sign facing each roadway on which the property has frontage. These signs shall be freestanding.
 - (2) Such signs shall be confined to the property in question and shall be removed within fourteen (14) days after the closing of the sale, rental or lease being advertised.

- (3) Signs shall not exceed sixteen (16) square feet in outline area per facing.
 - (4) Approval shall be required by the City of Chesterfield for all signage with the exception of those in the FP Flood Plain District, PS Park and Scenic District, NU Non-Urban District, or any residence district.
2. Application shall include:
 - a. Information on how such sign coordinates with the overall sign package for the development.
 - b. For real estate signs indicating property for rent or lease, a report shall accompany the application indicating the available lease space. Such reports shall be updated on a yearly basis (January 1) for as long as the sign is being requested.
3. Residential Real Estate Open House Sign On Public Streets. Residential real estate open house directional signs may be placed in accordance with the restrictions on signs set forth in this Section. All residential real estate open house directional signs are subject to the following conditions:
 - a. Size. The total face area of the signs shall not exceed three (3) square feet in size. No attention-getting devices shall be attached to any residential real estate open house directional sign.
 - b. Height. The vertical distance measured from ground level to the highest point of such sign or sign structure or other support shall not exceed three (3) feet.
 - c. Local Address. The sign shall only advertise a residence in the City of Chesterfield or for a property which can only be accessed through the City of Chesterfield.
 - d. Limit. No more than six (6) signs per property for sale or lease shall be posted, and not more than one (1) sign at each required change of travel direction.
 - e. Type. Signs shall be mounted either on stakes placed in the ground or with an A-frame support of sufficient weight so that the sign remains upright when mounted. Signs and any supporting structures shall be maintained in good condition at all times and shall be constructed out of quality materials normally used in professional signage.
 - f. Location. No sign shall be placed, used or maintained in the following manners:
 - (1) On trees, traffic signs or utility poles, nor be placed in such a manner as to obstruct the view of any official public sign.
 - (2) In any location that obstructs the safe and convenient use by the public of any street, sidewalk, or curbside parkway area as determined by the City of Chesterfield.

- (3) In any roadway area or center median area.
 - (4) At any location whereby the clear space for the passageway of pedestrians is reduced to a width that violates the Americans with Disabilities Act.
 - (5) On streets undergoing construction, nor on streets with special events.
 - (6) Within five (5) feet of any of the following: traffic signal; traffic sign; designated bus stop sign; bus bench; or any other bench on the sidewalk.
- g. Residential real estate open house directional signs shall only be displayed between 9:00 A.M. and 3:00 P.M. on Tuesdays and from 12:00 P.M. to 6:00 P.M. on Sundays, and only on days of an open house.
 - h. Identification Required. Every person who places or maintains a residential real estate open house sign on the streets of the City of Chesterfield shall have his or her name, address, and telephone number affixed to the signs.
 - i. Any sign installed, placed, or deposited in violation of the provisions of this UDC may be summarily removed by the City.

Section 405.04.060. Air Navigation Space Regulations.¹⁵

[CC 1990 § 31-04-06; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Scope Of Provisions. This Section contains the air navigation space regulations for the City of Chesterfield. These regulations shall apply in that part of the City of Chesterfield as hereinafter indicated.
- B. Statement Of Intent. The air navigation space regulations shall establish height limitations for structures and trees within proximity to aircraft landing approach areas and major airport maneuvering areas.
- C. Airport Zones. Airport zones are hereby created and established in that part of the City of Chesterfield and shall comprise all of the land lying beneath the City of Chesterfield area airport approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces. Except as otherwise provided in this Section, no object shall be erected, altered, maintained, planted, or be allowed to grow in any zone created by this Section to a height in excess of the applicable height limitations herein established for such zone. A tract of land located in more than one of the following zones shall be deemed to be in the zone with the more restrictive height limitation. Other regulations appearing in this UDC that are inconsistent herewith are superseded to the extent of such inconsistency.
- D. Height Limitations. The various zones and their height limitations are hereby established and defined as follows:

¹⁵. Cross Reference: See also Ch. 245, Aircraft And Aviation.

1. Utility Runway Visual Approach Zone: shall have a width at its inner edge coinciding with the width of the runway's primary surface, as defined in Section 405.04.060(E) of this Article, and expanding outwardly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. The center line of the approach zone shall be the continuation of the center line of the runway. The height limitations shall be established by an imaginary plane sloping twenty (20) feet outward for each foot upward, commencing at the end of and at the same elevation as the primary surface, as specified in Section 405.04.060(E) of this Article, and extending to a horizontal distance of five thousand (5,000) feet along the extended runway center line.
2. Utility Runway Nonprecision Instrument Approach Zone: shall have a width at its inner edge of five hundred (500) feet, and expanding outwardly from the primary surface to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. The center line of the approach zone shall be the continuation of the center line of the runway. The height limitation shall be established by an imaginary plane sloping twenty (20) feet outward for each foot upward, commencing at the end of and at the same elevation as the primary surface, as specified in Section 405.04.060(E) of this Article, and extending to a horizontal distance of five thousand (5,000) feet along the extended runway center line.
3. Larger Than Utility Runway With A Visibility Minimum Greater Than Three-Fourths (3/4) Mile Nonprecision Instrument Approach Zone: shall have a width at its inner edge coinciding with the width of the runway's primary surface, as defined in Section 405.04.060(E) of this Article, and expanding outwardly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. The center line of the approach zone shall be the continuation of the center line of the runway. The height limitations shall be established by an imaginary plane sloping thirty-four (34) feet outward for each foot upward commencing at the end of and at the same elevation as the primary surface, as specified in Section 405.04.060(E) of this Article, and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line.
4. Larger Than Utility Runway With A Visibility Minimum of Three-Fourths (3/4) Mile Nonprecision Instrument Approach Zone: shall have a width at its inner edge of one thousand (1,000) feet and expanding outwardly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. The center line of the approach zone shall be the continuation of the center line of the runway. The height limitations shall be established by an imaginary plane sloping thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface, as specified in Section 405.04.060(E) of this Article, and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line.
5. Precision Instrument Runway Approach Zone: shall have a width at its inner edge of one thousand (1,000) feet and expanding outwardly to a width of sixteen

thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. The center line of the approach zone shall be the continuation of the center line of the runway. The height limitations shall be established by an imaginary plane sloping fifty (50) feet outward for each foot upward commencing at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line; thence sloping upward one (1) foot vertically for each forty (40) feet horizontally to an additional distance of forty thousand (40,000) feet along the extended runway center line.

6. **Transitional Zones:** the areas beneath the transitional surfaces. The height limitations shall be established by an imaginary plane sloping seven (7) feet outward for each foot upward, commencing at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation, as specified in Section 405.04.060(E) of this Article. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety-degree angles to the extended runway center line.
7. **Horizontal Zone:** is established by swinging arcs of five thousand (5,000) feet (for all runways designated utility or visual) or ten thousand (10,000) feet (for all other types of runways) radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Zone does not include the Approach and Transitional Zones. The height limitation shall be established by an imaginary plane lying one hundred fifty (150) feet above the airport elevation, as designated in Section 405.04.060(E) of this Article.
8. **Conical Zone:** is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet. The height limitation shall be established by an imaginary plane sloping twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation, as designated in Section 405.04.060(E) of this Article, and extending to a height of three hundred fifty (350) feet above the said airport elevation.

E. **General.**

1. For purposes of this Section, the City of Chesterfield area airports shall be defined to include the following: Spirit of St. Louis Airport, 18260 Edison. The aforesaid airport shall be identified and described as follows:

Airport	Elevation (feet)	Runway Number	Runway Orientation	Runway Type	Runway Length (feet)	Width of Primary Surface (feet)	Runway Construction
Spirit of St. Louis	460	8 Right	076°	Precision Instrument	6,000	1,000	Paved
Spirit of St. Louis	460	6 Left	256°	Precision Instrument	6,000	1,000	Paved
		8 Left	076°	Utility	3,800	250	Paved
		26 Right	256°	Visual			

2. Nothing in these regulations shall be construed to prohibit the emplacement, construction, maintenance, or growth of any object not exceeding a height of thirty-five (35) feet above the airport elevation at the base of such object as specified in Section 405.04.060(D) of this Article.
3. Notwithstanding any other provisions of this UDC, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
4. The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change or alteration of any object not conforming to the regulations as of the effective date of this UDC, or otherwise interfere with the continuance of the nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any object, the construction or alteration of which was begun prior to the effective date of this UDC, and is diligently prosecuted. Notwithstanding the preceding provision of this Subsection, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Planning and Development Services Director to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport to be protected thereby.

Section 405.04.070. Subdivisions.

[CC 1990 § 31-04-07; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. General.

1. Purpose. The purpose of these regulations is to control the division of land within the City of Chesterfield in order to promote the public health, safety, and general welfare of the City by regulating the division and redivision of land in order to

lessen congestion in the streets and highways; to further the orderly development and appropriate use of land; to establish accurate records of land subdivisions; to protect land title; to implement the general plan; to secure safety from fire, and other dangers; to facilitate adequate and coordinated provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to preserve natural features, such as stands of trees, streams, significant rock formations, historical landmarks; and, in general, to facilitate the orderly coordinated, efficient, and economic development of the City of Chesterfield.

2. Administration. The Department may adopt, amend, and publish rules and instructions within the intent of this UDC for the administration of this UDC to the end that the public be informed and that approval of plats be expedited.
 3. Parcels Of Land Created By Court Order. Any court ordered division of a tract of land must comply with the requirements of this UDC.
- B. Large-Lot Subdivision. Where the proposed division of land constitutes a large-lot subdivision, the following provisions shall apply:
1. Lot Design Standards. The standards of Section 405.04.080(B), Single-family residential lot design standards, of this Article shall apply in addition to the following:
 - a. Access for proposed lots may be provided by private roadway easements which may be included as part of the gross area of the lot. Lots with double frontage shall normally have driveway access to the internal private roadway or local street. Any other access shall be approved where justifiable topographic and other site conditions are presented which prohibit access from the internal street.
 - b. Building setbacks of the zoning district shall be observed from designated private roadway easement lines and public rights-of-way.
 - c. Where there is a question as to the feasibility of access to a desirable building site from the proposed roadway due to factors such as creeks, steepness of terrain, or other adverse natural physical conditions, the Department may withhold approval until engineering studies are presented to the Department which establish that the site is accessible.
 - d. All lots containing three (3) acres or more shall have a minimum width at the building line of two hundred (200) feet.
 - e. Minimum frontage width shall be determined at the building line, except that lots fronting on a circular turnaround shall have a minimum width at the required building line of one hundred (100) feet.
 2. Improvements.
 - a. No improvement plans are required for large-lot subdivisions, unless the streets therein are proposed by the developer for dedication to the City of Chesterfield.

- b. Streets.
- (1) Private roadway easements shall have a minimum width of fifty (50) feet. Minimum pavement requirements set forth in Section 405.04.090(C) of this Article are not applicable to roadway easements for servicing large-lot subdivisions.
 - (2) When a large-lot subdivision is proposed adjacent to a street that is accepted and maintained by the City of Chesterfield, or St. Louis County (arterial roads), right-of-way dedication may be required as necessary for the relocation or widening for an adjoining county or City road.
- c. Sidewalks shall not be required for a large-lot subdivision.
- d. Water Supply. In the absence of a public water supply, wells shall be constructed or a connection to a private water supply system shall be provided so that an adequate supply of potable water will be available to every lot in the subdivision. The standards for same shall comply with the requirements of the Missouri Department of Natural Resources.
- e. No stormwater drainage improvements shall be required for a large-lot subdivision except where individual lot access is requested to an existing public street or where necessary to control erosion or damage to a street right-of-way to be dedicated to the City of Chesterfield in which case the provisions of Section 405.04.080(I), Storm sewers, of this Article shall apply and land subdivision improvement bonds or escrows shall be provided by the developer in accordance with Article 02 of this UDC.
- f. Sanitary Sewers.
- (1) Where an approved publicly or privately owned sanitary sewer is not located within two hundred (200) feet and reasonably accessible, but where plans for installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Missouri Department of Natural Resources, the Department of Public Services, MSD, or private sewer district, within their limits, the developer shall install sewers in conformity with such plans, although a connection to an existing main may not be immediately practicable. In such cases, and until a connection is made with an approved publicly or privately owned sewer system, the use of a sewage treatment facility will be permitted, provided that such disposal facilities are constructed in accordance with the regulations and requirements of the Missouri Department of Natural Resources and this UDC and constructed under the observation and inspection of MSD or private sewer company, within its limits, and the Department of Public Services.
 - (2) Where no sewers are accessible and no plans for same have been prepared, the developer shall install sewer lines and a disposal system in accordance with the requirements of the preceding subsection. In areas outside MSD boundaries, the developer may instead install an individual sewage disposal system for each lot, but each such

individual sewage disposal system shall comply with the regulations and requirements of the Missouri Department of Natural Resources and be constructed under the observation and inspection of, and approved by the Department of Public Services.

- g. Reflectorized street signs shall not be required for large-lot subdivisions other than at each intersection of a designated private roadway easement with an existing or proposed publicly maintained street. Such signs shall be placed within the public right-of-way in accord with the standards of the City of Chesterfield.
 - h. In a large-lot subdivision, a streetlight shall be required only at each intersection of a private roadway easement with an existing or proposed publicly maintained street.
 - i. No landscape plan shall be required for a large-lot subdivision.
 - j. For large-lot subdivisions, monuments shall be required at corners and angle points of the outboundary only. Individual lots therein shall be identified by monuments at boundary corners, and at other such locations selected by the developer. Public streets within a large-lot subdivision shall contain monumentation to identify the street right-of-way as required for subdivisions of lots of less than three (3) acres.
3. Private Agreements.
- a. A trust indenture shall be required for a large-lot subdivision only in the event that common land or recreational facilities are contained within the subdivision. However one may be utilized for streetlights and roads.
 - b. If no indenture is utilized, all large-lot subdivisions shall have recorded, with or on the plat, a statement guaranteeing road maintenance.
 - c. Private restrictions proposed for the subdivision shall be reviewed by the Department and City Attorney and shall be referenced on the record plat.

Section 405.04.080. Subdivision Design Standards.

[CC 1990 § 31-04-08; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

The size, shape, and orientation of lots and the orientation of structures shall be designed to provide desirable building sites logically related to topography, natural features, streets, parking areas, common land (if any), other structures, and adjacent land uses. Due regard shall be given to natural features, such as large trees, unusual rock formations, watercourses, and sites which have historical significance, scenic views, and similar assets, the preservation of which would add attractiveness and value to the subdivision.

A. Improvements.

- 1. Plans for improvements shall be prepared by a registered professional engineer; and the streets, storm sewers, sidewalks, pedestrianways (unless waived by the

Department or Commission), and sanitary sewers shall be staked by a registered land surveyor.

2. The owner of the tract may prepare and secure tentative approval of a final subdivision plat of the entire tract, but the improvements shall be either installed or guaranteed in the form of a land subdivision bond, or an escrow agreement in a portion of the area for which a record plat is approved for recording. However, all improvements required by the City shall be complete and approved prior to issuance of more than eighty-five percent (85%) of the building permits of all lots in the subdivision plat.
 3. Utilities, including water mains, streets, storm and sanitary sewers, and sewage treatment plants shall be designed and built or guaranteed by escrow to serve the platted area or be designed and built or guaranteed by escrow to serve the area to be initially developed in such a manner that they can easily be expanded or extended, as the case may be, to serve the entire drainage area or watershed.
 4. Required improvements for large-lot subdivisions are addressed in Section 405.04.070(B) of this Article.
 5. Acceptance And Final Approval. Before the developer's obligation to the City of Chesterfield is terminated, all required improvements shall be constructed under the observation and inspection of the inspecting agency and accepted for maintenance or given final approval by the City.
- B. Single-family Residential Lot Design Standards. The design standards set forth in this Section are the minimum design standards to be used by the single-family residential subdivision. Unless otherwise set forth below, the standards and procedures established elsewhere in this Article as applicable to all subdivisions, shall apply to residential subdivisions as well.
1. Street Frontage.
 - a. Each proposed lot containing an area of less than three (3) acres shall front upon a street accepted by the City of Chesterfield or improved to the standards and specifications of the City of Chesterfield.
 - b. Double Frontage.
 - (1) Lots with double frontage should be avoided, except where necessary to provide separation of the subdivision from traffic arteries, or as otherwise required by topography or similar conditions.
 - (2) A solid fence or other improvement (including walls, plantings, or berms) may be required by the Planning and Development Services Director as necessary for screening along the line of lots abutting such an arterial street.
 - (3) Lots with double frontage shall normally have driveway access to the internal subdivision street.
 - c. Driveway access to the street shall not be located within ten (10) feet of an existing street catch basin.

2. Lot Area Calculations.
 - a. The lot area shall meet the requirements of this UDC.
 - b. Where additional widening strips are dedicated on existing streets, calculations of the area of a lot shall not include widening strips in determining the gross area of the lot, except that private roadway easements for the servicing of large-lot subdivisions may be included as part of the gross area of the lot.
3. Minimum Width Of Lots At Required Building Line.
 - a. Residential lots shall conform to the following minimum requirements:
 - (1) All lots containing an area of less than seven thousand five hundred (7,500) square feet shall have a minimum width at the required building line of fifty (50) feet.
 - (2) All lots containing an area of seven thousand five hundred (7,500) square feet, but less than ten thousand (10,000) square feet, shall have a minimum width at the required building line of sixty (60) feet.
 - (3) All lots containing an area of ten thousand (10,000) square feet, but less than fifteen thousand (15,000) square feet, shall have a minimum width at the required building line of seventy (70) feet.
 - (4) All lots containing an area of fifteen thousand (15,000) square feet, but less than twenty-two thousand (22,000) square feet, shall have a minimum width at the required building line of eighty-five (85) feet.
 - (5) All lots containing an area of twenty-two thousand (22,000) square feet, but less than one (1) acre, shall have a minimum width at the required building line of one hundred (100) feet.
 - (6) All lots containing one (1) acre, but less than two (2) acres, shall have a minimum width at the required building line of one hundred twenty-five (125) feet.
 - (7) All lots containing two (2) acres, but less than three (3) acres, shall have a minimum width at the required building line of two hundred twenty-five (225) feet.
 - (8) All lots containing three (3) acres or more shall have a minimum width at the required building line of three hundred (300) feet.
 - b. Minimum frontage widths shall be determined at the required building line as stated in this UDC.
4. Circular Turnaround.
 - a. Frontage. The minimum width required for a lot fronting on a circular turnaround may be measured along a line parallel to the street right-of-way line, at a distance from the street right-of-way line equal to the depth of the required front yard plus ten (10) feet.

- b. **Building Line.** The minimum building line will in no event be less than fifteen (15) feet from any road maintenance and utility easement. However, this UDC may require a greater front yard or building line setback.
 - c. The minimum width at the right-of-way line for lots fronting a circular turnaround shall be not less than thirty-six (36) feet.
 5. **Side Lot Lines.** Side lot lines shall be right angles to straight streets and radial to curved streets except when radial lot lines detract from the desirability of the lot.
 6. **Corner Lots.**
 - a. Corner lots for residential use shall have adequate width to permit appropriate building lines from both streets.
 - b. Corner lots located at the intersection of major and local roadways shall normally have driveway access from the local roadway, if possible. Driveways shall be located as far from the street intersection as practicable and will not, under any circumstances, be permitted within the sight distance triangle serving the intersection as described in this UDC.
 7. **Flag Lots.**
 - a. Flag lots will be allowed for lots that contain a minimum of ten thousand (10,000) square feet. Flag lots of lesser area may be approved by the Planning and Development Services Director.
 - b. The access portion of such lots shall have a minimum width of forty (40) feet.
 - c. Flag lots shall not be further subdivided into additional lots unless a public road is constructed to City standards.
 - d. No more than two (2) flag lots may have adjoining driveway entrances to a public right-of-way.
 - e. The front building line for flag lots shall be established on both the access portion and on the building site portion of the lot in accord with provisions of the particular zoning district.
 8. **Exceptional Development Conditions.** Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formation, soil conditions, steepness of terrain, flood conditions, or other adverse natural physical conditions, the Department may, after adequate investigation, withhold approval of such lots until engineering studies are presented to the Department which establish that the method proposed to meet any such condition is adequate to avoid any danger to health, life, or lot improvement.
 - C. **Multiple-Family Residential Subdivision Design Standards.** The design standards as set forth in this Section are the minimum standards for the multiple-family residential subdivision. Unless otherwise set forth below, the standards and procedures established elsewhere in this Article as applicable to all subdivisions shall apply to multiple-family subdivisions as well.

1. Lots.
 - a. A multiple-family residential subdivision may consist of only one (1) parcel of land or may include separate lots for one (1) or more multifamily buildings or may include separate lots for each dwelling unit.
 - b. If divided into lots, such lots shall not be deemed lots for the purpose of determining minimum lot area as provided in Article 03 of this UDC; provided, however, that the total number of dwelling units does not exceed the maximum density requirements of the zoning district or of any special procedure ordinance enacted pertaining to the tract.
 2. Street Frontage. Any such lots need not front or abut directly on a street, provided that suitable access and easements are provided for both vehicular and pedestrian traffic.
 3. Circular Turnaround; frontage. The minimum building line will in no event be less than fifteen (15) feet from any road maintenance and utility easement. However, this Article or any other Article of this UDC may require a greater front yard or building line setback.
 4. Parking Areas.
 - a. Parking bays on multiple-family access streets may be accepted by the Department to satisfy off-street parking space requirements in multiple-family subdivisions.
 - b. Parking areas should be of sufficient dimension to accommodate a nine-foot-by-nineteen-foot parking bay independent of the driveway aisles. All internal parking lot aisles shall be not less than twenty-two (22) feet in width.
 5. Yard Limitations. In the event the plan proposes the construction of dwelling units either with walls joined together or having a common wall but on separate lots, such group of dwelling units or walls, or both shall be deemed one (1) structure for the purpose of determining the side, front, and rear yard limitations of this UDC.
 6. Party Wall Cross Easement Agreements. If the proposed subdivision necessitates the creation of party wall agreements, cross easements, or other similar agreements to be of record for the use and benefit of two (2) or more dwelling units, the developer shall submit to the Department all such agreements or indentures at the time of submission of the record plat for approval.
- D. Nonresidential Subdivision Design Standards. The design standards as set forth in this Section are the minimum design standards to be used by the nonresidential subdivider. Unless otherwise set forth below, the standards and procedures established elsewhere in this Article as applicable to all subdivisions shall apply to nonresidential subdivisions as well.
1. Lots.

- a. The lot size, width, and depth shall be appropriate for the location and type of development contemplated and shall conform to the requirements of this UDC for the district in which the nonresidential subdivision is proposed.
 - b. A minimum road frontage of fifty (50) feet or direct access by a fifty-foot road easement or right-of-way or recorded cross easement shall be required for nonresidential lots of any size.
 - c. Lots adjacent to residential areas shall be buffered by providing for additional depth of lots.
 - d. Off-street loading shall be arranged to eliminate street maneuvering by vehicles using loading facilities.
2. Blocks. There shall be no restriction of maximum block length in a nonresidential subdivision.
 3. Sidewalks And Pedestrianways.
 - a. Sidewalks shall not be required in a nonresidential subdivision developed in an M-1 or M-2 Industrial Zoning District, unless required by Subsection (D)(3)(b) below.
 - b. The Department may require pedestrianways, sidewalks, and fencing in a nonresidential subdivision to provide access to parks, schools, shopping areas, or similar facilities, or as otherwise necessary to insure the public safety.
 4. Survey Monuments. Survey monuments shall not be required in a nonresidential subdivision except as set forth below:
 - a. A permanent survey marker, as defined in Section 405.04.080(F) of this Article, shall be placed on at least two (2) corners of each intersecting street in a nonresidential subdivision and at each corner of the subdivision outboundary, and each survey marker shall be placed by a land surveyor. Additional survey monuments shall not be required in the resubdivision of a lot of a recorded nonresidential subdivision.
 - b. The permanent survey monuments may be placed after all streets and related utilities have been installed in the portion of the nonresidential subdivision being improved.
- E. Easements.
1. All proposed subdivisions shall have easements as determined by the Department to be adequate for the installation and maintenance of utility facilities, including cable television distribution systems.
 2. Where a cut or fill for a street extends beyond the limits of the right-of-way, the developer shall provide a slope easement or special escrow as determined by the City of Chesterfield to be of sufficient area and limits to permit the construction and maintenance of the slope.

3. Whenever a stream or surface drainage course is located in an area proposed for a subdivision, the developer shall provide an easement determined by the Department to be adequate in area to contain facilities to take care of flooding or erosion along the stream or surface drainage course.
4. Stormwater And Stormwater Control Easements.
 - a. Stormwater easements and drainage rights-of-way may be required if necessary for proper drainage within and through a subdivision.
 - b. Stormwater control easements are required along all major creeks and significant tributaries; around and including all new wet lakes functioning as part of a stormwater control system; and for all detention areas, basins, and related structures.
 - c. Stormwater control easements shall include a minimum dimension of twenty (20) feet back from the bank of improved creek channels as approved on improvement plans, or of such width back from unimproved channels as required by MSD. Easements shall include a distance of not less than ten (10) feet back from the estimated high water line of lakes, dry detention areas, and basins.
 - d. Final location of stormwater control easements shall be approved by MSD, the county and the City as part of the improvement plan approval. Such easements shall subsequently be shown on a record plat or special easement plat.
 - e. In addition to stormwater control easements, stormwater control access easements shall be required as necessary to provide for upkeep of the area within designated stormwater control easements. Separately designated access easements shall not be less than twenty (20) feet wide.
 - f. The Department shall require script on the record plat, or trust indentures for all development containing stormwater control easements and access easements to such areas, specifying assessments for and maintenance of such particular areas apart from other common land, until MSD accepts the easements.

F. Survey Monuments.

1. Where none are existing, survey monuments shall be placed by a registered land surveyor at street corners; i.e., at a four-way intersection, two (2) corners are required to be monumented, and at a three-way intersection, one (1) corner is required to be monumented. For all other types of intersections, monuments shall be placed as determined by the City of Chesterfield. In addition, monuments shall be so located as to find angle points, points of tangency of curves on one side of the street, and at all outboundary corners.
2. Should conditions prohibit the placing of any monuments at the above locations, offsetting of the permanent marker is permitted; provided, however, that the exact offset courses and distances are shown on the letter of certification when

monuments are set. If a monument would be in a driveway, a cross would be permitted in concrete; and a steel pin, iron pipe, or railroad spike in asphalt.

3. Monuments shall be of Portland cement concrete, four (4) inches square on the top tapering to six (6) inches square on the bottom; stone, four (4) inches square or larger; and iron pipe or steel pins, from one-half (1/2) inch to one and one-half (1 1/2) inches in diameter. All monuments noted above will have a length of two (2) feet or longer.
4. An existing permanent benchmark or a new permanent benchmark shall be accessibly established and shall be accurately noted on the record subdivision plat.

G. Sidewalks.

1. Sidewalk Requirements.

- a. Sidewalks shall be required on both sides of all streets, except for:
 - (1) Cul-de-sac streets containing eight (8) or fewer single-family lots, including corner lots.
 - (2) The circular bulb portion of all culs-de-sac.
 - (3) In the R-1 Zoning District, where the minimum lot frontage is one hundred twenty-five (125) feet on loop streets of not more than twenty-six (26) lots and on cul-de-sac streets of not more than thirteen (13) lots.
 - (4) Large-lot subdivisions.
 - (5) Industrial development within the M-1 or M-2 Zoning Districts.
- b. Sidewalks Shall Be Constructed To City Specifications. The minimum requirements for sidewalks shall be as follows:
 - (1) All sidewalks shall be a minimum of four (4) feet wide. However, wider sidewalk widths will be required on high-volume streets and at locations adjacent to obstructions.
 - (2) All sidewalks shall be four (4) inches thick, except in residential driveways, where a six-inch thickness shall be required, and in nonresidential driveways, where a thickness of seven (7) inches shall be required.
 - (3) Where sidewalks are located adjacent to a vertical curb within a street intersection, wheelchair ramps will be required.
 - (4) Where sidewalks are to be located adjacent to a roadway under the jurisdiction of the Missouri Department of Transportation and/or St. Louis County, they may be required to be placed in a public easement outside of the State or county right-of-way. Maintenance of walks along State or county rights-of-way shall be the responsibility of the property owners or the trustees of the subdivision.

2. Sidewalk Variance Procedure. A petitioner may apply to the Department for deletion of sidewalks, including submittal of an alternate sidewalk plan, through the utilization of the variance procedure in accord with Article 02 of this UDC. Along the county arterial roadways, the St. Louis County Department of Highways and Traffic shall be requested to provide the Department with recommendations concerning conditions within road right-of-way involved with a request for variance or alternate sidewalk plans. The Department may grant a variance in the following cases:
 - a. Where sidewalks are not deemed necessary for the public safety or where topographical or other conditions make their installation and use impractical.
 - b. Where tracts of land are created having at least three hundred (300) feet of frontage which could be resubdivided into smaller lots at a future time.
 - c. Where the subdivision designer has submitted for review a proposed sidewalk plan that provides for more direct and safer movement of pedestrian traffic.
 - d. Where justifiable conditions can be shown that the strict application of the requirements contained in this Section would:
 - (1) Impose practical difficulties or particular hardship; or
 - (2) Cause additional walks that would not be in the public interest, and public safety could be adequately accommodated without the sidewalks;
 - e. Where it would mandate the removal of mature trees or desirable natural features.

H. Water Mains.

1. Where the Department determines that an approved public water supply is reasonably accessible or procurable, it shall be made available to each lot within the subdivided area. The developer shall install fire hydrants as determined by the appropriate fire protection district in accordance with the requirements of the Insurance Office of Missouri.
2. In the absence of a public water supply, wells shall be constructed, or a connection to a private water supply system shall be provided, so that an adequate supply of potable water will be available to every lot within the subdivision. The information furnished and the approval of same shall comply with the requirements of the Missouri Department of Natural Resources. The water supply system shall be constructed under the observation and inspection of the Department.

I. Storm Sewers.

1. Storm drainage improvements consisting of storm sewer systems or open channels shall adequately drain the areas being developed. No change in

watersheds shall be permitted. All stormwater shall be discharged at an adequate natural discharge point.

2. The design of drainage improvements shall be coordinated to the extent possible with present and probable future improvements so as to form part of an integrated system.
3. Storm drainage facilities located within subdivided lots and common land areas shall be the maintenance responsibility of the abutting property owners or subdivision trustees.
4. Adequate provisions shall be made for this disposal of stormwater, in accordance with the specifications and standards of the Metropolitan St. Louis Sewer District where applicable, or any other legally constituted districts, and the City of Chesterfield.
5. Erosion and siltation control devices shall be required as directed by the City of Chesterfield.

J. Sanitary Sewers.

1. Where an approved publicly or privately owned sanitary sewer system is located within two hundred (200) feet and reasonably accessible, and meets the requirements of the Missouri Department of Natural Resources, and the Department of Public Services, the developer shall connect with such sanitary sewer and provide an adequate service connection to each lot. Sewer connections and subdivision sewer systems shall comply with the regulations of the Missouri Department of Natural Resources, Metropolitan St. Louis Sewer District (MSD) within its limits, and the Department, and shall be constructed under the observation and inspection of MSD, when within its limits, or the Department, where applicable, and shall be approved by same, or a privately owned sewer company when applicable.
2. Where an approved publicly or privately owned sanitary sewer is not reasonably accessible, but where plans for installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Missouri Department of Natural Resources and the Department, and MSD within its limits, the developer shall install sewers in conformity with such plans, although a connection to an existing main may not be immediately practicable. In such cases, and until a connection is made with an approved publicly or privately owned sewer system, the use of a sewage treatment facility will be permitted, provided that such disposal facilities are constructed in accordance with the regulations and requirements of the Missouri Department of Natural Resources and this UDC and constructed under the observation and inspection of MSD, within its limits, or the Department.
3. Where no sewers are accessible and no plans for same have been prepared, the developer shall install sewer lines and a disposal system in accordance with the requirements of the preceding subsection. Individual sewage disposal systems shall not be used in a subdivision containing more than ten (10) lots, except in large-lot subdivisions. A developer may install an individual sewage disposal system for each lot, if the following criteria are met:

- a. He or she must have MSD approval within its limits.
 - b. Each lot must have a minimum width of one hundred (100) feet, and contain a minimum area of thirty thousand (30,000) square feet when no public water system is available or twenty thousand (20,000) square feet where public water is available.
 - c. The individual sewage disposal system shall comply with the regulations and requirements of the Missouri Department of Natural Resources.
 - d. Each disposal system shall be constructed under the observation and inspection and approval by the Department and by MSD when within its limits.
- K. Test Boring. The Department may require evidence as to the subsurface soil, rock, and water conditions of the tract to be developed.
- L. Grading.
1. Where the preliminary plat indicates that extensive grading and compaction are probable, the City of Chesterfield may require the submission of additional information and modifications in the proposed plat before the developer may grade any land to be subdivided.
 2. A grading permit or approved improvement plans are required prior to any grading on the site. Erosion and siltation control devices shall be required as directed by the City of Chesterfield.
 3. Proposed grading which creates a change in watersheds shall not be permitted.
- M. Pedestrianways And Common Land Access For Maintenance.
1. The Department may require pedestrianways to provide access to parks, schools, shopping areas, public transportation facilities, common land, or similar facilities, or where otherwise necessary to promote the public safety.
 2. In the event that a pedestrianway is required, the pedestrianway shall be provided for in accord with the following:
 - a. A minimum of twenty (20) feet of right-of-way shall be provided for the required pedestrianway.
 - b. If the pedestrianway is necessary to provide access to an area intended for the installation of active recreation facilities, a walkway shall be required within the pedestrianway. The walkway shall be constructed with four-foot wide and four-inch thick Portland cement pavement or other all-weather surface on a grade longitudinally not exceeding eight percent (8%) unless steps are provided as a part of the walkway.
 - c. No building permit will be issued on lots abutting the walkway required within a pedestrianway until the walkway has been constructed.
 3. Common Land Access For Maintenance. Whenever areas designated and platted as common land contain facilities for retention lakes or ponding or recreational

uses, the periodic maintenance of which requires use of heavy equipment, access to the common land shall be of sufficient width, reasonably graded, to facilitate maintenance equipment and constructed of materials appropriate to accommodate such equipment as approved by the Department.

- N. **Underground Wiring For Subdivisions.** All electric and telephone distribution lines shall be installed underground, except those overhead distribution feeder lines necessary to serve that subdivision and in locations as approved by the Department. Cable switching enclosures, pad-mounted transformers, and service pedestals may also be installed above ground and may be installed as a part of the streetlighting standards where approved by the Department. The Department may approve aboveground installations in whole or part for nonresidential subdivisions only when a request is submitted by the developer with documentation that supports the impracticability of installing such utility lines underground.

Section 405.04.090. Streets.

[CC 1990 § 31-04-09; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. Improvements.

1. All streets shall be graded and the roadway improved by surfacing. Roadway surfacing shall be in accordance with City standards and specifications. All grading and surfacing shall be done under observation and inspection of the City of Chesterfield and shall be subject to its approval. The treatment of the intersection of any new street with a State highway and any additional required widening of an adjoining State highway shall be subject to approval by the District Engineer of the State of Missouri Department of Transportation.
2. At such times as a subdivision is proposed adjacent to an existing street, that street shall be improved to current City specifications. Additional right-of-way and the cost of improvement of half of the right-of-way adjacent to the proposed subdivision shall be included in the overall subdivision improvements. The improvements shall be made to current City specifications and standards.
3. In certain cases involving the subdivision of a tract or tracts of land, the reservation of right-of-way areas may be required for future road improvements as authorized by the preliminary plat for that tract.

B. Street Standards. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and proposed streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The following standards shall apply:

1. **General Standards.** These apply to residential and nonresidential types of subdivisions.
 - a. The developer shall make provision for the extension and relocation of major, collector, and local streets which affect the property. Streets normally shall connect with streets already established, or provide for future

connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivision tracts. Permanent pavement terminus locations shall be constructed with appropriate pavement circles and/or pavement loops to provide for the necessary continuous turning movements.

- b. Where a subdivision abuts or contains an existing or proposed major street, the Department may require frontage or service streets, double frontage lots with screen planting, and nonaccess strips at the rear of such lots.
- c. Street intersection jogs or discontinuities with center-line offsets of less than one hundred (100) feet shall be avoided.
- d. Reserved strips of land which control or limit access at the terminus of streets are prohibited.
- e. A tangent of less than one hundred (100) feet in length shall be avoided between reverse curves on major and collector streets.
- f. A subdivision entrance street shall intersect the major or collector street with an interior angle between seventy degrees (70°) and ninety degrees (90°) and be positioned to provide adequate sight distance along each intersecting roadway as determined by the City of Chesterfield.
- g. All streets intersecting major or collector streets shall be directly opposite existing or other proposed streets or shall be a minimum of three hundred (300) feet distant as measured between street center lines.
- h. Where a collector street enters or connects with a major street, intersection geometrics shall be provided as directed by the City of Chesterfield. Additional traffic lanes or other widening, pavement thickness, drainage facilities, granular base, traffic control devices, and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions.
- i. All public and private streets shall have standard right-of-way widths and shall be constructed to City of Chesterfield standard specifications.
- j. Any subdivision platted along an existing street shall provide additional right-of-way, not to exceed twenty (20) feet on either side.
 - (1) When the subdivision is located on one side of an existing street, required right-of-way width shall be provided measured from the center line of the right-of-way as originally established or as traveled. The center line must meet requirements of the City of Chesterfield with regard to radius when located on a curved roadway.
 - (2) Additional right-of-way beyond twenty (20) feet may be requested by the City of Chesterfield subject to approval by the Department. Appeals to this requirement are subject to the provisions of Article 02 of this UDC.

- k. The Department may require a street to be dedicated to public use wherein it is deemed in the best interest of the traveling public in order to provide circulation.
- l. No building permit may be issued for any lots abutting a temporary turnaround as shown on any recorded subdivision plat unless and until the temporary turnaround is actually constructed and has been approved by the City of Chesterfield. In addition, no building permit will be issued for display units on proposed lots that would be located where temporary turnarounds are required. The Department may grant a variance, provided that the following conditions are met:
 - (1) The developer submits to the Department statements from all prospective lot purchasers affected by the temporary turnaround, excluding the developer himself, declaring that they agree to the use of their driveways for executing the turnaround movements at the terminus of the street and acknowledging that any repairs made necessary due to damage to the driveway caused by the use of their driveway for the turnaround movement shall in no way be deemed the responsibility of the City of Chesterfield; and
 - (2) Provide an easement for the turnaround movement approved by the City of Chesterfield.
- m. A subdivision plat involving new or existing streets crossing railroad tracks shall provide adequate rights-of-way, including approach rights-of-way and slope easements for construction of an underpass or overpass, unless otherwise specified by the Planning Commission. Approval of the Public Service Commission and the City of Chesterfield must be received in connection with all railroad crossings.
- n. Maintenance of private streets shall be the sole responsibility of the property owners or trustees of the subdivision.
- o. When streets are proposed as private, the developer shall be required to have a trust indenture and a statement on the record plat establishing the method for providing continuous maintenance of streets, as well as storm sewers.
- p. Any public roads proposed within a development and located within the floodplain shall be protected from flood damage as directed by the City of Chesterfield.
- q. Signs Required For Private Streets.
 - (1) Subdivisions built with private streets after the effective date of this UDC shall be required to have a sign prominently displayed at the entrance(s) to the private streets. These signs shall comply with standards established by the Department [minimum size twelve (12) inches by eighteen (18) inches] and shall contain the following required disclosure language (appropriate to the situation):

"The streets in this subdivision are private. The (Pick one from the list in brackets) [owners or homeowners' association or condominium association] is responsible for all repairs and maintenance."

- (2) Installation of these signs shall be the responsibility of the developer, and the cost for same shall be included in the escrow established for subdivision improvements. The developer shall be responsible for all maintenance and/or replacement of these signs until such time as all of the trustees are residents of the subdivision, at which time the trustees will be responsible for all maintenance and/or replacement of these signs.
- r. Sleeves for future electric and water services shall be installed to any nonpaved area isolated by street pavement. The sleeve shall extend one (1) foot beyond pavement and shall be marked with a metal marking wire for future tracing.
2. Residential Standards. In addition to the above, the following shall apply for residential developments:
 - a. A minimum radius of twenty (20) feet at street right-of-way intersection and a minimum radius of thirty-two (32) feet at the back of the curb or edge of pavement shall be required. Greater radii may be required at the intersection and at the back of curb or edge of pavement of a street with a major or collector street as directed by the City of Chesterfield. The Department may permit comparable cut-offs or chords in lieu of rounded corners.
 - b. All stub streets shall be constructed with a temporary turnaround.
 - c. Signs Required For Stub Streets.
 - (1) All stub streets built after the effective date of this UDC shall have a sign prominently posted at the end of the street and a sign prominently posted at the entrance to the stub street. These signs shall comply with standards established by the Department [minimum size twelve (12) inches by eighteen (18) inches] and shall contain the following required disclosure language:

"This is a temporary stub street. This street to be extended as part of future development."
 - (2) Installation of these signs shall be the responsibility of the developer, and the cost for same shall be included in the escrow established for subdivision improvements. The developer shall be responsible for all maintenance and/or replacement of these signs until such time as all of the trustees are residents of the subdivision, at which time the trustees will be responsible for all maintenance and/or replacement of these signs.
 - d. All stub streets proposed after November 17, 1997, shall be designed to meet the minimum requirements set forth in the matrix tables in Section

405.04.090(C) of this Article which follows. Consideration should be given to the fact that a stub street which is classified as a local street for the current development may be required to be reclassified as a collector street when adjacent developments are constructed. When this possibility exists, the City of Chesterfield shall require that the stub street be constructed to collector street standards as set forth in the matrix tables in Section 405.04.090(C) of this Article.

- e. All streets shall be designed to meet the minimum requirements set forth in the matrix tables which follow in Section 405.04.090(C) of this Article, with the exception of large-lot subdivisions to which such requirements are not applicable. These matrix tables are designed to provide the maximum allowable flexibility in street construction standards, while at the same time insuring the protection of the public interest. The widths of right-of-way and pavement are allowed to vary as functions of the type of street and the corresponding intensity of use.
- f. Roadway easements for the servicing of large-lot subdivisions shall have a minimum width of fifty (50) feet.
- g. Streets within subdivisions in the NU Non-Urban District utilizing the density development procedure shall have a minimum pavement width of twenty-four (24) feet and shall be private.
- h. A street on which residential lots front and which parallels but is not adjacent to a railroad right-of-way shall be at a distance from the railroad right-of-way sufficient to provide lots with a minimum depth of one hundred sixty (160) feet.
- i. The pavement width set forth in the matrix tables found in Section 040-09(C) of this Article which follows does not allow for parking, nor will parking be permitted on the streets. For each parallel parking space adjacent to these streets an additional width of ten (10) feet shall be provided. Additional parking requirements shall be as provided herein and by the standards established by the Commission.
- j. All developments with lots solely fronting on major streets should have a turnaround maneuvering area which eliminates having to back out onto streets.
- k. Alleys.
 - (1) Alleys may be provided in a residential district and shall be at least twenty (20) feet wide and shall be constructed according to City standards.
 - (2) Alleys with one-way traffic and designed as a loop for proper traffic circulation shall have at least fourteen (14) feet of pavement width, be located in a twenty-foot easement, and be constructed according to City standards.

- (3) All alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed to permit safe vehicular movement.
- (4) A dead-end alley shall have an adequate turnaround facility at its termination.

- 1. Blocks shall not exceed one thousand five hundred (1,500) feet except as the Department deems necessary to secure the efficient use of land or desired features of street layout.

C. Street Specification Matrix Tables.

- 1. The following is the Street Specification Matrix Table providing general requirements:

Matrix 1: Street Specification Matrix-General Requirements						
District	Street Type	Minimum Frontage at Building ⁴ (feet)	Maximum Right-of-way ⁶ (feet)	Maximum Loop Length/ Lots Served	Cul-de-sac Length/ Lots/ Units Served	Pavement Width/ Lots Served (feet)
R-1, E-2AC and E-1AC	Local	125	44 if loop or cul-de-sac; 50 if otherwise ¹	2,800 feet 45 lots	800 feet 13 lots	26 ⁷
	Collector ³	125	60	—	—	38
R-1A, E-1/2AC	Local	100	50 40 ²	2,600 feet 50 lots	750 feet 15 lots	26 ⁷
	Collector ³	100	60	—	—	38
R-2	Local	85	50 40 ²	2,450 feet 56 lots	700 feet 16 lots	26
	Collector ³	85	60	—	—	38
R-3	Local	70	50 40 ²	2,310 feet 81 lots	660 feet 23 lots	26
	Collector ³	70	60	—	—	38
R-4	Local	60	50 40 ²	2,200 feet 78 lots	630 feet 25 lots	26
	Collector ³	60	60	—	—	38
R-5	Local	50	50 40 ²	2,100 feet 91 lots	600 feet 26 lots	26
	Collector ³	50	60	—	—	38
R-6A	Local	On review	55 45 ⁴	On review	On review	32
	Collector ³	On review	60	On review	On review	38
R-6	Local	On review	55 45 ⁴	On review	On review	32
	Collector ³	On review	60	On review	On review	38

Matrix 1: Street Specification Matrix-General Requirements						
District	Street Type	Minimum Frontage at Building⁴ (feet)	Maximum Right-of-way⁶ (feet)	Maximum Loop Length/ Lots Served	Cul-de-sac Length/ Lots/ Units Served	Pavement Width/ Lots Served (feet)
R-7	Local	On review	55	On review	On review	32
			45 ⁴			
	Collector ³	On review	60	On review	On review	38
R-8	Local	On review	55	On review	On review	32
			45 ⁴			
	Collector ³	On review	60	On review	On review	38

NOTES:

- ¹ Exception: In the R-1 Zoning District, where the minimum lot frontage is one hundred and twenty-five (125) feet, sidewalks may be omitted on loop streets of not more than twenty-six (26) lots and on cul-de-sac streets of not more than thirteen (13) lots. The right-of-way requirement would then be thirty-four (34) feet, with additional easements as required for drainage and utilities; however, a minimum building line of forty (40) feet shall be maintained.
- ² In any residential zoning district where eight (8) or fewer single-family lots, including corner lots, are proposed on a cul-de-sac street which will not contain sidewalks, a forty-foot right-of-way is permitted with additional easements as required for drainage and utilities.
- ³ Right-of-way and pavement widths indicated are minimum requirements. Additional widths may be required based on traffic study as directed by City of Chesterfield.
- ⁴ Minimum frontage is a function of lot size and is determined as explained in Section 405.04.080(B) of this Article.
- ⁵ Where no sidewalks are required, a forty-five-foot right-of-way is permitted with additional easements as required for drainage and utilities.
- ⁶ As an option, the right-of-way width may be reduced by ten (10) feet with the placement of required sidewalks within a five-foot-wide sidewalk, maintenance, utility and roadway widening easement. If said option is chosen, the distance from the established right-of-way to the building line shall be increased by five (5) feet.
- ⁷ Twenty-six-foot standard; twenty-foot standard if designed as a loop or cul-de-sac street, provided that the cul-de-sac does not serve more than thirteen (13) lots and loops limited to forty-five (45) lots.

2. The following is the Street Specification Matrix Table providing criteria and standards for turnarounds:

Matrix 2: Street Specification Matrix-Criteria and Standards for Turnarounds		
District	Street Type	Criteria and Standards
E-2AC, E-1AC, E-1/2AC, R-1, R-1A	Local	54-foot, radius right-of-way, 42-foot pavement radii, 26-foot pavement width with island optional
	Collector	Optional: 62-foot radius road maintenance and utility easement, 55-foot radius right-of-way, 55-foot pavement radii, 24-foot pavement width for turnaround only
R-2, 15,000 sq. ft.	Local	54-foot radius right-of-way, 42-foot pavement radii, 26-foot pavement width with island optional
	Collector	Optional: 62-foot radius road maintenance and utility easement, 55-foot radius right-of-way, 55-foot pavement radii, 24-foot pavement width for turnaround only

Matrix 2: Street Specification Matrix-Criteria and Standards for Turnarounds		
District	Street Type	Criteria and Standards
R-3, 10,000 sq. ft.	Local	54-foot radius right-of-way, 42-foot pavement radii, 26-foot pavement width with island optional
	Collector	Optional: 62-foot radius road maintenance and utility easement, 55-foot radius right-of-way, 55-foot pavement radii, 24-foot pavement width for turnaround only
R-4, 7,500 sq. ft.	Local	54-foot radius right-of-way, 42-foot pavement radii, 26-foot pavement width with island optional
	Collector ¹	Optional: 62-foot radius road maintenance and utility easement, 55-foot radius right-of-way, 55-foot pavement radii, 24-foot pavement width for turnaround only
R-5, 6,000 sq. ft.	Local	54-foot radius right-of-way, 42-foot pavement radii, 26-foot pavement width with island optional
	Collector	Optional: 62-foot radius road maintenance and utility easement, 55-foot radius right-of-way, 55-foot pavement radii, 24-foot pavement width for turnaround only
R-6A	Local	26-foot pavement, 42-foot outer pavement radius, inner pavement radius 16-foot when designed with optional island
	Collector	Not applicable
R-6	Local	26-foot pavement, 42-foot outer pavement radius, inner pavement radius 16-foot when designed with optional island
	Collector	Not applicable
R-7	Local	26-foot pavement, 42-foot outer pavement radius, inner pavement radius 16-foot when designed with optional island
	Collector	Not applicable
R-8	Local	26-foot pavement, 42-foot outer pavement radius, inner pavement radius 16-foot when designed with optional island
	Collector	Not applicable

NOTE:

¹ Right-of-way and pavement widths indicated are minimum requirements. Additional widths may be required based on traffic study as directed by the City of Chesterfield.

D. Nonresidential Standards. In addition to those standards described elsewhere in Section 405.04.090 of this Article, the following shall apply to nonresidential developments:

1. Pavement Width And Right-Of-Way.
 - a. All streets in a nonresidential subdivision shall be designed to meet at least the minimum requirements of pavement width and right-of-way width as set forth in the following table, except where additional requirements are determined by the Department to be necessary in which case the Department shall receive prior determination from the City of Chesterfield.

Nonresidential Subdivision Street Design Criteria			
Type of Street	Minimum Right-of-Way (feet)	Minimum Pavement Width (feet)	Minimum Road Maintenance and Utility Easement in feet on both sides of Right-of-Way
Local access and minor	40	26	10
Collector	50	38	10
Major	60	51	10

2. Minimum pavement widths shown above are to be measured from back to back of curbs.
3. Collector streets in a nonresidential subdivision may be built in two (2) stages of two (2) lanes each stage.
4. A minimum radius of thirty-two (32) feet at the back of the curb or edge of pavement shall be required at all local street intersections in a nonresidential subdivision, except tracts developed in an M-1, M-2, M-3, LI, or PI Industrial Zoning District, which shall require a minimum radius of forty-five (45) feet at all street intersections. Intersections of major and collector streets shall require intersection geometries as directed by the City of Chesterfield.
5. All curbs shall be six-inch minimum vertical curb with appropriate wheelchair ramps where sidewalks are required.
6. Culs-De-Sac.
 - a. The Department may approve culs-de-sac of more than six hundred (600) feet in nonresidential subdivisions, but all such culs-de-sac shall have a turnaround with a minimum diameter at the back of the curb of at least one hundred and ten (110) feet. In some cases, the Department may determine that a diameter of eighty-four (84) feet is appropriate where parking areas can be utilized for turnaround movements.
 - b. Islands shall not be required in turnarounds in a nonresidential subdivision.
7. Alleys. Alleys or other provisions for service access may be required by the Department in nonresidential subdivisions only where other provisions have not

been made for service access, such as off-street loading, unloading, and parking, which provisions are adequate for the uses proposed within the subdivision.

8. Right-Of-Way Dedication At Railroad Crossings. There shall be no requirement for a nonresidential subdivision to provide for rights-of-way, including approach right-of-way and slope easements, for construction of an underpass or overpass where a street in a nonresidential subdivision crosses railroad tracks, except in the case of major and collector streets as defined elsewhere in this Article. Where at-grade crossings of railroad tracks occur, the installation of electric warning signals or other precautionary measures may be required if deemed by the Commission to be necessary for the public safety. Approval of the Public Service Commission and the City of Chesterfield is required for all railroad crossings.
9. Private Streets.
 - a. Private streets may be permitted in nonresidential subdivisions.
 - b. The pavement thickness of such streets shall be constructed to City standards.

E. Street Names.

1. Proposed through or collector streets which are continuations of, or in general alignment with, existing named streets shall bear the names of such existing streets.
2. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing or platted street.
3. All the names of streets proposed by the subdivider shall be approved by the United States Postal Service, Customer Services Department, and the Department prior to submitting the proposed record plat for review.

F. Street Signs.

1. Reflectorized street signs bearing the name of the street, as designated on the record plat, shall be placed at all street intersections.
2. The City of Chesterfield shall approve the location and inspect the installation of street name signs in all subdivisions.
3. The size, height, and type of sign shall be in accordance with the specifications of the City of Chesterfield.
4. Street signs shall not be required for large-lot subdivisions other than at each intersection of a designated private roadway easement with an existing or proposed public street.

G. Disclosure Of Responsibility For Street Maintenance.

1. So long as there shall be a private street or a street not accepted by the City of Chesterfield for maintenance within any subdivision, no person shall sell, lease, rent, offer to sell, lease or rent, or advertise for sale, lease or rental, any dwelling unit or nonresidential property without disclosing to each prospective purchaser

or tenant his responsibility with respect to subdivision streets in the manner required by this Section. For the purpose of this Section, "prospective purchaser or tenant" includes any person making inquiry of any responsible party with respect to purchase, rental, or lease of a dwelling unit or nonresidential facility.

2. Required Disclosure.
 - a. Disclosure shall be made to each prospective purchaser or tenant in substantially the following form, where applicable:

"The streets in this subdivision are private. The owners, homeowners' association, or condominium association is responsible for all repairs and maintenance."

or

"The construction design of these streets has been approved by the City. Until such time as streets are accepted by the City for maintenance, the owners, homeowners' association, or condominium association will be responsible for all repairs and maintenance."

or

"The streets in this subdivision which are constructed below the flood elevation are private. The owners are responsible for all repairs and maintenance."
 - b. Such modifications of the above language shall be made, and only such modifications may be made, as are necessary to plainly and accurately portray the current and future status of subdivision streets. Any reference in such disclosure to a board of trustees or managers or similar persons shall further disclose the manner of selection of existing and future trustees or managers and the manner in which any costs borne by such persons will be defrayed.
3. Responsible Parties. The requirements of this Section shall be complied with by any developer, development corporation, lender, title company, real estate broker, corporation, agent, manager or management corporation, and each agent or employee of any of the foregoing to the extent of involvement in marketing of subdivision property.
4. Specific Requirements. It is the responsibility of each responsible party to accomplish the disclosure required by this Section. Without limiting the generality of this obligation, a copy of the required disclosure, in any event:
 - a. Shall be prominently posted in the sales office;
 - b. Shall be contained in a contract for the sale, lease, or rental of a dwelling unit or nonresidential facility, and if not printed in red letter or similar contrasting and noticeable colors, shall be specifically pointed out to a prospective purchaser or tenant prior to execution of any such contract; and
 - c. Shall be printed in readily legible type on any map or plat used for marketing purposes.

5. Exceptions. The disclosure required by this Section need not be made:
 - a. In advertising by billboard, radio, television, or newspaper.
 - b. By a person presently owning or leasing and who has never owned or leased within the subdivision or development more than the single unit which is proposed to be sold, leased, subleased, or rented.
6. Preapproval Of Modified Disclosure.
 - a. Any proposed modification of the language of the required disclosure shall be submitted to the Director or officer appointed by the City Council for approval prior to use.
 - b. The Director or officer appointed by the City Council shall approve any modification which is factually accurate and serves to inform a prospective purchaser or tenant at least as well as the language set forth above.
 - c. Any approved modification of the required disclosure may be used in lieu of the above language so long as the same is factually accurate.

Section 405.04.100. Driveway Access Location And Design Standards.

[CC 1990 § 31-04-10; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Purpose. The purpose of the Chesterfield Driveway Access Location and Design Standards is to recognize the City's desire to minimize the number of permitted access points in an effort to improve traffic flow, minimize congestion, and enhance the public safety. The number of access points may be restricted, even to the extent that all other criteria may be met.
- B. Scope Of Provisions. The Chesterfield Driveway Access Location and Design Standards are supplemented and qualified by additional general regulations as published by the Department and other appropriate departments of the City and are incorporated as part of these design standards by reference.
- C. General.
 1. The specifications and guidelines set forth in this Section are to be applied to all roadways and properties that abut roadways within the City, unless otherwise indicated.
 2. This Section shall be deemed to be supplemental to other Sections regulating the use of public property, and in case of conflict, this Article shall govern.
 3. Adequate sight distance to observe roadway traffic shall be provided for a vehicle entering a roadway from a driveway.
 4. Upon the petitioner establishing unique and unusual circumstances that make it difficult to apply these standards, the petitioner's engineer, after establishing the unique and unusual circumstances, may apply for a variance to the recommended dimensions set forth in this Article if warranted by specific traffic conditions. The

Department may approve said deviation only upon the establishment that it is in the public interest that same be approved.

5. It shall be unlawful for any person to cut, break, or remove any curb along a street, except as granted by the issuance of a special use permit or the approval of improvement plans.
6. It shall be unlawful for any person to construct, alter, or extend, or permit or cause to be constructed, altered, or extended, any driveway approach adjacent to a public street that can be used as a parking space on the area between the curb and private property. No parking behind the curb, within the public right-of-way, is permitted.

D. Location Of Driveway Access.

1. In making a determination as to the location of driveway access, the Department shall consider:
 - a. The characteristics of the proposed land use;
 - b. The existing traffic flow conditions and the future traffic demand anticipated on the development and the adjacent street system;
 - c. The location of the property;
 - d. The size of the property;
 - e. The orientation of structures on the site;
 - f. The number of driveways needed to accommodate anticipated traffic;
 - g. The number and location of driveways on existing adjacent and opposite properties;
 - h. The location and carrying capacity of adjacent intersections;
 - i. Proper geometric design of driveways;
 - j. The spacing between opposite and adjacent driveways;
 - k. Internal circulation between driveways;
 - l. The speed of traffic on the adjacent roadway;
 - m. Pedestrians, sidewalks, cyclists, and other modes of transportation; and
 - n. Surrounding terrain and vegetation, relative to sight distance.
2. Nonresidential developments shall not be permitted driveway access that requires backing maneuvers in a public street right-of-way for parking or loading areas.
3. A single-family housing unit's driveway access shall not be restricted relative to backing maneuvers; however, whenever possible, driveway access to arterial and collector streets for a single-family housing unit shall utilize turnouts or a circular type driveway.

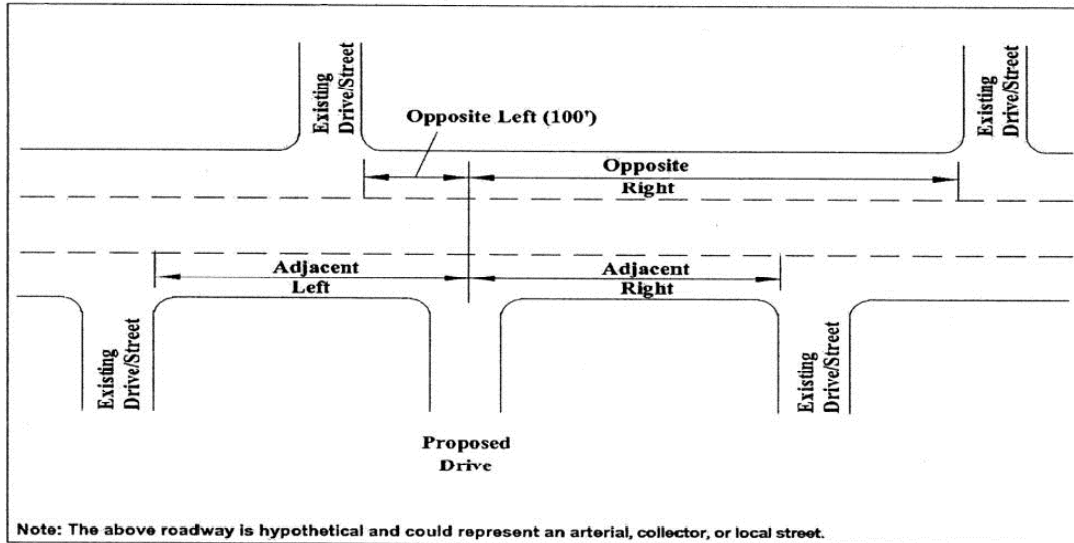
4. One (1) curb cut shall be allowed for access to single-family residential lots. More than one (1) curb cut may be allowed upon approval by the City Engineer.
5. For corner tracts, access to residential lots shall be provided from the lesser (lowest classification) street. The determination as to the lesser (or greater) street shall be made by the City Engineer and based on the functional street classification and traffic.
6. Driveway access to gated developments shall be as approved by the City Engineer. At a minimum, a stacking distance of sixty (60) feet shall be provided, and a turnaround for rejected vehicles, designed to accommodate a single unit truck, must be provided in advance of the gate.
7. No cuts through a left-turn reservoir of a median shall be permitted in order to provide for left-turn movements to driveway approaches.
8. Driveways in right-turn-lane transition areas shall be as approved by the Department.
9. When a commercial, industrial or multifamily development abuts more than one (1) public street, access to each abutting street may be allowed only if the following criteria are met:
 - a. It is demonstrated that such access is required to adequately serve driveway volumes and will not be detrimental or unsafe to traffic operations on public streets. The Department may require the submittal of a traffic study, which demonstrates that such access is required.
 - b. The minimum requirements, as set forth in Figure A2, for corner clearance for commercial or multifamily driveways are met.
 - c. The proposed access does not promote cut-through traffic.
 - d. It is demonstrated that such access is required to adequately provide access for emergency responders.

E. Spacing Of Driveway Access.

1. Application of the Chesterfield Driveway Access Location and Design Standards requires identification of the functional classification of the street on which access is requested and then application of the appropriate spacing requirements.
2. The functional classification of streets in the City is identified on street maps maintained by the Department. The functional classification of any street in the City not indicated as an arterial or collector street on this plan shall be determined using the functional street classification defined by the American Association of State Highway and Transportation Officials (AASHTO) Green Book, A Policy on Geometric Design of Highways and Streets.
3. Driveway access spacing shall be measured from the center line of the proposed driveway pavement to the nearest edge of the roadway pavement (paved shoulder or back of curb) of the adjacent or opposite driveway or street as indicated in

Figure A1. The driveway spacing requirements shall not apply to single-family lots accessing local streets.

Figure A1 - Measuring Driveway Access



4. Opposite right driveways shall be located no closer than the minimum requirements of Table A1.

Table A1: Opposite Right (Downstream) Drive Spacing

Street Classification	Required Minimum Spacing, (feet)	Exception to Required Minimum Spacing ¹ (feet)
Major arterial	400	300
Minor arterial	350	225
Collector	300	175
Local street ²	225	125

NOTES:

- ¹ Exceptions to the required minimum spacing may be requested for existing developments with insufficient frontage and approved by the Department. In addition, drives with higher volumes may require greater offsets.
- ² The driveway spacing requirements shall not apply to single-family lots accessing local streets.

5. Additional opposite right spacing over and above that set forth in Table A1 may be required if it is determined by the Department that there is insufficient left-turn storage or weave maneuver area between the opposite right and proposed driveway. This determination shall be made under peak traffic conditions.

6. A minimum of one hundred (100) feet shall be required for opposite left drives for all street classifications where no center-line medians are constructed.
7. If the center line of an opposite drive is less than fifteen (15) feet from the center line of the proposed drive, the drives form an intersection and the minimum spacing requirements shall apply for the closest adjacent drive.
8. Adjacent drives shall be located no closer than the minimum requirements of Table A2.
9. When necessary, and to maximize spacing and limit access points, the Department may require shared access.

Table A2: Adjacent Drive Spacing

Street Classification	Required Minimum Spacing (feet)	Exception to Required Minimum Spacing¹ (feet)
Major arterial	350	275
Minor arterial	300	230
Collector	235	185
Local street ²	150	100

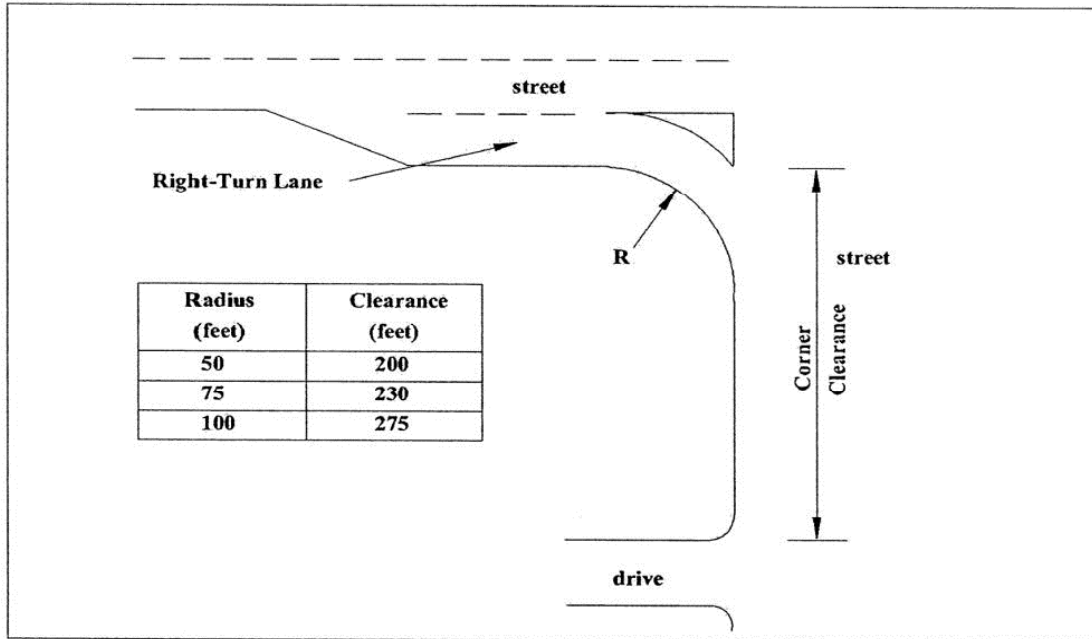
NOTES:

- ¹ Exceptions to the required minimum spacing may be requested for existing developments with insufficient frontage and approved by the Department. In addition, drives with higher volumes may require greater offsets.
- ² The driveway spacing requirements shall not apply to single-family lots accessing local streets.

F. **Corner Clearance.** Corner clearance for driveway access shall meet or exceed the minimum driveway spacing requirements for that roadway. When minimum spacing requirements cannot be met due to lack of frontage and all means to acquire shared access drives or cross access easements have been exhausted, the following requirements shall apply:

1. At intersections of arterials with channelized right-turn lanes with yield control, a corner clearance distance in accordance with those set forth in Figure A2 shall be required for the first downstream driveway. This distance shall be measured from the channelized median to the nearest edge of the proposed driveway as indicated in Figure A2.

Figure A2 - Downstream Corner Clearance



2. No driveway approach on a corner lot may be located closer than thirty (30) feet to local streets, seventy-five (75) feet to collector streets, one hundred (100) feet to minor arterials and one hundred twenty (120) feet to major arterials. This measurement shall be taken from the intersection of the prolonged property lines at the corner, as shown on Figure A2. Where applicable, easement lines shall be substituted for property lines. When these requirements cannot be met due to lack of frontage, the driveway may be located such that the radius or flare will begin at the farthest property line.

G. Shared Or Cross Access.

1. A joint private access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of said easement shall be determined by the City Engineer.
2. Private cross access easements may be required across any lot fronting on an arterial or collector street in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement shall be determined by the City Engineer.

H. Maximum Number Of Nonresidential Entrances. The number of nonresidential entrances for each property or site shall be restricted on the basis of traffic requirements as determined by the City Engineer. The maximum number allowed, if all traffic requirements are satisfied, shall be as indicated in Table A3.

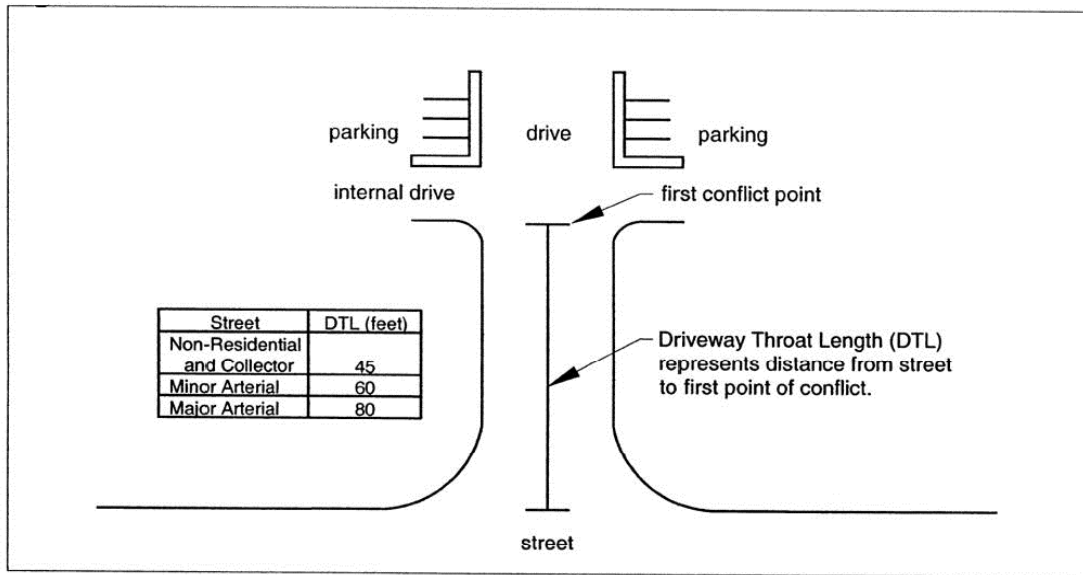
Table A3: Nonresidential Entrances

Frontage (feet)	Maximum Number Nonresidential Entrances
Less than 200	1
200 to 500	2
500 to 1,000	3

I. Geometric Design Of Driveway Access.

1. Any driveway approach located within the public right-of-way shall meet the City's standards.
2. Edges of curb openings for driveways shall be a minimum of five (5) feet clear distance from the nearest edge of street stormwater inlets and ten (10) feet clear distance from street corner radius point.
3. In the case of corner lots, no parts of a driveway shall be constructed within the sight distance triangle area bounded by the property lines of a corner lot and a line connecting two (2) points on the property lines, each measured thirty (30) feet from the intersection of the two (2) property lines at the intersection.
4. The maximum width of residential driveway approaches measured at the property line shall not exceed twenty-six (26) feet in width, while the minimum width shall not be less than ten (10) feet.
5. The maximum width of commercial, industrial and multifamily driveway approaches for two-way operation shall not exceed forty (40) feet except that the City Engineer may issue permits for driveway approaches greater than forty (40) feet in width on major streets to handle special traffic conditions. The minimum width of commercial and multifamily driveway approach for two-way operation shall not be less than twenty-four (24) feet.
6. The combination of the width of two (2) driveways for residential circular drives shall not exceed thirty-two (32) feet, if two (2) curb cuts are approved per Section 405.04.100(D)(4) of this Article.
7. The angle of driveway approach shall be between seventy degrees (70°) and ninety degrees (90°) for one-way drives.
8. A minimum driveway throat length of forty-five (45) feet for nonresidential local streets and collector streets, sixty (60) feet and eighty (80) feet for arterials, as shown in Figure A5 shall be required to allow free flow for traffic entering the site in order to avoid traffic into the development causing delays to the through traffic stream. A minimum driveway throat length of one hundred twenty-five (125) feet shall be required on signalized driveways, or longer as may be recommended by a traffic study; and a minimum driveway throat length of two hundred fifty (250) feet shall be required for commercial retail centers that have over two hundred thousand (200,000) gross feet of leasable floor area. The "driveway throat length" shall be defined as the distance from the street to the first point of conflict in the driveway.

Figure A5 - Access Points



9. For the benefit of traffic safety and flow on collector and arterial streets, tapered or channelized deceleration lanes for vehicles turning right into high-volume or intersection-type driveways may be required if warranted. Design of right-turn deceleration lanes shall be in accordance with the AASHTO Green Book on auxiliary lanes. The spacing requirements for driveways not meeting the specifications in Tables A1 and A2 may be lessened or waived if tapered or channelized deceleration lanes are used.
 10. Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is necessitated by the traffic generated from the development.
- J. **Street Structures.** No driveway shall interfere with public facilities such as streetlight or traffic signal poles, signs, fire hydrants, crosswalks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The City Engineer is authorized to order and effect the removal or reconstruction of any driveway constructed prior to the adoption of these standards which is found to be a nonconforming structure and when the driveway needs to be reconstructed or relocated due to the evident public need. ("Public need" includes, but is not limited to, changes required for: public safety, traffic flow, pedestrian concerns, maintenance requirements, changes in street structure in the area, flood control and/or street drainage, etc.). The cost of reconstructing or relocating such driveways shall be at the expense of those creating the reconstruction or relocation need and/or those receiving the benefit.
- K. **Permits.**

1. Any plans submitted for building approval which include or involve driveways shall be referred to the City Engineer for review and/or approval under one (1) of the two (2) following procedures before a building permit is issued:
 - a. New property development under improvement plans. Approval of driveway location and design for new properties and/or developments included in the property's improvement plan shall be considered the permit for driveway installation as submitted.
 - b. Special use permits. Any property owner desiring a new and different driveway or an improvement to an existing driveway at an existing residential or nonresidential property shall make application for a special use permit, in writing, on such forms as are provided by the City, and designating the contractor who will do the work, to the City Engineer. The application shall be accompanied by a sketch or drawing clearly showing the driveway, parking area, or driveway to be connected and the measured location of the nearest existing driveways on the same or opposite sides of the roadway. The City Engineer will prescribe the construction procedure to be followed.
2. Special use permits are not required when an existing residential driveway is simply being removed or replaced in kind. (NOTE: Special use permits are required for any significant structure change, land use change, or property boundary change to any specific identifiable parcel of land.)
3. All permits granted for the use of public property under the terms of this Section shall be revocable upon a due cause showing of public need.

L. Penalties.

1. Any persons, firm, association, entity, or corporation violating any provisions of this Article, or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in the violation of any provisions of this Article shall be guilty of a misdemeanor punishable by fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) for each and every day that such violation continues at the discretion of the court. Each day will be considered a separate violation.
2. In addition to the penalties hereinabove authorized and established, the City may issue stop-work orders and the City Attorney shall take such other actions at law, or in equity, as may be required to halt, terminate, remove or otherwise eliminate any violation of this Article.

Section 405.04.110. Grading Permits.

[CC 1990 § 31-04-11; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Permit Required. Except as herein provided, no grading activity shall commence on any site without obtaining a grading permit from the Department. Such activities include clearing, excavation, fill or any combination thereof. A separate permit shall be required for each site; provided, however, that one (1) permit may cover both the

excavation and fill made from excavated materials. An application for a grading permit shall be in writing on forms provided by the Department, and filed with the Department, and must be accompanied by a grading plan and SWPPP.

B. Exceptions.

1. A grading permit shall not be required in the following instances, provided that no change in drainage patterns or sedimentation onto adjacent properties will occur:
 - a. Grading for the foundation or basement of any building structure or swimming pool for which a building permit has been duly issued;
 - b. Grading activities on previously developed property which result in a disturbance of less than five thousand (5,000) square feet;
 - c. Grading for or by any public utility for the installation, inspection, repair or replacement of any of its facilities;
 - d. Grading of property for or by any governmental agency in connection with a public improvement or public work on said property;
 - e. Grading of land for farming, nurseries, landscaping, or gardening or similar agricultural or horticultural use whenever there is substantial compliance with recommendations or standards of the local soil conservation authority;
 - f. Grading activities in public rights-of-way covered by an appropriate special use permit;
 - g. Grading activities in quarries and permitted sanitary landfills.
2. While these activities are exempt from obtaining a grading permit, all grading activities are still required to adhere to all standards set forth in the City's Sediment and Erosion Control Manual.

C. Minimum Requirements. The Manual, as may be updated and modified by the Department, sets forth minimum requirements that must be met in order to obtain a grading permit. This document also provides guidance and additional resources to facilitate control of soil erosion on land that is undergoing development.

D. Application Procedure. An application for a grading permit shall be in writing on forms provided by the Department, and submitted to the Department. The application shall be completed in the form and manner prescribed by the Department and shall include required information as outlined in the Manual. The grading plan and the SWPPP shall be prepared and sealed by a licensed engineer, unless the requirement is specifically waived by the Planning and Development Services Director.

E. Surety.

1. Performance Guarantee.
 - a. Prior to the issuance of a grading permit, the applicant shall deposit a surety with the City as described below and as required for particular sites. Said grading permit shall be issued upon the approval of the Department and the

applicant depositing with the City a sum equal to that which would be required to guarantee the performance, restoration, maintenance and/or rehabilitation of said site based upon the approved grading plans and the approved SWPPP. In the case of owners, contractors or builders who have previously violated the subject and provisions of this Section, the amount of the surety shall be increased in each case based on such previous experience.

- b. If at any time the Department determines that the surety deposited with the City is in an amount that is not sufficient to guarantee the performance, restoration, maintenance and/or rehabilitation of the site based upon the approved grading plans and the approved SWPPP, the permittee shall deposit additional surety with the City in an amount determined by the Department within fifteen (15) days after receiving notification from the Department. If the permittee does not deposit the additional surety with the City, the Department may issue a stop-work order as outlined in Section 405.02.120(h) of this UDC.
- c. The surety shall be released as detailed in the Manual.
- d. Any portion of the deposit not expended or retained by the City hereunder shall be refunded when the grading operation is completed and the soil and drainage conditions are stabilized to the satisfaction of the City.
- e. The Planning and Development Services Director or the Public Works Director may perform, or have performed, any work necessary to restore, maintain and/or rehabilitate the site based upon the approved grading plan, approved SWPPP, and/or the requirements of this Article. All costs incurred in the performance of this work shall be charged against the surety the applicant deposited for the grading permit. By applying for a grading permit, the applicant consents to the City or its contractor entering the property and holds them harmless regarding any work that they perform.
- f. Deposits required by this Section shall be in conjunction with a deposit agreement and may be in the form of cash or letters of credit as follows:
 - (1) Cash deposits shall be required when the estimate developed by the Department for the performance guarantee as set out herein is less than ten thousand dollars (\$10,000.00) and in all other cases where the owners, contractors, or builders shall wish to make cash deposits, the same shall be deposited with the Finance Director to be held in an interest-bearing account dedicated for that purpose, with all interest accruing to the City to offset administrative and other costs of maintaining the cash deposits;
 - (2) An irrevocable letter of credit drawn on a local financial institution acceptable to and in a form approved by the City Attorney and the Public Works Director. The instrument may not be drawn on a financial institution with whom the developer or a related entity has any ownership interest or with whom there is any joint financial connection that creates any actual or potential lack of independence

between the institution and the developer. The letter of credit shall be drawn on a local banking institution within the greater Metropolitan St. Louis area and within the State of Missouri. The letter of credit shall provide that the issuing institution will pay on demand to the City such amounts as the City may require to fulfill the obligations herein and may be reduced from time to time by a writing of the Director. The letter of credit shall be irrevocable for at least two (2) years and shall state that any balance remaining at the expiration, if not renewed, shall automatically be deposited in cash with the Finance Director, unless a new letter of credit is issued and agreed to by the City or the City issues to the institution a written release of the obligations for which the letter of credit was deposited. The developer shall pay a nonrefundable fee of two hundred dollars (\$200.00) to the City with submission of a letter of credit and one hundred dollars (\$100.00) for any amendment or extension thereof, to partially reimburse the City's administrative and review costs in accepting and maintaining such letter of credit.

- (3) Certificates of deposit, treasury bills, or other readily negotiable instruments, the type of which has been approved by the Finance Director, endorsed to the City, the cash value of which shall be in an amount not less than the amount specified by the Department in its estimate of the cost for grading, restoration, maintenance, and/or rehabilitation of said site based upon the approved grading plans.
2. Downstream Impoundment Protection And Restoration Guarantee.
 - a. If, in the opinion of the Department, lakes, ponds, detention areas or other impoundment areas may be impacted by proposed work, the permittee shall perform preconstruction and post-construction surveys of each facility and post a bond, in a form acceptable to the City, as guarantee that the permittee will perform work in such a manner as to protect downstream facilities and will restore any damage or negative impact his development had on the facilities.
 - b. Preconstruction surveys shall be performed prior to any clearing, grading, demolition or other construction related to the proposed development and prior to plan approval.
 - c. An acceptable bond shall be submitted prior to plan approval.
 - d. Post-construction surveys shall be performed within twelve (12) months of the completion of the proposed development or two (2) years from the start of the development, whichever is greater.
 - e. Within three (3) months of the post-construction survey, the developer shall restore affected impoundment areas to the condition they would have been in if his development had not occurred.
 - f. If the owner/operator of potentially impacted facilities will not grant the developer the necessary easements to complete the surveys or restoration work, the requirements of this Subsection are null and void.

F. Inspections.

1. The applicant shall provide a qualified inspector to conduct regular inspections of the proposed development site. The qualifications of the inspector and frequency of inspection shall be as detailed in the Manual.
2. By applying for a grading permit, the applicant consents to the City inspecting the proposed development site and all work in progress. The applicant shall notify the City upon commencement and completion of the following: clearing, rough grading, finish grading before stabilization; and all reestablishment and construction work. Said notice shall be made as detailed in the permit issued to the applicant.

G. Use Of Streets During Grading Operations.

1. Notice. At least five (5) working days prior to the use of any street in the City by trucks or hauling or grading equipment engaged in grading activities in the City which requires the use of the streets maintained by the City, the contractor in charge may be required to submit a written report to the Department, specifying the kind and description of trucks or hauling or grading equipment, and the loaded, and unloaded weight of trucks and hauling equipment, and the number of each and the length of time they will be required to use the streets of this City. The contractor shall furnish the Department with all other information required of him to estimate or determine the amount of wear and tear, or damage, if any, that may be caused to streets by such usage. The applicant shall also provide the Department visual documentation, such as a video, and/or photographs, of the existing condition of the streets to be used. Before construction actually commences or while the work on the streets is in progress, the Department may require the applicant to post a pavement restoration bond, in such sum as is directed by the Department, with the City to guarantee the City compensation for any damage to streets, curbs, sidewalks or public facilities.
2. Routes. The Department shall, at least two (2) working days before the commencement of work and usage of the streets of the City, notify the contractor of the route or routes to be used by such trucks and equipment. The permittee and contractor shall be charged with the duty of seeing that the trucks or equipment use only the route or routes approved by the Department. In the event of any emergency requiring a change in route or routes, or if the Public Works Director finds or determines that any route or routes so designated are not safe or that excessive damage is being caused to any street or streets in the City by such usage, or if he finds the welfare of the City so requires, he may, upon one (1) days' notice to the permittee and contractor, order that the trucks or equipment use only the alternate route or routes so designated by the Public Works Director.
3. Inspection. The Public Works Director shall cause a thorough inspection to be made of the condition of the pavement of the streets designated and used under the permit, as well as the curbs and sidewalks, and shall make written reports of his findings, including with his report after termination of the work, his estimate of the cost of restoring the street, curbs and/or sidewalks to their original condition.

- H. **Damage To Streets, Etc.** At the time the Department approves the route or routes to be used as provided in this Section, the applicant shall be notified that the City will hold the applicant liable for unusual wear and tear or damage to the streets, curbs, and sidewalks resulting from such usage, and that acceptance of the route or routes by the applicant shall constitute an agreement on his part to pay the reasonable cost of restoring the streets, curbs and sidewalks in question to their original condition. Within thirty (30) days after notification, the applicant shall cause the streets, sidewalks and curbs to be restored to their original condition. Failure to effect the repairs shall be cause for action against the surety.
- I. **Construction Dirt, Debris, Waste.**
1. **BMPs At Construction Site.** After excavation or construction is commenced on any lot or tract of land in the City, and until sodding, planting, concreting, paving or other final surfacing is in place which will avoid washing or spreading of dirt and mud onto other property, sidewalks, curbs, gutters, streets and the space between sidewalks and curbs, the permittee, the owner of the property, contractor or developer in charge of work shall construct and maintain temporary siltation control devices or other approved measures to prevent such washing or spreading of mud or dirt. As may be required throughout the day, during the course of excavating or construction, dirt and mud on the sidewalks, curbs, gutters and streets, and the space between sidewalk and street resulting from work must be removed.
 2. **Removing Mud From Vehicle Wheels.** The permittee, owners, contractors, and developers, jointly and severally, shall provide their personnel with shovels, a wash-down station, or other equipment as necessary to remove dirt from the wheels of all vehicles leaving any clearing or grading site where mud has accumulated on the wheels, before such vehicles enter any public or private street of the City. It shall be unlawful for the permittee, or any owner, contractor, developer to permit any vehicle to leave such place with mud on the wheels which is liable to be dispersed over any public or private street of the City, and it shall be unlawful for any driver of a vehicle to enter upon the public or private streets of the City without having removed or had mud removed from the wheels prior to such entry. Each occurrence shall be a separate offense.
 3. **Spilling Materials On Streets.** The permittee, owners, contractors, and developers, jointly and severally, who may load dirt, mud or other materials on any vehicle at any grading site in the City, during construction or otherwise, shall so load the same that no portion thereof shall be spilled or be liable to be spilled on the streets of the City in violation of this provision, and it shall be unlawful for any driver to operate a vehicle on the streets of the City which is loaded in such manner that it spills or is liable to spill mud, dirt, or other materials on the streets.
 4. **Boards Over Sidewalks.** Boards, tracks, or other protection must be laid over sidewalks, curbs and gutters to avoid dirt and mud accumulating therein, as completely as possible and to prevent breakage or damage to such installations of whatever material constructed. Damage to walks, curbs and gutters will be repaired by the permittee, owner, contractor, or developer, or the Public Works

Director may, upon ten (10) days' notice, cause to have them repaired at the permittee's, owner's, contractor's or developer's expense.

5. **Waste Material.** During the course of construction, excavation, or grading, the permittee, owners, contractors, and developers are required to collect and dispose of all paper, refuse, sticks, lumber and other building waste, and all other waste material, and to prevent the same from blowing or otherwise being scattered over adjacent public or private property. Any waste material that is blown or scattered over the site, as well as on any adjacent public or private property, shall be picked up daily, and disposed of properly. Washout from concrete trucks must be controlled in a manner so as not to adversely impact the site, adjacent public or private property, or adjacent streams and storm sewer systems.
6. **Sanitary Facilities.** Adequate provisions must be made for sufficient temporary sanitary facilities to serve the number of workers on the site.
7. **Planting Ground.** All disturbed areas shall be sodded, planted, concreted, paved or otherwise surfaced within five (5) calendar days after completion of each phase of work to avoid washing or spreading of dirt and mud onto other property, sidewalks, curbs, gutters, streets and the space between sidewalks and curbs. If determined by the City that an undue hardship exists because of unfavorable ground conditions, the City may grant an extension of time by which the disturbed areas have to be surfaced.
8. **Grading.** All grading activity shall be conducted in conformance with the hours of operations as specified in the UDC, as may be amended or replaced.

J. **Spill Prevention And Control Facilities.**

1. The permittee shall take appropriate measures to prevent spills and shall develop necessary control facilities for materials such as paint, solvents, petroleum products, chemicals, toxic or hazardous substances, substances regulated under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and any wastes generated from the use of such materials and substances, including their containers. Any containment systems employed to meet this requirement shall be constructed of materials compatible with the substances contained and shall be adequate to protect both surface water and groundwater.
2. On-site fueling facilities shall adhere to applicable federal and state regulations concerning storage and dispensers.

K. **Enforcement.**

1. **Agency Responsibility.** Enforcement of this Section shall be the responsibility of the City of Chesterfield or official(s) as determined by the City.
2. **Responsible Parties For Enforcement Purposes; Defined.** The party or parties responsible and liable for actions or nonaction taken in relation to this Article, including responsibility for abating violations of this Article, shall be the owner, applicant, any co-applicants, permittee, contractor, developer and any other responsible party and employees thereof.

3. Complaints. The City shall receive complaints and inquiries and route the complaint/inquiry to the appropriate responsible enforcement agency.
- L. Wetland Mitigation For Chesterfield Valley Area. A program that provides required mitigation for jurisdictional wetland areas in Chesterfield Valley has been approved by the United States Army Corps of Engineers and funded and constructed by the City of Chesterfield and the Monarch-Chesterfield Levee District. Prior to approval of grading and improvement plans on any parcel in Chesterfield Valley on which jurisdictional wetlands have been identified, the developer/property owner shall reimburse a pro rata share of the cost of development of the mitigation area.
- M. Natural Watercourse Protection.
1. No clearing, grading, excavation, construction or disturbance of any kind is permitted within fifty (50) feet of the top of bank of Bonhomme Creek, Caulks Creek or Creve Coeur Creek, or within twenty-five (25) feet of the top of bank of all other natural watercourses depicted on the most current United States Geological Survey (USGS) 7.5 Minute Series (Topographic) Maps for the City of Chesterfield, Missouri (buffer areas). Permanent vegetation and existing ground elevations and grades within the above-mentioned buffer areas shall be left intact and undisturbed except as permitted in Section 405.04.110(M)(2) of this Article. If no top of bank is apparent, the ten-year, twenty-four-hour or fifteen-year, twenty-minute water surface elevation will determine the top of bank. The top of bank and the buffer area shall be depicted on the grading plan.
 2. The following structures, practices and activities are permitted in the buffer areas:
 - a. Roads, bridges, trails and utilities approved by the Public Works Director are permitted within the buffer areas, provided that an alternative analysis has clearly demonstrated that no other feasible alternative exists and that minimal disturbance will take place. Following any disturbance, the impacted area shall be restored.
 - b. Stream restoration projects are permitted within the buffer area.
 - c. Horticultural practices may be used to maintain the health of the natural vegetation. Individual trees may be removed which are dead, diseased and/or dying, are in danger of falling, causing damage to nearby structures, or causing the blockage of the watercourse.
- N. Penalties For Violation. See Article 08 of this UDC for penalties for violation of this Section of the UDC.

Section 405.04.120. Stormwater Standards.

[CC 1990 § 31-04-12; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. General.
1. The purpose of this Section is to provide standards and regulations governing land development in order to reduce or prevent flooding and at the same time minimize damage to real property.

2. The controlled release and storage of excess stormwater runoff may be required for all commercial and industrial land use projects, and for all residential subdivisions as determined by the City of Chesterfield.
3. Detention of differential runoff of stormwater, as approved by the City of Chesterfield, may be required by providing permanent detention facilities, such as dry reservoirs, ponds, or other acceptable alternatives.
4. Detention reservoirs or dry bottom stormwater storage areas may be designed to serve secondary purposes, such as recreation, open space, or other types of uses that will not be adversely affected by occasional flooding as approved by the Department.
5. Drainage detention areas that are not maintained by a public authority shall be conveyed as an undivided interest in common to each lot in the subdivision for maintenance purposes or conveyed to trustees with authority to perform maintenance responsibilities.
6. During the construction phase of development, facilities shall be provided to prevent erosion and siltation.
7. The City of Chesterfield, as effective May 19, 1997, hereby adopts by reference MSD revised standards of February 1997. The City of Chesterfield, unless otherwise acted upon, shall adopt by reference any changes made by MSD to the standards as effective as of February 1997.
8. The Public Works Director shall maintain copies of said standard in his office and make available at all times hereafter.
9. In addition to the standards as promulgated by MSD, the City of Chesterfield hereby supplements those standards which will be added to and effective in the City of Chesterfield as of the new MSD standards and shall read as follows:
 - a. General.
 - (1) As-built plans are to be submitted to the City.
 - (2) Granular backfill is required within trenches located in the right-of-way and adjacent areas. (This includes sidewalks that are installed on easements adjacent to the right-of-way.)
 - (3) Minimum slope of one percent (1%) is required on any grassed area; minimum slope of two percent (2%) in grassed swales.
 - (4) Siltation control measures are to be designed, constructed and maintained until adequate vegetation is established.
 - (5) The adequacy of any existing downstream storm sewer is to be verified and upgraded if necessary. Undersized downstream storm sewers are to be replaced until overflow(s) can be accommodated on the right-of-way.
 - (6) Storm sewer outlets within ten (10) feet of a sanitary sewer crossing are to be extended past the sanitary sewer crossing.

- b. Design Criteria.
- (1) Blockage factor of forty percent (40%) is to be used in sizing inlets at low points. Inlet capacities are to be determined by the HEC (hydraulic engineering circulars).
 - (2) Concentrated flow directed across sidewalks is limited to one (1) cfs (as in unincorporated County).
 - (3) Lowest sill of structure(s) adjacent to one-hundred-year overflow or ponding areas are to be at least one (1) foot above the high-water elevation.
 - (4) Pavement under drains are to be installed the full width of the pavement at curb inlets.
- c. Detention.
- (1) For purposes of determination of detention calculation methods, and calculations to which differential calculations apply, undeveloped (instead of existing) vs. post-development conditions are to be used.
 - (2) Allowable release rates may be reduced due to downstream conditions.
 - (3) Detention storage is to be provided for the current project phase, as applicable. Each successive phase may require basin modification as necessary to accommodate increases in runoff.
 - (4) When developments are within sites served by local and regional detention facilities, the City will require an analysis of downstream effects and compliance with detention requirements at time of development for areas served by regional-type detention basins which were installed previously.
 - (5) Minimum slope one percent (1%) for paved swales.
 - (6) Underground facilities generally to be rectangular vaults. Circular reinforced concrete pipe, minimum Class IV and minimum diameter of sixty (60) inches, with confined O-ring joints is permitted. Pipe joints must meet requirements of ASTM C-361.
- d. Floodplain.
- (1) All requirements of the Flood Damage Prevention Ordinance¹⁶ are incorporated herein, as may be revised from time to time.
 - (2) If floodplain is proposed to be altered, LOMAR is to be obtained prior to the full release of subdivision escrows. Unless a CLOMR is obtained prior to the issuance of building permit for a lot that is to be

16. Editor's Note: See Article 05, Flood Damage Prevention.

removed from the special flood hazard area, the lot will have to conform to SFHA requirements.

- e. Easements. Ponding easements are required for the one-hundred-year storm.
- f. Ability To Waive Requirements. The Public Works Director is empowered to grant exceptions to the requirements on a case-by-case basis when specific requirements are onerous and inappropriate for a particular development.

Section 405.04.130. Zoning Performance Standard Regulations.

[CC 1990 § 31-04-13; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Scope Of Provisions. This Section contains the zoning performance standard regulations for the City of Chesterfield. These regulations shall apply to all land uses and developments in the City of Chesterfield except as otherwise indicated in these regulations.
- B. Statement Of Intent. The performance standard regulations shall establish standards for vibration, noise, odor, smoke, toxic gases, emissions, radiation, glare, and heat to minimize negative effects on adjacent land uses and developments.
- C. Performance Standards.
 - 1. Vibration. Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located, except that vibration caused by blasting conducted in accordance with the requirements of the Explosives Code, Chapter 711 City of Chesterfield Ordinance [See Chapter 7, Article 06.], may exceed these limitations.
 - 2. Noise. Every use shall be so operated that the pressure level of sound or noise generated does not exceed the limitations of the Noise Control Code, set by Chapter 625 SLCRO.
 - 3. Odor. Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the Air Pollution Code, set by Chapter 612 SLCRO.
 - 4. Smoke. Every use shall be so operated that no smoke from any source shall be emitted that exceeds the emission levels in the requirements of the Air Pollution Code, set by Chapter 612, SLCRO.
 - 5. Toxic Gases. Every use shall be so operated that there is no emission of toxic, noxious, or corrosive fumes or gases which exceeds the emission levels of the Air Pollution Code, set by Chapter 612 SLCRO.
 - 6. Emission Of Dirt, Dust, Fly Ash, And Other Forms Of Particulate Matter. The emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed the emission levels in the requirements of the Air Pollution Code, set by Chapter 612 SLCRO.

7. Radiation. Every use shall be so operated that there is no dangerous amount of radioactive emissions.
8. Glare And Heat. Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line without instruments.
9. Any addition, modification or change in any regulations, code, ordinance or other standard referred to in the zoning performance standard regulations shall become a part of these regulations.

Section 405.04.140. Miscellaneous Regulations.

[CC 1990 § 31-04-14; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Scope Of Provisions. This Section contains miscellaneous regulations, generally applicable to various Sections of this UDC.
 1. Single-Family Dwellings. Every single-family dwelling hereafter erected or structurally altered shall be located on a separate lot or tract. In no case shall there be more than one (1) single-family dwelling on one (1) lot or tract except for accessory buildings or uses, as defined herein, and except for any structure authorized as part of a special procedure requiring submission to the Planning Commission of any type of site development plan for review and approval.
 2. Primary Use To Be Established. No accessory land use or development shall be established until a primary structure or use is established on the same lot. No accessory land use or development shall be allowed to continue after termination of the primary use or development on a lot.
 3. Multiple Uses On The Same Tract. In the event two (2) or more permitted, conditional or accessory uses are conducted on the same tract of land, each having a different minimum lot area requirement, the minimum lot area regulations for the combined uses shall be the largest of the required minimum areas for each of the particular uses.
 4. Easements Dwelling Units. Land area to be utilized for large-lot roadway easements need not be deducted from gross site area in calculating the maximum number of dwelling units permitted on a parcel or tract of land.
 5. Street Right-Of-Way. Land dedicated to street right-of-way shall not be included in computing minimum lot area for the purposes of this UDC. However, if through dedication of street right-of-way, the area of any lot or parcel already established via the provisions of the subdivision requirements is decreased below the minimum area required in the applicable zoning district, development rights shall not be denied.
 6. Future Street Lines. Where a line has been established for future widening or opening of a street upon which a lot abuts, the required yard space shall be measured from the established future street line. Required yard space shall be measured from private roadway easement boundaries or from road maintenance

or other road-related easements where such easements abut public road rights-of-way.

7. Corner Lot; Rear And Side Yard Setback Requirements. Each corner lot shall have a rear yard and a side yard with minimum setback requirements of the applicable zoning district. The side and rear yards shall be identified by the owner of the corner lot when plans are submitted for the first building on the property.
8. Illumination Structures In Certain Districts. All illumination structures, except for approved streetlights, shall be so arranged as not to cast light directly from any source of illumination on any public right-of-way or on adjacent properties in the NU Non-Urban, AG Agricultural, PS Park and Scenic, or any residential district.
9. Issuance of grading, building, etc., permits in certain districts. No permits shall be issued for clearing, grubbing, grading, building, or use of a site governed by a planned district or special procedure which are not in accord with site development plans, site development concept plans, or site development section plans approved by the Planning Commission or the Department, with the following exception: Grading permits may be issued for developments within the Chesterfield Valley so long as the permit is strictly for the purpose of either stockpiling or the surcharging of a future building pad. Site development plan submittal shall include a tree preservation plan and grading plan.
10. Yards To Be Open To Sky; Exceptions. Every part of a required yard shall be open to the sky, unobstructed except as follows:
 - a. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches.
 - b. Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, projecting not to exceed twenty-four (24) inches.
 - c. Roof overhangs projecting not to exceed eighteen (18) inches, except that roof overhangs on the south side of a building may project forty-eight (48) inches into a side or rear yard, but no closer than forty-eight (48) inches to a property line.
 - d. Canopy overhangs for service stations projecting a maximum of eighteen (18) inches into required front yards.
 - e. Slab-type porches or paved terraces having a maximum height of not more than twelve (12) inches aboveground elevation at any point may project into any yard, except that the projection into the front yard shall not exceed ten (10) feet.
 - f. In all residential districts, air-conditioning units extending into side or rear yards a maximum of thirty (30) inches, with air-conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height aboveground elevation within said side or rear yards.
 - g. Driveways, ramps, sidewalks, and parking lots as otherwise permitted by this UDC.

11. Temporary Structures. Temporary structures, as set forth below, which are to be used in connection with the development and sale of a tract of land may be erected or located on said tract prior to and may remain thereon during the construction or development period.
 - a. Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from said tract within thirty (30) days after voluntary suspension of work on the project or development after revocation of building permits, or on order by the Planning and Development Services Director upon a finding by him that said temporary structure is deemed hazardous to the public health and welfare. A bond, or refundable deposit, in the amount of one thousand dollars (\$1,000.00) for their removal shall be posted with the City of Chesterfield.
 - b. Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building. Said offices must be closed and the operation discontinued and all temporary structures and facilities must be removed from the tract 1) within thirty (30) days after all lots or dwelling units have been sold, rented, or leased; or 2) after the passage of thirty (30) days from the date of the last transaction after ninety percent (90%) of the development has been sold, rented, or leased. A bond, or refundable deposit, in the amount of one thousand dollars (\$1,000.00) guaranteeing removal of any such temporary structure or facility shall be posted with the City of Chesterfield prior to commencement of use.
 - c. No temporary buildings or trailers shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located.
 - d. Any other provisions of the law notwithstanding, a building permit or an occupancy permit shall not be required for buildings or trailers permitted in Subsection (A)(11)(a) of this Section.
 - e. Unless otherwise mentioned in this UDC, a temporary structure shall not be erected for more than one (1) year.
12. Copy of approved ordinance to be given to operator, owner, etc.; acknowledgement. In each instance in which approval of use or development of property is made subject to conditions by the City Planning Commission in the approval of a conditional use permit, special procedure, mixed use development, or planned industrial or commercial development, a copy of the approved ordinance, resolution, order or permit shall be furnished by the property owner or owners or petitioner to the operator, owner, and manager, including successor operators, owners, and managers. Each successor shall forward to the Zoning Enforcement Officer an acknowledgement that he or she has read and understood each of the conditions relating to the use and development of the property

affected by the ordinance, resolution, order or permit and agrees to comply therewith.

13. **Plats To Be Consistent With Plan.** Subsequent to approval and recording or filing of a final development plan, site development plan, site development concept plan, section plan or similar plan for the development and use of property under the special procedures of this UDC or under the regulations of a planned district or special procedure, no development of property subject to such a plan shall be performed and no permit shall be issued for development unless such development is consistent with the plan and unless the property has been platted in accordance with the City of Chesterfield UDC. No plat for property subject to such a plan shall be approved unless the plat is consistent with the plan.
14. **Litter.**
 - a. In this Subsection, the word "litter" means and includes garbage, trash, refuse, junk, brush, inoperative machinery or other waste material; the phrase "otherwise lawful" means in compliance with applicable zoning district regulations and with all rules, regulations, ordinances, conditions, permits, and licenses applicable to the property or activity, whether arising from this UDC or any other ordinance.
 - b. Except as provided in this Subsection:
 - (1) No persons shall throw or deposit litter on any vacant or occupied property, whether owned by such person or not.
 - (2) The owner or person in control of any private property shall, at all times, maintain the premises free of litter.
 - c. It shall be lawful:
 - (1) To accumulate or store nonputrescible litter in a sight-proof structure or container.
 - (2) To accumulate or store litter produced as an incident of the otherwise lawful use of the same premises where stored, where such storage is pending removal or disposal and does not exceed seven (7) days, provided that the litter is placed or stored in a container or otherwise screened from the view of persons upon adjacent property or rights-of-way.
 - (3) To operate an otherwise lawful, sanitary landfill, building demolition material site, vehicle or machinery repair facility, construction material stockpile, sewage treatment facility, salvage yard, or junkyard.
 - (4) To store material to be used in an otherwise lawful agricultural or nursery operation on the premises devoted to such use.
 - (5) To keep not more than one (1) unlicensed vehicle outdoors for hobby or instructional purpose, provided that any such vehicle kept for more

than seventy-two (72) hours shall be kept behind the residence or other principle structure on the property.

15. Amusement Devices And Activities; Christmas Tree Sales Lots; Sales Yards.
- a. The Chief of Police is authorized to issue a permit for the installation of amusement devices on a temporary basis within any zoning district, provided that said permit shall not be valid for more than ten (10) consecutive calendar days and further provided that no permit shall be valid without a license to operate. The Planning and Development Services Director may, in regard to any given site, designate the hours and days of the week of operation and the specific location of the amusement devices on the property. No more than two (2) such permits shall be issued in any calendar year with regard to any particular property. For the purpose of this Subsection, "amusement device" includes those devices enumerated in Chapter 803 of the SLCRO and any similar device.
 - b. The Chief of Police is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. For the purpose of this Subsection, "amusement activity" includes a circus, carnival, fair, turkey shoot, art display, trade or animal show, concert, dance, rally, parade, athletic competition and any similar activity not involving the erection of any permanent structure or facility. The permit shall be issued for a specific period of time not exceeding ten (10) days. The permit shall contain such conditions as are necessary for protection of public health, safety, and traffic, and the Chief of Police may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. This permit is in addition to any building permit, air pollution device construction or operating permit, highway special use permit, or other permit or license required by law for any proposed activity or facility. No more than two (2) temporary amusement activity permits shall be issued in any calendar year with regard to any particular property; provided, however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to public property, nor to property not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies. These provisions applicable to the period of time and the number of temporary permits for turkey shoots that can be held shall not apply to turkey shoots conducted on all Saturdays and Sundays falling within the months of October, November, and December of each year.
 - c. The Chief of Police is authorized to issue a permit to any not-for-profit organization for the installation of a Christmas tree sales lot on a temporary basis within any zoning district, provided that said permit shall be valid for no more thirty-five (35) days prior to Christmas Day and five (5) days after Christmas Day. The permit shall contain such conditions as are necessary for protection of public health, safety, and traffic, and the Chief of Police may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. The permit may

include the installation of one (1) temporary or portable sign not to exceed thirty (30) square feet in outline area. The location of the sign shall be as approved by the Planning and Development Services Director.

- d. The Chief of Police is authorized to issue a permit to any church, school, or other not-for-profit organization for the establishment or conducting, on a temporary basis within any zoning district, a sales yard for the sale of items for charitable purposes. For the purpose of this Subsection "sale of items" includes such items as plants, pumpkins, barbeque, fish fry, and bake sale. The permit shall be issued for a specific period of time not exceeding fourteen (14) consecutive calendar days. The permit shall contain such conditions as are necessary for protection of public health, safety, and traffic; and the Chief of Police may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. No more than four (4) such permits may be issued for any parcel of land in any calendar year.

16. Regulations For Satellite Dishes.

- a. The purpose of the following regulations for satellite dishes or dish antennas of greater than three (3) feet in diameter is to improve the aesthetic appearance of these structures within all zoning districts. The regulations shall not impose unreasonable limitations on, or prevent reception of satellite delivery signals by receive-only antennas or impose costs on the users of such antennas that are excessive in light of the purchase and installation cost of the equipment. Satellite dishes three (3) feet or less in diameter are exempted from the regulations contained herein.
- b. In all zoning districts, one (1) satellite dish shall be permitted on any lot or parcel of land. Any additional satellite dishes proposed for a lot require a conditional use permit. A satellite dish may be ground-mounted or roof-mounted; however, only a ground-mounted dish is permitted in the single-family residential districts. No satellite dish shall be mounted as an appurtenance to a chimney, tower, tree, spire, or pool deck.
- c. In no case shall a satellite dish be permitted to be attached to a portable device. Any satellite dish must be stationary. The location of a satellite dish shall be as approved by the Department on the site plan or plot plan of the property. All satellite dishes require a building permit.
- d. No message or identification, other than the manufacturer's identification, shall be allowed to be portrayed on a dish antenna. The message or identification shall not exceed twenty-five one hundredths (0.25) square foot in area. Satellite dishes shall be limited to mesh construction; however, a satellite dish eight and one-half (8 1/2) feet or less in diameter may be either of mesh or solid construction. All dishes shall be finished in a single, neutral, nonreflective color and surface which shall blend with the natural surroundings.
- e. Any ground-mounted satellite dish shall be located in the rear yard, provided that on a corner lot, the dish cannot be located any closer to the

- side street than the principal building located on the lot. On any lot other than a corner lot, the dish shall be placed in an area bounded by the side yard setback lines, the rear wall line of the primary structure, and the rear yard setback line. The side and rear setback lines shall be in accordance with the setback requirements of the underlying zoning district.
- f. Ground-mounted satellite dishes in the commercial, industrial, or multifamily districts shall be located in a designated service area outside of any required landscape area, or front and side yard setback area. The antenna shall not be placed in the area between the front setback line and the structure.
 - g. Screening of satellite dishes shall serve to reduce the visual impact on adjoining properties without impeding the line of sight of dish reception. The location and type of screening shall be as approved by the Department on the site or plot plan.
 - h. Screening shall be accomplished through the use of fencing, landscaping, in the form of evergreen and deciduous trees and shrubbery, structures or topography. For ground-mounted satellite dishes in the single-family residential districts, trees and shrubs shall be at least one-half (1/2) the height of the dish at the time of planting. (The center of the dish shall be determined as the point where the dish is attached to its base when viewed from off of the site.) The landscaping material shall be maintained and replaced, if it dies.
 - i. Screening of roof-mounted antenna in commercial, industrial or multifamily districts is required up to three (3) feet, or to the center of the dish, whichever is greater. The design and material composition of the screening shall be compatible with the existing building design and colors and be approved by the Department.
 - j. For buildings listed on the National or State Register of Historic Places or the Chesterfield Register, the antenna shall not be visible from fronting or flanking streets. This is to maintain the aesthetic characteristics of the historic structures.
 - k. For the residential zoning districts, other than those permitting multifamily land use, the height of ground-mounted satellite dishes shall not exceed twelve (12) feet above the average grade. The dishes shall not exceed a diameter of ten (10) feet. For lots of three (3) acres or more in the NU Non-Urban District, satellite dishes shall not exceed a diameter of twelve (12) feet, with no restriction on height; otherwise, dishes on lots less than three (3) acres in the NU District shall not exceed twelve (12) feet in height or ten (10) feet in diameter. Roof-mounted satellite dishes in the multifamily residential districts, commercial districts, and industrial districts shall not exceed eight (8) feet in diameter or a total structure height of ten (10) feet.
17. Retaining Walls. In the residential districts, retaining walls up to eight (8) feet in height are permitted within all yard setbacks. When retaining walls are tiered, the

minimum horizontal distance between retaining walls (closest edge to closest edge) shall be four (4) feet.

18. Home Occupations. The purpose of this Subsection is to ensure that a home occupation is so located and conducted that the average neighbor would not be aware of its existence or be disrupted by it. It is the intent of this UDC to protect and maintain the residential character of the neighborhoods in the City of Chesterfield. Both a business license and a home occupation permit shall be required for a home occupation. The development criteria for a home occupation shall adhere to the standards set forth by Table 1 below.

Table 1: Development Criteria

Performance Standards Criteria

General:

Purpose	Home occupation activity shall be clearly subordinate to the residential use of the property.
Use limitation	The home occupation has no retail sales (except for goods and services produced on the premises).
Prohibited uses	Animal hospital; kennel or dog sitting service of more than 5 dogs at a time, not including dogs owned by the homeowner; clinic and hospital; vehicle repair; outside storage of equipment, material or supplies; restaurant; medical or dental practice, excluding counseling services, which require patients to receive services in the home.

Structure:

Performance standard of structure	Any noise, vibration, smoke, odors, heat or glare produced as a result of the home occupation which would exceed that normally produced by a single residence shall be prohibited.
Use of structure	The home occupation shall occupy no more than 25% of the residence, including the basement and attached garage. Use of existing outbuildings for the home occupation is permitted and not considered in the allowable square footage.
Alteration of structure	The residential structure which accommodates the home occupation shall maintain its character as a dwelling. Alteration of the structure for handicap access shall be permitted.
Exterior of structure	The home occupation shall maintain its residential character of the premises by not having any exterior storage of materials or any other indication of a home occupation.
Signage	In order to maintain its residential character, signage of any kind located on the exterior of the property or visible from the property shall be prohibited.

Parking:

Table 1: Development Criteria

Performance Standards	Criteria
Standard	Parking shall not cause a burden on the immediate property or to the neighborhood.
Alteration of parking on the property	Exterior expansion of the parking for the residential use of the property only shall be permitted.
Location	All parking for the home occupation must occur on site.
Commercial vehicles	1 commercial vehicle, which is also used by the resident, may be parked at the residence within any 24-hour period.
Patrons:	
Patrons, students, or business callers on site.	A maximum of 2 patrons, students, or business callers of any kind may be on the premises at any given time. For child-care centers, a maximum of 5 children, not related to the provider, shall be permitted.
Hours:	
Maximum hours of operation	Patrons, students, or business callers shall only be received within the hours of 7:00 A.M. and 9:00 P.M.
Hours for deliveries	All deliveries related to the home occupation shall be made between the hours of 7:00 A.M. and 9:00 P.M.
Employees:	
Employee requirement	All employees shall be residents of the home.

19. Traffic Studies, Private Developments.

- a. Upon application for new development, proposals to develop previously zoned but undeveloped property and/or the amendment to an existing zoning, if a traffic study shall be determined necessary by the Planning and Development Services Director, he or she shall notify the developer in writing and the developer shall deposit with the City in a special escrow the sum of two thousand dollars (\$2,000.00) to be used as a deposit toward the expenses incurred by the City in employing a traffic consultant to study the traffic issues for the proposed development. This may include review of traffic studies presented by the developer or to undertake traffic studies on behalf of the City.
- b. Said traffic study shall collect data as determined by the City or the City's traffic consultant to include, but not be limited to, traffic counts, measurements of traffic gaps, sight distances along adjoining streets,

accident data, locations of nearby driveways, etc. That information shall be collected so that the City may evaluate those issues that are expected to arise as a result of said developments, which would include, but are not limited to:

- (1) The amount of traffic the development could be expected to generate at peak hours and for daily traffic.
 - (2) The ability of the adjoining street systems to accommodate the added traffic.
 - (3) The need for additional street improvements (turning lanes, improved traffic controls, etc.)
 - (4) The effect of development on nearby properties, adjacent driveways, etc.
 - (5) The specific requirements of the study shall be determined by the Department.
 - (6) Current and projected levels of service.
 - (7) Distance from the development considered.
 - (8) Connection to stub streets.
- c. Upon receipt of a request to zone a new development or upon submittal of a site development plan for previously zoned but undeveloped property and/or a petition to amend an existing zoning and upon the City's determination for the need of a traffic study, the City shall forward a copy of the site plan along with any other information concerning the development proposal to its traffic consultant. The traffic consultant shall provide a specific proposal for services detailing the action that he or she would undertake regarding the specific traffic issue presented. After the City has reviewed the proposal and deemed it fair and reasonable, a copy shall be provided to the developer who shall have an opportunity to respond to the proposal and offer his or her input as to proposed actions of the consultant. Upon receipt of the City's authorization, the consultant shall proceed with the work and present the findings to the City. The developer shall provide full payment for said services of the City traffic consultant. Failure of the developer to pay said funds into the special escrow account shall be a cause for the petition to be held and not to proceed until said payment has been paid.
- d. Upon the City's receipt of the report from its traffic consultant, the developer shall be provided an opportunity to respond to the report and present information to rebut, by substantial and convincing evidence, facts to allow for mitigation of the study recommendation of findings.
20. Telecommunication Services. Sleeves for future telecommunication services shall be installed adjacent and/or parallel to any proposed roadway, or other locations as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

ARTICLE 05

Flood Damage Prevention**Section 405.05.010. General Provisions.**

[CC 1990 § 31-05-01; Ord. No. 2801 § 3 (Exh. A), 6-16-2014; Ord. No. 2828 § 1 (Att. A), 1-5-2015]

- A. **Statutory Authorization.** The legislature of the State of Missouri has in Chapter 89, RSMo. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of the City of Chesterfield, Missouri, does ordain as follows in this Article.
- B. **Findings Of Fact.**
1. The flood hazard areas of the City are subject to periodic inundation, which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas of uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage.
- C. **Statement Of Purpose.** It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly control projects;
 3. Minimize the need of rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. Minimize damage to public facilities and utilities, such as water and gas mains, electrical, telephone and sewer lines, streets and bridges located in floodplains;
 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
 7. Ensure that potential home buyers are notified that property is in flood area; and
 8. Ensure that those who occupy the special flood hazard areas assume responsibility for their actions.
- D. **Methods Of Reducing Flood Losses.** In order to accomplish its purposes, this Article includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion or to flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Controlling filling, grading, dredging, and other development which may increase erosion or flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodway waters or which may increase flood hazards in other areas.

E. Lands To Which This Article Applies.

1. This Article shall apply to all lands within the jurisdiction of the City of Chesterfield identified as numbered and unnumbered A Zones, AE, AO, and AH Zones, on the Flood Insurance Rate Map (FIRM) for St. Louis County on Map Panels 29189C0135K, 29189C0145K, 29189C0160K, 29189C0163K, 29189C0164K, 29189C0165K, 29189C0170K, 29189C0178K, 29189C0186K, 29189C0188K, 29189C0277K, 29189C0281K, and 29189C0282K, as amended, and any future revisions thereto. In all areas covered by this Article, no development shall be permitted except through the issuance of a floodplain development permit, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or its duly designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Section 405.05.030.
2. This Article shall also apply to areas of one-hundred-year high water in the Chesterfield Valley, and the supplemental protection area within the jurisdiction of the City of Chesterfield.

F. Methods Used To Analyze Flood Hazards.

1. The Flood Insurance Study (FIS) that is the basis of this Article uses a standard engineering method of analyzing flood hazards which consists of interrelated steps:
 - a. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Article is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Article. It is the general order of a flood which could be expected to have a one-percent-chance of occurrence in any one (1) year as delineated on the Federal insurance Administrator's FIS, and illustrative materials for St. Louis County, dated February 4, 2015, as amended, and any future revisions thereto.

- b. Calculation of water surface profiles is based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 - c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
 - e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.
2. The current version of the Chesterfield Valley Master Stormwater Plan Model is hereby adopted by reference and declared to be part of this Article. Both the Flood Insurance Study and the Chesterfield Valley Master Stormwater Plan Model are on file at the City of Chesterfield City Hall.
 3. In areas where both the special flood hazard area data and the Chesterfield Valley Master Stormwater Plan data apply, the higher of the base flood elevation or the one-hundred-year high-water elevation in Chesterfield Valley shall be used.
 4. The supplemental protection area is a two-hundred-foot area immediately adjacent to the special flood hazard area or one-hundred-year high-water area in the Chesterfield Valley which is hereby created to enhance the purposes of this Article, as stated in Section 405.05.010(C), by putting in place requirements to reduce the flood damage risk on those properties immediately adjacent to the special flood hazard areas. The requirements associated with this zone are intended to protect structures, principally those on properties that have been elevated by the placement of fill, against subsurface flood conditions and flooding from events that exceed the base flood elevation.
- G. Penalties For Non-Compliance. See Article 08 of this Unified Development Code (UDC) for enforcement and penalties.
- H. Abrogation And Greater Restrictions. This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- I. Interpretation. In the interpretation and application of this Article, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit or repeal any other powers granted under State statutes.
- J. Warning And Disclaimer Of Liability. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply

that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Chesterfield or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

K. Non-Conforming Use.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the Chapter, but which is not in conformity with the provisions of this Chapter, may be continued subject to the following conditions:
 - a. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Chapter.
 - b. Uses or adjuncts thereof which are or become nuisances, shall not be entitled to continue as non-conforming uses.
 - c. No such structure shall be expanded, changed, enlarged or altered in a way which increases its non-conformity.
2. If any non-confirming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historical places or a State Inventory of Historical Places.

L. Amendments.

1. The regulations, restrictions and boundaries set forth in this Article may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Chesterfield.
2. At least twenty (20) days shall elapse between the date of said publication and the public hearing. A copy of such amendments will be provided to the FEMA. The regulations of this Article are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.

Section 405.05.020. Administration.

[CC 1990 § 31-05-02; Ord. No. 2801 § 3 (Exh. A), 6-16-2014; Ord. No. 2828, § 1 (Att. A), 1-5-2015]

- A. Establishment Of A Development Permit. A development permit shall be obtained before construction or development begins, including the placement of manufactured

homes, within any special flood hazard area or supplemental protection area established in Section 405.05.010(F). No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining separate permits for each development as defined in Article 10 of this UDC. Application for a development permit shall be made on forms furnished by the Director of Public Services (the Director) and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lower floor (including basement) of all structures;
 2. Elevation in relation to mean sea level to which any non-residential structure is to be floodproofed;
 3. Certification from a registered professional engineer or architect that the non-residential floodproofed structure will meet the floodproofing criteria in Section 405.05.030(C); and
 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- B. Designation Of The Local Administrator. The Director or his designee is hereby appointed to administer and implement the provisions of this Article by granting or denying development permit applications in accordance with its provisions.
- C. Duties And Responsibilities Of The Director. Duties of the Director shall include, but not be limited to:
1. Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this Article have been satisfied.
 2. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required by Federal, State, or local law.
 3. When base flood elevation data has not been provided in accordance with Section 405.05.010(F), then the Director shall obtain, review and reasonably utilize any base flood elevation or floodway data available from a Federal, State or other source in order to administer the provisions of this Article.
 4. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 5. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed.

6. When floodproofing is utilized for a particular non-residential structure, the Director shall obtain certification from a registered professional engineer or architect.
7. Notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
9. Where interpretation is needed as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Director shall make the necessary interpretations. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
10. Serve notices of violation, issue stop-work orders, revoke permits, and take corrective actions necessary to achieve compliance with Section 405.05.030.

D. Variance Procedures.

1. The Board of Adjustment as established by the City of Chesterfield shall hear and decide appeals and requests for variances from the requirements of this Chapter.
2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Director of Public Services in the enforcement or administration of this Chapter.
3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court of St. Louis County as provided in Chapter 89, RSMo.
4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of a proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use with existing and anticipated development;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected height, velocity, duration, rate of rise and sediment transport of the flow waters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.

E. Conditions For Variances.

1. Generally, variances may be issued for a new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the provisions of Subsection (E)(2) through (6) below have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical Places or the State Inventory of Historical Places, without regard to the procedures set forth in the remainder of this Section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, or will not create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 405.05.030. Provision For Flood Reduction.

[CC 1990 § 31-05-03; Ord. No. 2801 § 3 (Exh. A), 6-16-2014; Ord. No. 2828, § 1 (Att. A), 1-5-2015]

A. General Standards.

1. In all special flood hazard areas (Zones A, AE, A1-30, AO, AH) the following provisions are required:
 - a. All new construction, including manufactured homes and substantial improvements, shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
 - c. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - d. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - h. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
 - i. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
 - j. That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the City's, FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the one-hundred-year flood more than one (1) foot on the average cross section of the reach in which

the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference, Section 405.05.010(F) of this Article.

2. All new construction and substantial improvements located within the supplemental protection area, as defined in Article 10 of this UDC, shall comply with the requirements of Section 405.05.030(C) of this Article.
- B. Standards For Subdivision Proposals. All subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. Any such subdivision proposal shall:
1. Minimize flood damage.
 2. Include public utilities and facilities which are constructed so as to minimize flood damage.
 3. Ensure adequate drainage is provided.
 4. Include base flood elevations for any proposal which exceeds fifty (50) lots or five (5) acres.
- C. Specific Standards. In all supplemental protection areas and special flood hazard areas where base flood elevation data has been provided as set forth in Section 405.05.010(F) or Section 405.05.020(C)(3), (Zones A1-30, AE and AH), the following provisions are required:
1. Residential Construction In Special Flood Hazard Areas Outside The Chesterfield Valley. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of two (2) feet above the base flood elevation.
 2. Residential Construction In Special Flood Hazard Areas Inside The Chesterfield Valley. New construction or substantial improvement of any residential structure shall have the lowest floor elevated to a minimum of one (1) foot above both the base flood elevation and one-hundred-year high-water elevation in the Chesterfield Valley as indicated in Section 405.05.010(F).
 3. Non-Residential Construction In Special Flood Hazard Areas Outside The Chesterfield Valley. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to a minimum of two (2) feet above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the official as set forth in Section 405.05.020(C)(6).
 4. Non-Residential Construction In Special Flood Hazard Areas Inside The Chesterfield Valley. New construction or substantial improvement of any

commercial, industrial or other non-residential structure shall either have the lowest floor elevated to a minimum of one (1) foot above both the level of the base flood elevation or one-hundred-year high-water elevation in the Chesterfield Valley as indicated in Section 405.05.010(F), or together with the attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the official as set forth in Section 405.05.020(C)(6).

- 5. Residential And Non-Residential Construction In Special Flood Hazard Areas Outside The Chesterfield Valley And Within The Supplemental Protection Area.
 - a. New construction of any residential or non-residential structure shall meet the following requirements:

Table 1
Supplemental Protection Area Requirements: (Outside Chesterfield Valley)

Distance from the SFHA Boundary to Structure (feet)	Minimum Residential Lowest Floor/Sill Elevation¹	Minimum Non-Residential Lowest Sill or Lowest Floor/ Floodproofing Elevation¹
0 to 49.99	Lowest floor 2 feet above BFE ²	Lowest floor 2 feet above BFE
50 to 99.99	Lowest sill 2 feet above BFE	Lowest sill 2 feet above BFE
100 to 200	Lowest sill 1 foot above BFE	Lowest sill 1 foot above BFE

NOTES:

- ¹ Including basement.
- ² Lowest floor of proposed structures in subdivisions for which improvement plans were approved after October 1, 2005, and before February 28, 2006, shall be at least one (1) foot above the BFE.

- b. Structures which existed in the supplemental protection area and were lawful prior to the passage of the above-listed requirements shall be allowed to remain inasmuch as the structure remains unchanged. At such time that a non-conforming structure is razed or an addition added to the structure, the new construction or addition must meet the requirements of this Section.

- 6. Residential and non-residential construction in areas inside the Chesterfield Valley and within the supplemental protection area. New construction of any residential or non-residential structure shall meet the following requirements:

Table 2

Supplemental Protection Area Requirements (Inside Chesterfield Valley)

Distance from the SFHA Boundary or 100-Year High-Water to Structure (feet)	Minimum Residential Lowest Floor Elevation	Minimum Non-residential Lowest Floor or Floodproofing Elevation
0 to 200	1 foot above BFE or 100-year high-water	1 foot above BFE or 100-year high-water

- 7. All New Construction And Substantial Improvements In The Special Flood Hazard Area. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

- 8. Manufactured Homes.
 - a. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State and local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (1) Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring an additional tie per side;
 - (2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - (3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds;
 - (4) Any additions to the manufactured home be similarly anchored.
 - b. Require that all manufactured homes within Zones A1-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the

lowest floor of the manufactured home is a minimum of one (1) foot above the base flood elevations. The manufactured home chassis shall be supported by reinforcing piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, in accordance with the provisions of Section 405.05.020(C).

9. Recreational Vehicles. Require that recreational vehicles placed on sites within the identified floodplain on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (NOTE: A recreational vehicle is ready for highway use if it is on its wheels or jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.); or
 - b. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this Article.
 10. Roadways. All roadways within and adjacent to the special flood hazard areas shall be constructed at least one (1) foot above the base flood elevation or one-hundred-year high-water elevation in the Chesterfield Valley as indicated in Section 405.05.010(F). This requirement is only applicable to roadways constructed after the passage of these requirements. Repairs and improvements to roadways which were existing prior to passage of the above-listed requirements shall not be required to adhere to the requirements of this Section.
- D. Floodways. Located within special flood hazard areas established in Section 405.05.010(F) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply.
1. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
 2. If Section 405.05.030(D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 405.05.030.
 3. In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State and other sources in meeting the standards of this Article.
- E. Areas Of Shallow Flooding (AO And AH Zones). Located within the special flood hazard areas established in Section 405.05.010(F), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the

path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. Within AO Zones.
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot more than the depth number specified in feet on the community's FIRM [at least two (2) feet if no depth number is specified].
 - b. All new construction and substantial improvements of non-residential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM [at least two (2) feet if no depth number is specified]; or
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
 - d. The anchoring requirements for manufactured homes as established in Section 405.05.030(C) shall be required.
2. Within AH Zone.
 - a. The specific standards for all special flood hazard areas where base flood elevation data has been provided shall be required as set forth in Section 405.05.030(C).
 - b. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

F. Proof Of Compliance.

1. Certification of compliance from the Director is required after completion of work related to a development permit. In no case shall any structure be inhabited or occupied for use prior to such time as an elevation certificate has been submitted to and approved by the Department.
2. Penalties for violation of this requirement are listed in Article 08 of this UDC.

Section 405.05.040. Definitions.**[CC 1990 § 31-05-04; Ord. No. 2828, § 1 (Att. A), 1-5-2015]**

- A. Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

ACTUARIAL OR RISK PREMIUM RATES — Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. Risk premium rates include provisions for operating costs and allowances.

APPEAL — A request for a review by the Director of Public Services.

AREA OF SHALLOW FLOODING — A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet, where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) — The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet above mean sea level (MSL). This elevation is used for regulatory purposes in this Article.

BASEMENT — Any area of the structure having its floor below ground level on all sides.

CHESTERFIELD VALLEY — The area roughly bounded by the Missouri River on the north, Eatherton Road on the west, the Missouri Central Railroad on the south, and Bonhomme Creek on the east. Most of this area is encompassed by the Monarch-Chesterfield levee system:

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

EXISTING CONSTRUCTION — For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City of Chesterfield.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community on which the flood insurance study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

FLOOD INSURANCE STUDY — The official report provided by the Federal Emergency Management Agency. The report contains flood profile as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters.
- b. The unusual or rapid accumulation or runoff of surface waters from any source.

FLOODWAY FRINGE — That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once ever one hundred (100) years (i.e., that has a one-percent chance of flood occurrence in any one (1) year).

FLOODWAY or REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FREEBOARD — A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated from a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- (1) By an approved state program as determined by the Secretary of the Interior;
or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR — The lowest enclosed area (including basement) of a structure. This definition excludes an enclosure below the lowest floor which is an unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in Section 405.05.030(C) for enclosures below the lowest floor.

LOWEST SILL — The member forming the lowest side of an opening by which surface water may enter a structure (e.g., window sill, door sill, etc.).

MANUFACTURED HOME — A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MARKET VALUE OF A STRUCTURE — The established value of the existing structure, as determined by the St. Louis County Department of Revenue for taxing purposes, prior to any improvements being made or prior to any flooding condition. The value of any land shall not be included in the value of the structure.

NEW CONSTRUCTION — Structures for which the start of construction or substantial improvement is commenced on or after the effective date of the FIRM.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for serving the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City of Chesterfield.

ONE-HUNDRED-YEAR HIGH-WATER ELEVATION IN THE CHESTERFIELD VALLEY — Refers to the flood elevations throughout the Chesterfield Valley for a one-hundred-year rainfall event as determined by the current version of the Chesterfield Valley Master Storm Water Plan Model.

RECREATIONAL VEHICLE — A vehicle which is:

- a. Built on a single chassis.

- b. Four hundred (400) square feet or less when measured at the largest horizontal projections.
- c. Designed to be self-propelled or permanently towable by a light-duty truck.
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

ROADWAY — Pavement designed and installed for the purpose of conveying vehicular traffic with the intent of providing access to legal land divisions. For the purpose of this Article, the term "roadway" does not refer to private driveway and parking areas.

SPECIAL FLOOD HAZARD AREA — The land in the floodplain subject to a one-percent or greater chance of flooding in any given year.

START OF CONSTRUCTION — For other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-3481], includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE — A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, or any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.

SUPPLEMENTAL PROTECTION AREA — Land located outside the special flood hazard area and within two hundred (200) feet of the special flood hazard area boundary

or one-hundred-year high-water elevation in the Chesterfield Valley as indicated in Section 405.05.010(F).

VARIANCE — A grant of relief to a person from the requirements of this Article which permits construction in a manner otherwise prohibited by this Article where specific enforcement would result in unnecessary hardship.

VIOLATION — The failure of a structure or other development to be fully compliant with the City of Chesterfield's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Article is presumed to be in violation until such time as that documentation is provided.

ARTICLE 06

Wireless Communications Facilities Siting¹⁷

Section 405.06.010. Purpose.

[CC 1990 § 31-06-01; Ord. No. 2978, 1-17-2018]

The purpose of this Article is to provide a process and a set of standards for the placement, construction, maintenance and modification of wireless radio-based communications facilities in order to:

- A. Implement a municipal policy concerning the provision of wireless radio-based communications services, and the siting of their facilities;
- B. Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless radio-based communications facilities in compliance with applicable federal and state law;
- C. Insure that the City of Chesterfield can continue to fairly and responsibly protect the public health, safety and welfare; and
- D. Enable the City of Chesterfield to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

Section 405.06.020. Applicability.

[CC 1990 § 31-06-02; Ord. No. 2978, 1-17-2018]

- A. **Public Property.** The terms of this article shall apply to all wireless radio-based communications facilities proposed to be located within the City of Chesterfield whether on property owned by the City of Chesterfield or on privately owned property, or on property owned by another governmental entity that acts in a proprietary capacity to lease such property to a carrier. This includes any areas of right of way.

17. Editor's Note: Original Art. 06, Telecommunications Facilities Siting, of the 1990 City Code, enacted 6-16-2014 by Ord. No. 2801 and consisting of Secs. 31-06-01 through 31-06-27, was repealed and replaced 1-17-2018 by Ord. No. 2978.

- B. Amateur Radio, Receive-Only Antennas. This article shall not govern any tower, or the installation of any antenna that is under thirty-five (35) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- C. Essential Services And Public Utilities. Wireless radio-based communications facilities will not be considered infrastructure, essential services, or public utilities as defined or used elsewhere in the City of Chesterfield's ordinances and regulations. Siting of wireless radio-based communications facilities is the use of land subject to the City's zoning ordinances and all other applicable ordinances and regulations, consistent with the provisions of this Article.
- D. Facility Siting Permits (FSP) for Wireless Radio-Based Communications Facilities may be issued for Wireless Communications Facilities in all zoning districts, consistent with the provisions of this Article.
- E. New construction, renovations and expansions, including routine maintenance on existing Wireless Facilities, shall comply with the requirements of this article.
- F. No Person shall be permitted to site, place, build, construct or modify, or prepare any site for the placement or use of, Wireless Facilities as of the effective date of this article without having first obtained a Facilities Siting Permit for Wireless Communications Facilities. Notwithstanding anything to the contrary in this section, no Facility Siting Permit shall be required for those exceptions noted in the definition of Wireless Facilities, such as those used exclusively for fire, police and other dispatch Wireless Communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar Wireless Communications.
- G. All Wireless Facilities legally existing on or before the effective date of this Article shall be allowed to continue as they presently exist, provided however, that any modification to existing Wireless Facilities must comply with this article.
- H. As used hereunder, Municipal Zoning Approval (MZA) does not constitute zoning approval and refers to approval of the City of Chesterfield Department of Planning and Development and is not a zoning review as defined by RSMo. 67.5090-67.5104.
- I. New Wireless Communications Facilities, Substantial Modifications of existing facilities, and/or Collocations shall only be permitted within right-of-way areas, regardless of whether said right-of-way areas belong to the City or are currently under the jurisdiction of another entity, pursuant to an agreement approved by the City Council.

Section 405.06.030. General Requirements.

[CC 1990 § 31-06-03; Ord. No. 2978, 1-17-2018]

- A. The requirements set forth in this article shall be applicable to all wireless radio-based communication facilities installed, built, or modified after the effective date of this Article to the full extent permitted by law whether on public property, private property, or within any rights of way.
- B. Applications And Permits.

1. All Applicants for a FSP for Wireless Communications Facilities or any modification of any such facility shall comply with the requirements set forth in this Article. The Council is the officially designated agency or body of the community to whom applications for an FSP for Wireless Communications Facilities shall be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking Facilities Siting Permits for Wireless Communications Facilities. The Council may at its discretion delegate or designate other official departments or agents of the City to approve, accept, review, analyze, evaluate and/or make recommendations to the Council with respect to the granting or not granting, recertifying or not recertifying or revoking FSPs for Wireless Communications Facilities.
2. An Application for a FSP for Wireless Communications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. Said application shall also be signed by the property owner to which the facility is located or is to be located. Each application shall include a copy of the lease, letter of authorization or other legal documentation from the property owner showing authority of the Applicant to pursue the application. At the discretion of the Council, any false or misleading statement in the Application may subject the Applicant to denial or revocation of approval of the Application without further consideration or opportunity for correction.
3. Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the City in writing, and listing the application deficiencies, within thirty (30) calendar days of submission of the application. The applicant may take thirty (30) days from receiving the insufficiency letter to correct the specific deficiencies otherwise the documents submitted to the City will be returned.
4. Security. Facilities shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build, or modify wireless facilities.
5. Lighting.
 - a. The Applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the wireless structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower, or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.
 - b. The City encourages installations that do not require lighting under Federal Aviation Administration Regulation Part 77.

- c. Security lighting associated with equipment cabinets and shelters shall not exceed one-half (0.5) foot-candles at the property line.
6. Signage.
 - a. Wireless Facilities may be permitted one (1) sign no larger than one (1) square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. Said sign shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s).
 - b. The sign shall be located so as to be visible from the access point of the site.
 - c. Lighting associated with said sign must meet all requirements of the City Code and be approved by the City Council or its designee.
 - d. No other signage, including advertising, shall be permitted on any facilities, Antennas, Antenna supporting structures or Antenna Towers, unless otherwise required by law.
 7. Design.
 - a. Subject to the requirement of the FAA or any other applicable State or Federal agency, towers shall be painted a neutral color consistent with the natural or built environment of the site.
 - b. Equipment shelters or cabinets shall have exterior finish compatible with the natural or built environment of the site and shall also comply with any design guidelines (exterior material requirements) as may be applicable to the particular zoning district the facility is located. All equipment shall be placed underground, contained in a single shelter or cabinet, or wholly concealed within a building.
 - c. All towers shall be surrounded by a minimum six-foot high fence and a landscape buffer strip of not less than ten (10) feet in width and planted with materials, which will provide a visual barrier to a minimum height of six (6) feet. The landscape buffer strip shall be exterior to any security fence. In lieu of the required security fence and landscape strip, an alternative means of screening upon demonstration by the applicant that an equivalent degree of visual screening will be achieved, is available or may be requested and approved by the City. This requirement does not apply to facilities located with the right-of-way.
 - d. Antennas attached to an existing building or structure shall be of a color identical to or closely compatible with the surface to which they are mounted. Antennas attached to a disguised support structure or tower shall be contained within the disguised support structure or within or mounted flush on the surface of the tower to which they are mounted or disguised themselves. All antennas attached to a disguised support structure shall be designed to be disguised and maximally concealed on or within the support structure, e. Facilities located within the right-of-way shall be of a single

pole design that shall not have antenna arrays that protrude more than twelve (12) horizontal inches from the pole.

8. Yard (Setback) Requirements.

- a. Wireless facilities shall be located within a minimum structure setback from any property line of a distance equal to one hundred ten percent (110%) height of the wireless facility structure or the existing minimum structure setback requirement in that zoning district, whichever is greater. This requirement shall not apply to accessory equipment for wireless facilities located within the right-of-way.
- b. If the applicant demonstrates that the support structure is designed with a failure point that necessitates a yard setback less than that of height of the tower, the City shall consider said request. However, at no time shall the minimum yard setback be less than the minimum structure setback of the zoning district the structure is placed on. This requirement shall not apply to accessory equipment for wireless facilities located within the right-of-way.
- c. Accessory equipment shall be located so as to comply with the minimum structure setback requirements for the zoning district of the property to which it is located. This requirement shall not apply to accessory equipment for wireless facilities located within the right-of-way.
- d. No new wireless facility shall be constructed within a distance greater than or equal to one hundred ten percent (110%) of the height of the wireless facility structure in relation to the nearest structure designed for occupancy. This requirement applies to wireless facilities located on private land and within the right-of-way.

9. Overview Of Submittal Process.

Type of Application	Permit Required	Decisionmaking Authority	Notes
Collocation/ replacement	MZA	Staff	
Substantial Modification	FSP MZA	City Council Planning Staff	FSP reviewed by PPW prior to CC; MZA required upon approval.
New wireless facility	FSP MZA	City Council Planning Staff	FSP reviewed by PPW prior to CC; MZA required upon approval.

Type of Application	Permit Required	Decisionmaking Authority	Notes
New wireless facility or substantial modification located in ROW	FSP Permitting Agreement MZA	City Council City Council Planning Staff	FSP and Permitting Agreement reviewed by PPW prior to CC; MZA required upon approval.
Collocation located in ROW	Permitting Agreement MZA	City Council Planning Staff	Permitting Agreement reviewed by PPW prior to CC; MZA required upon approval

Section 405.06.040. Specific Requirements And Review Process For Collocations And Replacement Of Existing Wireless Facilities.

[CC 1990 § 31-06-04; Ord. No. 2978, 1-17-2018]

- A. Collocation And Replacement Of Wireless Facilities Requirements On Non-Historic Structures.
 - 1. An application for Municipal Zoning Approval (MZA) shall be required for all collocation and replacement of existing facilities requests provided that:
 - a. Additional equipment is located within the existing shelter, or for collations within the right-of-way, additional equipment shall be:
 - (1) Installed underground; or
 - (2) Located on the support structure itself and positioned no closer to ten (10) feet to the ground;
 - b. The collocation or replacement of existing wireless facilities does not result in the expansion of the compound area or increase the overall height of the structure by greater than 10%; and
 - c. All requirements of this Article are met.
 - 2. A collocation is as defined and described in Article 10-08 of this UDC.
 - 3. Timing. All MZA applications for collocation or replacement of wireless communication facilities shall be reviewed, and a final decision made in writing no later than forty-five (45) calendar days after the City has received a completed MZA application. Each MZA application shall be signed by the property owner and include a copy of the lease agreement or other letter of authorization from the property owner evidencing the applicants right to pursue the application.

- a. An application is deemed to be complete unless the City notifies the applicant within fifteen (15) calendar days of submission. Within the notice of incompleteness, the City shall specify deficiencies in the application, which if cured, would make the application complete. The applicant has fifteen (15) calendar days to respond from receiving such notices of incompleteness to cure all required deficiencies. If the applicant cures the deficiencies within fifteen (15) calendar days, the application shall be reviewed and processed within forty-five (45) calendar days from the initial date the application was received.
 - b. If the applicant requires a time period beyond fifteen (15) calendar days to cure deficiencies, the forty-five (45) calendar deadline shall be extended by the same period of time.
4. Fees. There is no review fee associated with collocations or replacement of existing facilities with submittal of an MZA.

Section 405.06.050. Specific Requirements And Review Process For Installation Of New Wireless Support Structures And Substantial Modifications.

[CC 1990 § 31-06-05; Ord. No. 2978, 1-17-2018]

A. Applications And Review Process For New Wireless Support Structures.

1. Requests for construction of a new wireless support structure such as a tower or building which does not constitute a substantial modification shall require Facilities Siting Permit (FSP) prior to obtaining an MZA by the City. (See Article 10-08 of the UDC for definitions of substantial modification and wireless telecommunications facility)
2. Applications for the construction of new Wireless Support Structures which does not constitute a substantial modification shall submit the following items with the FSP application;
 - a. The name, address and phone number of the person preparing the report;
 - b. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application;
 - c. The postal address and tax map parcel number of the property;
 - d. Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
 - e. The location and distance of the nearest residential structure as measured from the base of the proposed tower;
 - f. An outboundary survey, prepared by a licensed professional Surveyor, licensed to perform surveying within the State of Missouri, with an original seal and signature affixed thereto;

- g. The location, size and height of all existing and proposed structures on the subject property;
 - h. The type, locations and dimensions of all proposed and existing landscaping and fencing/screening requirements;
 - i. The size and centerline height location of all proposed and existing antenna on the wireless supporting structure including the number, type and model of the antenna(s) proposed with a copy of the specification sheet;
 - j. The make, model, type and manufacturer of the wireless support structure tower and design plan stating the wireless support structure's tower's capacity to accommodate multiple users;
 - k. A site plan signed and sealed by a registered engineer describing the proposed wireless support structure and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting compliant with this Article as applicable.
3. Review Process.
- a. Timing. The City Council shall review the application in light of its conformity with applicable zoning regulations within one hundred twenty (120) calendar days of receipt of the application and shall make its final decision to approve or disapprove the application, in writing, within the one hundred twenty (120) calendar days' review period.
 - b. An application is deemed to be complete unless the City notifies the applicant within thirty (30) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, the applicant may take thirty (30) calendar days from receiving such notice to correct the specific deficiencies. If the applicant cures the deficiencies within thirty (30) calendar days, the applicant shall be reviewed and processed within one hundred twenty (120) calendar days from the initial date the application was received.
 - c. If the applicant requires a time period beyond thirty (30) calendar days to cure deficiencies, the one hundred twenty (120) calendar deadline shall be extended by the same period of time.
 - d. Fees. A review fee of one hundred fifty dollars (\$150.00) shall be required in addition to the public hearing fee. The public hearing fee is as required for all special procedures and as established in Article 09-02 of the UDC.
4. Design Features shall comply with the requirements set forth in Section 06-03 of this Article unless otherwise stated herein.
5. Height.

- a. New wireless support structures shall not exceed one hundred (100) feet in height unless it may be shown that the requested height is necessary to provide reasonable service and reasonable co-location.
 - b. New wireless support structures within the right of way shall not exceed thirty five (35) feet in height.
6. Location.
- a. New facilities within a right-of-way shall not be located within five hundred (500) feet of another wireless facility that is located on the same side of the roadway.
- B. Applications And Review Process For Substantial Modifications.
1. Requests for substantial modifications of wireless support structures shall require Facilities Siting Permit (FSP) approval by the City of Chesterfield prior to obtaining an MZA by the City.
 2. A substantial or material modification is as defined and described in Article 10-08 of this UDC.
 3. Applications For Substantial Modifications. The applicant shall submit along with the FSP application, all documents listed in Section 06-05.A of this Article.
 - a. Timing. Within one hundred twenty (120) calendar days of receiving an application for a substantial modification of wireless support structures, the City shall review the application in light of its conformity with applicable local zoning regulations; make its final decision to approve or disapprove the application; and advise the applicant in writing of the City's final decision.
 - b. An application is deemed to be complete unless the City notifies the applicant within thirty (30) calendar days of submission. Within the notice of incompleteness, the City shall specify deficiencies in the application, which if cured, would make the application complete. The applicant has thirty (30) calendar days to respond from receiving such notices of incompleteness to cure all required deficiencies. If the applicant cures the deficiencies within thirty (30) calendar days, the application shall be reviewed and processed within one hundred twenty (120) calendar days from the initial date the application was received.
 - c. If the applicant requires a time period beyond thirty (30) calendar days to cure deficiencies, the one hundred and twenty (120) calendar deadline shall be extended by the same period of time.
 - d. Fees. A review fee of one hundred fifty dollars (\$150.00) shall be required in addition to the public hearing fee. The public hearing fee is as required for all special procedures and as established in Article 09-02 of the UDC.
 4. Design Features shall comply with the requirements set forth in Section 06-03 of this Article unless otherwise stated herein.

Section 405.06.060. Extent And Parameters Of Wireless Communications Facility Siting Permit (FSP).**[CC 1990 § 31-06-06; Ord. No. 2978, 1-17-2018]**

- A. A FSP shall be non-exclusive.
- B. The FSP shall not be assigned, transferred or conveyed without written notification to the City. Such notification will occur within one hundred eighty (180) calendar days of such assignment, transfer or conveyance.
- C. An FSP may, following a hearing upon due prior notice to the applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Facility Siting Permit, or for a material violation of this Article after prior written notice to the applicant and the holder of the facility siting permit.

Section 405.06.070. Appeal.**[CC 1990 § 31-06-07; Ord. No. 2978, 1-17-2018]**

Appeal may be taken from the regulations contained within this Article 6 to the Board of Adjustment, as provided for in this Code which Board shall hear and pass on such appeals.

**ARTICLE 07
Nonconformities****Section 405.07.010. Applicability.****[CC 1990 § 31-07-01; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

- A. The provisions of this Article shall apply to all nonconforming uses, parcels of land, structures, and signs.
- B. Nonconformities may be incompatible with and detrimental to permitted land uses and structures in the zoning districts in which they are situated; they inhibit present and future development of nearby properties; and they confer upon their owners and users a position of unfair advantage.

Section 405.07.020. Scope Of Provisions.**[CC 1990 § 31-07-02; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

- A. An existing nonconforming land use, structure, parcel of land, or sign shall not cause further departures from the Unified Development Code (UDC).
- B. Nonconformities should be abolished or reduced within a reasonable period of time but in some instances may continue to exist as specifically described in this Article. In no case shall an existing nonconformity be expanded.
- C. A nonconforming use may be changed to another use only when the new use may be one that is permitted in the zoning district governing the property in which the

nonconformity is situated, provided that the new use complies with the regulations of that district.

- D. The existence of any present nonconformity anywhere in the City shall not itself be considered grounds for the issuance of a variance for other property.

Section 405.07.030. Establishment Of Nonconformity.

[CC 1990 § 31-07-03; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. A nonconformity shall be deemed to have existed on the date this UDC or any amendment thereto becomes effective if:
1. It existed on a continuous basis and to its fullest extent on the date referred to above.
 2. If such nonconformity is a use, such use had not been abandoned as hereinafter defined in Section 405.07.090.
 3. Provided, however, that nothing in this UDC shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction had lawfully begun in good faith prior to the effective date of this UDC, if such construction is completed within two (2) years following such date. "Actual construction" is hereby defined to include the placing of construction materials so that they are in a permanent position and fastened to the earth in a permanent manner.

Section 405.07.040. Enlargement Or Alteration Of Nonconforming Use.

[CC 1990 § 31-07-04; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. A nonconforming use of land shall not be enlarged, extended or altered and a structure or part thereof devoted to a nonconforming use shall not be enlarged, extended, constructed, reconstructed, or structurally altered, except:
1. As may be required by law; or
 2. In changing the use to one that is permitted in the zoning district in which such use is situated; or
 3. To the extent hereinafter permitted; or
 4. To provide off-street parking or loading space; or
 5. An existing legal nonconforming tavern or restaurant existing on December 1, 1975, or an existing tavern or restaurant which becomes nonconforming because of a subsequent change of zoning district classification, may be issued a liquor license in accord with the provisions of Chapter 801, SLCRO 1974, as amended, and such issuance and sale of liquor thereunder shall not be deemed an enlargement, extension, or alteration of said use.

- B. Relocation. A nonconforming use of land shall not be moved to another part of a lot or outside the lot, and a nonconforming use of a structure shall not be moved to any part of the structure not manifestly arranged and designed for such use at the time the use became nonconforming except that in the case of extraction of raw materials from the earth, extraction operations and moving of related structures may occur on any part of the tract owned or leased by the operator at the time of becoming a nonconforming use.
- C. Conditional Uses. Where any change is proposed to be made to a use that is permitted in the district only by a conditional use permit, such change may be made only through a conditional use permit granted pursuant to the procedure specified in Section 405.02.040 of this UDC.
- D. Number Of Dwelling Units. The number of dwelling units in a nonconforming residential structure shall not be increased over the number of dwelling units in the structure at the time of the structure becoming a nonconforming structure.

Section 405.07.050. Restoration.

[CC 1990 § 31-07-05; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Nothing in this UDC shall be deemed to prohibit the restoration of any structure and its use where such structure has been destroyed by any means out of the control of the owner (such as a natural disaster) to an extent less than sixty percent (60%) of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any foundation adaptable to a conforming use) at the time of destruction, provided that the restoration of such structure and its use in no way increases any former nonconformity, and provided further that restoration of such structure is begun within six (6) months of such destruction and diligently prosecuted to completion within two (2) years following such destruction.
- B. Whenever such structure has been destroyed by any means out of the control of the owner (such as a natural disaster) to an extent of more than sixty percent (60%) of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any foundation adaptable to a conforming use) at the time of destruction, as determined by the Planning and Development Services Director, or by any means within the control of the owner to any extent whatsoever, the structure shall not be restored except in full conformity with all regulations of the district in which such structure is situated.
- C. When a structure is determined to be substandard by the Planning and Development Services Director under any applicable ordinance of the City and the cost of placing the structure in a condition to satisfy the standards under such ordinance shall exceed sixty percent (60%) of the reconstruction cost of the entire structure, such nonconforming structure shall not be restored for the purpose of continuing a nonconforming use. However, none of the restrictions contained in this Section shall limit the authority of the Board of Adjustment to grant relief for reconstruction of a nonconforming structure, as provided in Section 405.02.190 of this UDC.¹⁸

¹⁸ Editor's Note: Original Subsection D, Flood, which immediately followed this Subsection, was repealed 1-5-2015 by § 2 of Ord. No. 2828. For current provisions, see Article 05, Flood Damage Prevention.

Section 405.07.060. (Reserved)¹⁹**Section 405.07.070. Conformance With Zoning Performance Standards.****[CC 1990 § 31-07-07; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

Within five (5) years of the date of the adoption of this UDC, or the date of adoption of any applicable amendments to this UDC, any use that is or becomes a nonconforming use shall be brought into conformance with the zoning performance standards established in Article 04 of this UDC.

Section 405.07.080. Required Discontinuance.**[CC 1990 § 31-07-08; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

The nonconforming use of open land for junkyards, storage (other than stockpiling of sand, gravel, and rock as an accessory operation to the extraction of raw material from the earth) and nonconforming structures containing two hundred (200) square feet of ground floor space or less shall be discontinued within five (5) years of the date of their becoming nonconforming uses by the adoption of this UDC, amendments to this UDC or previous Zoning Ordinances. Any use listed in this Section need not be discontinued in the event that the adoption of this UDC or amendments to this UDC changes the status of such use from that of a nonconforming use to that of a permitted use in the district in which it is located.

Section 405.07.090. Abandonment Of Nonconforming Uses.**[CC 1990 § 31-07-09; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]**

Any nonconforming use that has been abandoned for a period of twelve (12) consecutive months shall not thereafter be reestablished. Abandonment occurs when a structure or land, or structure and land in combination, which was formerly devoted to a nonconforming use has been discontinued for a period of twelve (12) months. When abandonment occurs, said structure or land shall not again be devoted to any use other than those uses which are permitted in the district in which the structure or land, or structure and land in combination, is situated.

Section 405.07.100. Nonconforming Signs.**[CC 1990 § 31-07-10; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]****A. Scope Of Provisions.**

1. The provisions of this Section shall apply to all nonconforming signs. A nonconforming sign is one which existed lawfully, whether by variance or otherwise, on the date this UDC or any amendment thereto became effective and

19. Editor's Note: Original § 31-07-06, Reconstruction in FP Floodplain Overlay District, of the 1990 City Code, adopted 6-16-2014 by § 3 (Exh. A) of Ord. No. 2801, was repealed 1-5-2015 by § 2 of Ord. No. 2828. For current provisions, see Article 05, Flood Damage Prevention.

which fails to conform to one (1) or more of the applicable regulations of the UDC or such amendment thereto.

2. Such nonconformities may be incompatible with permitted land uses and structures in the zoning districts in which they are situated and they confer upon their owners and users a position of unfair advantage.
- B. Nonconformities are not to be expanded, and they should be abolished or reduced to conformity as quickly as the fair interest to the parties will permit.
 - C. An existing nonconforming sign shall not cause or authorize further departures from the UDC.
 - D. An existing nonconforming sign may be continued except as hereinafter limited in this Section.
 - E. A nonconforming sign may be changed to another sign only in accord with the following:
 1. The new sign may be one that is permitted in the underlying district governing the property in which the nonconformity is situated, provided that the new sign complies with the regulations of that district; or
 2. The new sign may be one that is permitted in the most restrictive district in which the nonconforming sign is a permitted sign, provided that the new sign complies with the regulations of that district.

Section 405.07.110. Nonconforming Advertising Signs.

[CC 1990 § 31-07-11; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. A nonconforming advertising sign shall not be enlarged or relocated except:
 1. As may be required by law or where relocated by governmental authority.
 2. To the extent hereinafter permitted.
- B. An existing advertising sign which is legally nonconforming or would be legally nonconforming but for failure to have terminated such nonconformity within five (5) years as provided in Section 1003.260 of the St. Louis County Zoning Ordinance of 1946, or Section 1003.170 of the St. Louis County Zoning Ordinance of 1965 may be repaired, reconstructed or structurally altered, but may not be enlarged or relocated.
- C. The existence of any present nonconformity anywhere in the City shall not itself be considered grounds for the issuance of a variance for a sign on other property.

Section 405.07.120. Alteration Or Relocation Of Nonconforming Signs.

[CC 1990 § 31-07-12; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. A nonconforming sign shall not be enlarged or relocated except:
 1. As may be required by law or where relocation is by governmental authority; or

2. To the extent hereinafter permitted; and
3. Restoration, alteration, or reconstruction of the sign face shall not be considered as an increase in nonconformity or a nonconforming sign.

Section 405.07.130. Restoration Of Nonconforming Signs.

[CC 1990 § 31-07-13; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Nothing in this UDC shall be deemed to prohibit the restoration of any sign and its use where such sign has been destroyed by any means out of the control of the owner (such as a natural disaster) to an extent less than sixty percent (60%) of its replacement value at the time of destruction, provided that the restoration of such sign and its use in no way increases any former nonconformity, and provided further that restoration of such structure is begun within six (6) months of such destruction and diligently prosecuted to completion within six (6) years following such destruction.
- B. Whenever such sign has been destroyed by any means out of the control of the owner (such as a natural disaster) to an extent of more than sixty percent (60%) of its replacement value at the time of destruction, as determined by the Planning and Development Services Director, or by any means within the control of the owner to any extent whatsoever, the sign shall not be restored except in full conformity with all regulations of the district in which such structure is situated.
- C. When a sign is determined to be substandard (i.e., deteriorated, in disrepair, or is unsightly) by the Planning and Development Services Director under any applicable ordinance of the City and the cost of placing the sign in a condition to satisfy the standards under such ordinance shall exceed sixty percent (60%) of the reconstruction cost of the entire sign, such nonconforming sign shall not be restored for the purpose of continuing a nonconforming use.
- D. However, none of the restrictions contained in this Section shall limit the authority of the Board of Adjustment to grant relief for reconstruction of a nonconforming sign, as provided in Section 405.02.190 of this UDC.

Section 405.07.140. Abandonment Of Signs.

[CC 1990 § 31-07-14; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

Any nonconforming sign that has been abandoned shall not thereafter be reestablished. See Article 10, Definitions, for definition of "abandonment" as used in this UDC.

ARTICLE 08

Enforcement And Penalties

Section 405.08.010. General Administration And Enforcement.

[CC 1990 § 31-08-01; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Administration.

1. This Article contains the regulations pertaining to administration and enforcement of the provisions of the Unified Development Code, inspection of property, and issuance of stop-work or stop-use orders.
2. This Unified Development Code (UDC) shall be enforced by the City of Chesterfield.

Section 405.08.020. Zoning Enforcement.

[CC 1990 § 31-08-02; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. General.

1. Stop-Work And Stop-Use Orders. The cessation of any construction, reconstruction, alteration, conversion, maintenance, or use in violation of this UDC may be effected by posting a stop-work or stop-use notice on the premises; or by notice in writing to the owner of the property involved, or to his agents, or to the person doing the work, in the case of a stop-work order, stating the nature of the violation. Stop-work orders and stop-use orders may be issued by the Planning and Development Services Director and/or Public Works Director and may be issued for such items as grading permit, municipal zoning approval or building permit violations.
2. Powers. The Planning and Development Services Director or his/her designee shall have the power to order all work to be stopped on any building or structure where such work is being done in violation of any provision of the UDC. Such stop-work orders may be given orally and may be enforced when so given; provided, however, that any oral stop-work order shall be followed by a written order within four (4) hours. All work that is stopped shall not be resumed except upon permission of the Planning and Development Services Director. Written stop-work or stop-use orders may be served by any police officer or Code Compliance Inspector and may be served by personal service or by posting on the premises affected.
3. Issuance of a stop-work order shall result in a suspension of all construction activity on the site, except for work related to remediation of the violation, until the violation is abated.
4. The stop-work order shall also suspend the right of the permittee, applicant, owner, contractor, developer or any related entity to build or construct any structure or public improvement on any portion of the site. The Planning and Development Services Director or Public Works Director, upon the issuance of a stop-work order, is authorized to suspend all inspections and plan review related to any other work that is taking place on the site until such time as the violation is abated. Stop-work orders shall specifically state the provisions of this Article (or in the instance of a grading permit violation, shall state the provisions of the grading permit being violated). Any person who shall continue any work in or about the site after having been served with a stop-work order, except work related to remediation of the violation, shall be subject to all applicable penalties.

5. The written stop-work order shall be mailed, postage pre-paid, to both the permittee and owner. All stop-work orders that are issued by the Department of Public Services (the Department) must be posted on the site on which the activity is taking place.
6. Inspection And Entry Of Land And Buildings.
 - a. Authorized personnel of the Department are hereby empowered, in the performances of their functions, to enter upon any land in the City of Chesterfield for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs, or placards required to effectuate the purpose and provisions of this UDC. The above-authorized persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Section.
 - b. The Code Compliance Inspector is authorized to inspect or cause to be inspected any building or other structure or any land on which work is in progress and report to the Planning and Development Services Director any suggested stoppage of work.
7. Police Assistance. The Police Department shall aid the Department in posting of stop-work or stop-use orders when requested by the Planning and Development Services Director or his or her designee.

Section 405.08.030. Violations; Warning Notice; Summons.

[CC 1990 § 31-08-03; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Notice And Warning. Any person who shall violate the provisions of the UDC of the City of Chesterfield shall be served notice and warned as follows:
 1. Procedure. Whenever it comes to the attention of the Department, or the City becomes aware of the existence of a violation of the UDC hereinafter referred to as the "violation," the Department shall investigate the violation and shall prepare a report concerning the same. If a violation of the UDC is found to exist, a warning notice shall be left with any person occupying such property, whether such person is the owner, renter or lessee thereof, by delivering such warning notice to such person, or if no one is present in the property or refuses to accept the notice, then by posting the warning notice on the front, or side or rear entrance to the residence or building.
 2. Warning Notice Contents. The warning notice provided above shall contain:
 - a. The address or legal description of the property;
 - b. The ordinance number of the ordinance being violated;
 - c. The nature and location of the violation, and the date by which such violation shall be removed or abated;

- d. A notice of the penalty for failure to remove or abate the violation, stating that if the violation reoccurs by the same occupier, owner or person in charge, a summons will be issued without further notice.
 3. Notice For Unimproved Or Unoccupied Property. If the violation occurs on unimproved property or where the residence or building is unoccupied, the written notice shall be mailed and the property may be posted as provided in this Section. If the property is unimproved, the property may be posted by placing the notice upon a tree or other object upon such property, as may be available.
 4. Written Notice. A notice in writing containing the same information as provided on the warning notice provided in this Section shall be sent to the owner or any other person having control of the property at the last known address of the owner, or at the address of the person having control, by ordinary mail, postage prepaid.
- B. Failure To Act Upon Warning Notice. Upon neglect or failure to act upon the warning notice by the property owner, the City shall issue a summons as follows:
1. Summons, Service Of. If a warning notice is given as provided in this Article, and if after the time for removal or abatement has lapsed the property is reinspected and the inspector finds and determines that the violation has not been abated, the inspector shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed by name to the occupant, owners, or person in charge of the property, showing the address or legal description of property on which the violation is located, and such other information as may be available to the inspecting officer as shown on the summons, and specifying the Section of the Article which is being violated and setting forth in general the nature of the violation, and may serve the summons on the occupant, owners, or person in charge, or any or all of such persons. The summons shall contain a date on which the case will be on the Municipal Court docket for hearing. The Prosecuting Attorney shall sign the original copy of all such summons, and the original thereof shall be forwarded to the Clerk of the Municipal Court for inclusion on the Court's docket for the date shown on the summons.
 2. Summons, Delivery By Mail. If no one is found at the property to accept a summons for failure to remove or abate a violation, the inspecting officer shall fill out and sign the summons as the complainant as provided in Subsection (B)(1) and deliver the original and one (1) copy of the summons to the Clerk of the Municipal Court, who shall verify or insert the date that the case has been set for hearing before the Municipal Court. The Clerk shall then mail the copy of the summons by ordinary mail, postage prepaid, to the person named therein at the address shown on the summons, or at such other address as the person charged therewith may be found, or shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person to whom addressed.
 3. Abatement By City; Costs Assessed. If the occupant, owner or person in charge of property for which a warning notice has been given to remove or abate a

violation fails to remove or abate the violation in the time specified in the notice, whether on public or private property, the City may remove the same and thereby abate the violation and, if necessary, may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the costs of the property owner.

4. Payment of costs; use of surety, special tax bill or judgment. All costs and expenses incurred by the City in removing or abating any violation on any private property may be deducted from the surety deposited with the City or may be assessed against the property in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the violation, whether on public or private property, may be made a part of the judgment by the Municipal Judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, creating or maintaining a violation on public or private property.
5. Warning Notice, First Offense. In all cases where the violation on public or private property is the first offense of the specified ordinance violation for the person charged therewith, the warning notice provisions of this Article shall be observed. The notice shall specify the number of days in which the violation shall be removed or abated, which time shall not be less than three (3) days nor more than ten (10) days, except in emergency cases.
6. Warning Notice, Subsequent Offenses. In all cases where the violation on public or private property is a repeat or continued offense on such property, after the expiration of the time period set out in the Section above, the warning notice provisions of this Section need not be observed. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

Section 405.08.040. Violations And Penalties.

[CC 1990 § 31-08-04; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. General. Except as otherwise specifically established herein, any person, persons, firm, association or corporation violating any provision of the UDC, or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of the UDC, shall be guilty of a misdemeanor punishable by a fine of not less than five dollars (\$5.00), and not more than one thousand dollars (\$1,000.00) for each and every day that such violation continues; but, if the offense be willful on conviction thereof, the punishment shall be a fine of not less than five dollars (\$5.00) nor more than one thousand dollars (\$1,000.00) for each and every day that such violation shall continue, or by both such fine and imprisonment, not to exceed three (3) months in the discretion of the court. This shall apply to all violations of this UDC except as otherwise noted in this or other Articles of this UDC.
- B. Removal Or Replacement Of Public Hearing Signs. Any person or persons, firm, association, or corporation who shall remove, mar, scratch, obliterate or in any manner deface, hide from view or tamper with any such sign or signs shall be deemed guilty of

a violation of this Article and, upon conviction, shall be punished as provided for in this Section.

C. Removal Of Trees.

1. Administration and enforcement of the tree protection provisions shall be in accordance with this UDC. If any tree is removed without first obtaining the necessary approval from the City of Chesterfield, or if any tree is damaged or destroyed this shall constitute a violation of Section 405.04.020 of this UDC and a fine shall be assessed. Said fine shall be based upon the value and number of each tree or plant which was removed, damaged, or destroyed. Tree and plant values shall be based on procedures in "Guide for Plant Appraisal," latest edition, published by the International Society of Arboriculture. Monies collected from fines will be placed in the Tree Preservation Account as established in Section 405.04.020 of this UDC.
2. Prior to the issuance of any occupancy permits, should any preserved tree die or be damaged beyond repair as a result of grading or construction damage, the applicant shall pay a fine to the City equal to the value for the trees that died or are damaged beyond repair as certified and determined by the City's Tree Specialist. Said cost shall include the cost of appraisal incurred by the City of Chesterfield. The City will withhold occupancy permits and/or any other required permits until the fine is paid. Tree values shall be based on procedures in "Guide for Plant Appraisal," latest edition, published by the International Society of Arboriculture. Monies collected from fines will be placed in the Tree Preservation Account as established in Section 405.04.020 of this UDC.
3. Any other violation of Section 405.04.020 of this UDC shall be a municipal violation and, in addition to any fines or other requirements of this Section, punishable by a fine of not less than five dollars (\$5.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed three (3) months, or by both fine and imprisonment. Each occurrence, location, and failure to conform to the requirements of this Section shall constitute a separate offense, and each and every day that such violation shall continue shall be an additional violation, with each violation being punishable by a separate fine and/or imprisonment.

D. Adult Entertainment Business Uses. Any person violating the adult entertainment business requirements of the UDC shall be subject to a fine of not more than five hundred dollars (\$500.00) per each day of violation or by imprisonment for a period not to exceed three (3) months, or by both fine and imprisonment. Each occurrence and failure to conform to the requirements of Section 405.03.050 of this UDC, shall constitute a separate offense, and each and every day that such violation continues shall be an additional violation with each violation being punishable by a separate fine and/or imprisonment.

E. Floodplain.

1. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of Article 05 of this UDC and other applicable regulations. Violation of the provisions of Article 05 of this UDC

or failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor.

2. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than five dollars (\$5.00) and not more than one thousand dollars (\$1,000.00) or imprisoned for a period not to exceed three (3) months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
 3. Nothing herein contained shall prevent the City of Chesterfield or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.
- F. Other Actions. In addition to the penalties herein authorized and established, the City Attorney shall take such other actions at law, or in equity, as may be required to halt, terminate, remove, or otherwise eliminate any violations of this Article.

Section 405.08.050. Subdivision Violations And Penalties.

[CC 1990 § 31-08-05; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. Prohibition On Recordation. No property description of any subdivision within the jurisdiction of this UDC shall be entitled to be recorded in the St Louis County Office of the Recorder of Deeds or have any validity until it has been approved in a manner prescribed herein. In the event any such unapproved property description is recorded, it shall be considered invalid and the City Attorney may cause proceedings to be instituted to have such plat or deed declared invalid.
- B. Violations And Penalties. Any person, firm, association, or corporation violating any provisions of this Section, or any employee, assistant, agent, or any other person participating or taking any part in, joining, or aiding in, a violation of any provision of this Article may be prosecuted as provided by law for the violation of ordinances of the City of Chesterfield and, upon conviction, shall be punished by a fine not exceeding five hundred dollars (\$500.00) for any one (1) offense or imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Each day a violation continues after service of written notice to abate it shall constitute a separate offense, but no notice to abate is a prerequisite to prosecution of any single violation.
- C. Additional Action. In addition to the penalties hereinabove authorized and established, the City Attorney may take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violation of this UDC.

ARTICLE 09

Fees**Section 405.09.010. General Provisions.****[CC 1990 § 31-09-01; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]****A. Collection Of Fees.**

1. In the administration of the provisions of this Unified Development Code (UDC), the Department of Public Services (the Department) shall collect fees for the various procedures and requests as stated in this Article.
2. The fees to be charged for the various procedures in this UDC are not refundable, except where a petition or application is withdrawn prior to submission for advertising or posting of public hearing notices for the petition, and then only by order of the City Council.

Section 405.09.020. Public Hearing Petitions And Applications.**[CC 1990 § 31-09-02; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]****A. Petitions And Applications.** Petitions and applications to the City of Chesterfield which require a public hearing shall have an application fee and a public hearing fee. These projects may include, but are not limited to, petitions for a change of zoning, special procedure applications, and variance applications to the Board of Adjustment.

1. The application fee for a variance request to be heard before the Board of Adjustment shall be seventy dollars (\$70.00).
2. The application fee for a variance to the Public Works Board of Variance shall be fifty dollars (\$50.00).
3. The application fee for any other petition or application, regardless of size of development or type of petition, which requires a public hearing shall be two hundred and fifty dollars (\$250.00).
4. The public hearing fee for any petition or application shall be equal to the direct cost to the City of Chesterfield for advertising. A copy of the proof of publication will be provided to the petitioner for full reimbursement to the City. Payment of this public hearing fee is required prior to the petition being placed on the agenda.
5. The public hearing fee and application fee shall not be required for any TSP application. Fees for these types of applications are provided in Section 405.09.030(D).

B. Plan Review Fees.

1. The review fee for any sketch plan, site plan, site development plan, site development concept plan, site development section plan, or amendment thereto, regardless of development size or type of development, shall be one hundred fifty dollars (\$150.00).

2. The review fee for any landscape plan, tree preservation plan, tree stand delineation, lighting plan, sign package or amendment to architectural elevations, which are not part of an existing site plan review, shall be fifty dollars (\$50.00).
3. The review fee for any mitigation plan subsequent to the approval of special conditions as described in Section 405.04.020 of this UDC shall be one hundred and fifty dollars (\$150.00).

C. Subdivision Plat Review Fees.

1. Display Plat. There shall be a review fee of one hundred fifteen dollars (\$115.00) plus fifty dollars (\$50.00) per each unit.
2. Preliminary Plat. There shall be a review fee of three hundred fifty dollars (\$350.00) accompanying the submission of a proposed preliminary plat, except where previously reviewed under Section 405.02.100 of this UDC.
3. Minor subdivision plat, condominium plat, boundary adjustment plat, or lot split applications shall have a review fee of seventy-five dollars (\$75.00).
4. Record Plats.
 - a. Review fee for residential record plats shall be eighteen dollars (\$18.00) per lot.
 - b. Review fee for record plats for multifamily dwelling unit developments shall be nine dollars (\$9.00) per dwelling unit.
 - c. Review fee for nonresidential record plats shall be as follows:
 - (1) Eighty-five dollars (\$85.00) per acre for the first twenty (20) acres.
 - (2) An additional fifty-five dollars (\$55.00) per acre for each acre over twenty (20) acres, up to one hundred (100) acres.
 - (3) An additional thirty dollars (\$30.00) per acre for each acre over one hundred (100) acres up to two hundred (200) acres.
 - (4) No additional fees apply for tracts in excess of two hundred (200) acres.

- D. Vacation Fees. There shall be a fee of two hundred dollars (\$200.00) for the filing of any vacation petition, such as a petition to vacate a street, easement, or subdivision.

Section 405.09.030. Permit And Inspection Fees.

[CC 1990 § 31-09-03; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

A. Grading Permits And Inspection Fees.

1. Each inspection required shall be paid at the rate of fifty dollars (\$50.00) per hour based upon the Director of Public Services' (the Director) estimate of the time required to perform the inspections. If the estimated fee is inadequate, the necessary additional fees shall be paid to the City of Chesterfield upon notice and

if the fee is in excess of the amount actually expended, the balance shall be refunded by the City of Chesterfield.

- 2. In lieu of paying the flat fee of fifty dollars (\$50.00) per hour for inspections, an inspection rate schedule based upon the size of the development is available at the following rate:
 - a. Two hundred fifty dollars (\$250.00) for the first acre and an additional one hundred dollars (\$100.00) for each additional acre or portion thereof. The acreage is based upon the actual area of that portion of the site being developed, not necessarily the gross area of the site.

Development Size (acres)	Inspection Fee
Up to 1	\$250
1.01 to 2	\$350
2.01 to 3	\$450
3.01 to 4	\$550
4.01 to 5	\$650
5.01 to 6	\$750
6.01 to 7	\$850
7.01 to 8	\$950
8.01 to 9	\$1,050
9.01 to 10	\$1,150

- 3. For sites in which the required public improvements have not been constructed, but the installation thereof has been guaranteed through the appropriate escrows and sureties, the inspection fees associated with said improvements shall be as follows:

Escrow Amount	Inspection Fee (percentage of escrow amount)
Up to \$499,999	3.50%
\$500,000 to \$999,999	2.5%
\$1,000,000 to \$1,999,999	2%
\$2,000,000 and greater	1.5%

- 4. Highway Inspection Fee. Inspection fees shall be collected at the rate of thirty dollars (\$30.00) per hour, based upon the Director's estimate of time required to inspect storm sewers and other drainage structures outside the Metropolitan St. Louis Sewer District, and the streets, public or private, including paving and sidewalks. The Department shall be entitled to full compensation for the time consumed in making such inspections. If the estimated fee is inadequate, the necessary additional fees shall be collected by the Department upon notice. If the estimated fee is in excess of the amount expended, the balance shall be refunded by the Department. Claims for such refunds shall be paid when audited and approved by the Director.

5. In addition to the fees provided herein, the developer shall pay for and arrange for inspections by the Department as may be required by other Sections of this UDC or other such development regulations of the City.
 6. The Department shall, at the end of each month, account for the inspection fees collected.
- B. (Reserved)²⁰
- C. Special Use Permit Fees. Cost is determined by how many units the applicant uses. A unit is three hundred (300) continuous linear feet. One (1) unit equals one hundred sixteen dollars (\$116.00). Each cut also counts as one (1) unit.
1. For example, if a utility company is digging under the roadway for a total of fifty (50) feet, but it is cutting in two (2) locations, it would be two (2) units. If the company is digging for two hundred fifty (250) feet but with only one (1) cut, it would be only one (1) unit.
 2. Boring under the street equals two (2) units [one (1) unit for the bore hole in and one (1) unit for the bore hole out].
 3. Twelve (12) telephone poles equals one (1) unit.
 4. There is no charge for residents planting approved street trees in the right-of-way.
 5. There is no charge for utility companies installing new service at subdivisions under construction which have not been accepted by the City.
- D. Telecommunications Facilities Siting Permit Fees.
1. At the time that a person submits an application for a facilities siting permit for a new telecommunications tower, such person shall pay a nonrefundable application fee of five thousand dollars (\$5,000.00) to the City.
 2. If the application is for a facilities siting permit for collocating on an existing telecommunications tower or high structure, where no increase in height of the tower or structure is required, the nonrefundable fee shall be two thousand dollars (\$2,000.00). These fees shall include the cost of any applicable permits. These fees represent the City's best estimate of the actual cost of City personnel and resources for processing applications and monitoring compliance with this Chapter for the life of a wireless telecommunications facility, which is estimated to be thirty (30) years.
 3. Application review costs and fees shall be reviewed and adjusted biennially, as needed to insure that the amount of the fees represents, as accurately as practicable, the City's cost of reviewing and processing applications and monitoring compliance with this UDC.
 4. No application fee is required in order to recertify a facilities siting permit for wireless telecommunications facilities, unless there has been a material

20. Editor's Note: Original Subsection B, Floodplain certification fees, was repealed 1-5-2015 by § 2 of Ord. No. 2828. For current provisions, see Article 05, Flood Damage Prevention.

modification of the wireless telecommunications facilities since the date of the issuance of the existing facilities siting permit for which the conditions of the facilities siting permit have not previously been modified. In the case of any material modification, the fees provided in Subsection (D)(1) shall apply.

- E. Sewer Lateral Repair Program Fees. The City of Chesterfield shall collect a fee of one hundred dollars (\$100.00) for all applications for the sewer lateral repair program.

Section 405.09.040. Crediting Of Fees.

[CC 1990 § 31-09-04; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. General.
1. Half of the vacation petition fee shall be credited to the special road and bridge fund with the balance credited to the general revenue fund.
 2. Special use permit and grading inspection fees shall be credited to the special road bridge fund.

ARTICLE 10

Definitions

Section 405.10.010. General Provisions; Word Usage.

[CC 1990 § 31-10-01; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

- A. For the purpose of this Article, certain words and phrases are herein defined. Words and phrases defined herein shall be given the defined meaning. Words and phrases that are not defined shall be given their usual meaning except where the context clearly indicates a different or specified meaning.
- B. Words used in the present tense shall include the future; the singular number includes the plural and the plural includes the singular; the word "dwelling" includes the word "residence"; the word "shall" is mandatory and not permissive.

Section 405.10.020. General Terms.

[CC 1990 § 31-10-02; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

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

ABANDONMENT — The voluntary discontinuance of a use, when accompanied by intent not to re-establish such use. Any of the following shall constitute prima facie evidence of intent to abandon.

1. Any positive act indicating such intent; or
2. Any conscious failure to take all necessary steps to resume the nonconforming use with reasonable dispatch in the circumstances, including advertising of the property for sale or for lease; or

3. In the case of a structure or of a structure and land in combination, discontinuance of the nonconforming use for twelve (12) consecutive months; or
4. In the case of land only, discontinuance of the nonconforming use for ninety (90) days, or for a total of six (6) months during any one-year period.

ACCESSORY BUILDING — Any building, the use of which is incidental to the principal use of another structure on the same premises.

ACCESSORY STRUCTURE — Any structure, the use of which is incidental to the principal use of another structure on the same premises.

ALLEY — A secondary means of ingress or egress serving more than one (1) tract of land and used primarily for vehicular service, and which may be used for public utility purposes.

APPLICANT — Any person submitting an application to the City of Chesterfield.

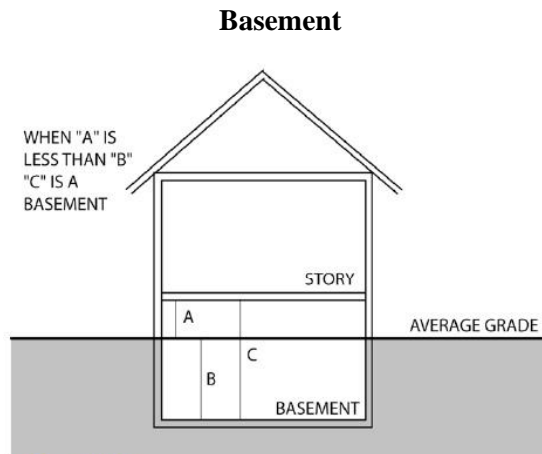
APPLICATION — The form approved by the City, together with all necessary and appropriate documentation, that an applicant submits in order to be considered a complete submittal for review.

ATRIUM — An open public area within a building established principally for aesthetic purposes.

AUTOMOBILE (AUTOMOTIVE) — Includes passenger cars, motorcycles, vans, pickup trucks, boats and recreational vehicles.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — A floored and walled substructure of a building at least fifty percent (50%) below the average finished grade of the building.



BENCHMARK — A definite point of known elevation and location and of more or less permanent character. The identity and elevation shall be based on United States Geological Survey (USGS) datum. Benchmarks established from 1981 Metropolitan St. Louis Sewer District (MSD) Benchmark Loop System and Missouri Department of Transportation Benchmarks or temporary benchmarks established thereon are acceptable.

BLOCK — An area of land surrounded by public highways, streets, streams, railroad rights-of-way, parks, rural land, drainage channels, or other similar areas or facilities.

BUILDING — A structure that is affixed to the land, has one (1) or more floors, one (1) or more exterior walls and a roof, and is designed or intended for use as a shelter.

BUILDING FACE or **WALL** — All window and wall area of a building in one (1) plane or elevation.

BUILD-TO LINE — An alignment established a certain distance from the curblineline (or property line) to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

CITY — The City of Chesterfield, St. Louis County, Missouri.

COMMISSION — The Planning Commission of the City of Chesterfield.

COMMON GROUND — That land set aside for open space, including stormwater, retention lakes, ponding, or recreational use for the owners of lots in a subdivision, which land is conveyed in trust for the benefit, use, and enjoyment of the lot owners.

COMMON OPEN SPACE — A parcel or area of land or an area of water or a combination of both within the planned unit development (PUD) which is designed and intended for the use or enjoyment of the residents. This area may include stream corridors, agricultural lands, archeological sites or other elements to be protected from development as well as easements for public utilities. It also includes any improvements as are necessary and appropriate for the benefit and enjoyment of the residents or land owners. Common open space does not include any portion of an improved lot dedicated to buildings or vehicular navigation.

COMPREHENSIVE (GENERAL) PLAN — A plan or any portion thereof for the coordinated development of the City of Chesterfield and adopted by the City Council. This plan may also be known as the "Comprehensive Plan."

CONDOMINIUM — A form of property ownership under the Condominium Property Act, Chapter 448, RSMo.

COUNCIL — The City Council of the City of Chesterfield, Missouri.

DEPARTMENT — The Department of Public Services of the City of Chesterfield.

DETENTION — The temporary storage of the differential runoff of stormwater by providing permanent facilities, such as dry reservoirs, ponds, or other acceptable alternatives.

DEVELOPER — That person, firm, or corporation by whom a tract will be subdivided, improved, constructed, graded, etc., pursuant to the requirements of this Unified Development Code.

DEVELOPMENT — The act of changing and the state of a tract of land after its function has been purposefully changed by man, including, but not limited to, structures on the land and alterations to the land.

DEVELOPMENT RIGHTS — The rights of the owner of a parcel of land, under land development regulations, to configure that parcel and the structures thereon to a particular

density for residential uses or maximum square feet of a structure for nonresidential uses or any other development right as approved by the City of Chesterfield.

DIRECTOR — The Director of Public Services of the City of Chesterfield.

EASEMENT, LARGE-LOT ROADWAY — A private thoroughfare which provides a means of access to lots within a large-lot subdivision.

EASEMENT, MULTIPLE-FAMILY ACCESS — A private thoroughfare which provides a means of access to parking areas and bays and to abutting buildings which are developed solely or principally as multiple-family dwellings.

EASEMENT, PRIVATE ROADWAY — A designated vehicular access way for the servicing of individual lots within a large-lot subdivision.

EASEMENT, ROAD IMPROVEMENT, MAINTENANCE, AND UTILITY — A grant by a property owner to the City, county, State, or federal government for the purpose of road improvement and widening, road maintenance, sidewalks, public or private utilities and sewers.

EASEMENT, ROAD MAINTENANCE AND IMPROVEMENT — A grant by a property owner to the City of Chesterfield for the purpose of road maintenance, improvement, and widening.

EASEMENT, STORMWATER CONTROL — A grant by a property owner to the City or MSD for the purpose of stormwater control.

EASEMENT, STORMWATER CONTROL ACCESS — A grant by a property owner to the City or MSD providing access to stormwater control facilities for maintenance purposes.

EASEMENT, UTILITY — A grant by a property owner to a public or private utility company for the purpose of installation, improvement, and maintenance of public or private utilities.

ENGINEER — A professional engineer licensed in the State of Missouri.

EPA — The State and/or Federal Environmental Protection Agency or its duly designated and authorized successor agency.

ESCROW AGENT — A title company, bank, savings and loan association, trust company, attorney, or any other person or agency approved by the City Attorney to act as escrow agent under the provisions of this Unified Development Code.

FAA — The Federal Aviation Administration or its duly designated and authorized successor agency.

FAMILY — An individual or two (2) or more persons related by blood or marriage and their children or a group of not more than three (3) persons and their children who need not be related by blood or marriage living together and subsisting in common as a single non-profit housekeeping unit utilizing not more than two (2) kitchens.

FCC — The Federal Communications Commission or its duly designated and authorized successor agency.

FEMA — The Federal Emergency Management Agency or its duly designated and authorized successor agency.

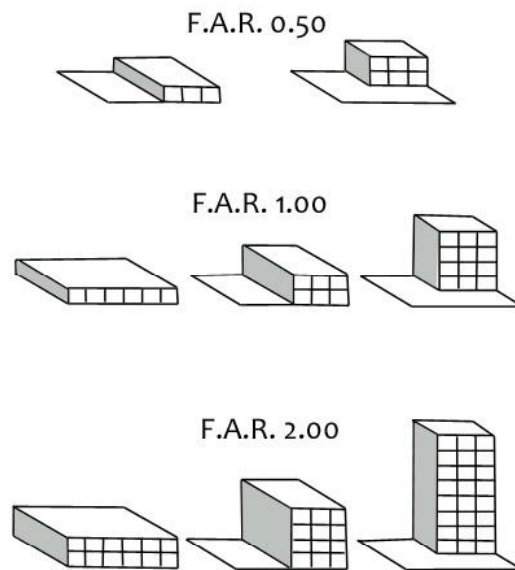
FENCE, SIGHT-PROOF — A fence with an opaque value of seventy percent (70%) or greater. Such structure may be a chain-link fence in combination with slat or lattice materials.

FLAG — Any fabric or bunting containing distinctive colors, patterns, or symbols, used to identify a governmental, political, or private entity.

FLOODPLAIN — That area within the City of Chesterfield subject to a one-percent or greater, chance of flooding in any given year. This area is designated on the FEMA Flood Boundary and Floodway Maps and the City of Chesterfield Zoning Map, and is subject to FP Floodplain regulations of the UDC.

FLOODWAY — The area designated as floodway on the Federal Emergency Management Agency Flood Insurance Rate Maps. It is derived by determining that portion of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOR AREA RATIO (F.A.R.) — The gross floor area of all buildings on a lot divided by the total lot area. This square footage does not include any structured or surface parking. The Planning Commission may request two (2) calculations: one calculation for those areas above grade a another that includes building area below grade. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.



FLOOR AREA, GROSS — The sum of the gross horizontal area of all floors of a building, including basement areas, as measured from the interior perimeter of exterior walls. Such area shall not include the following: interior loading and parking areas, atriums, except the first floor area, rooftop mechanical equipment enclosures, and the enclosed mall areas of shopping centers.

FRONTAGE — That edge of a lot bordering a right-of-way.

GRADING — Clearing, excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

GREEN SPACE — All green, landscaped, or vegetation areas of a site, including other nonpaved surfaces.

HIGHWAY — See "street."

IMPROVEMENTS — Street pavement, turning lanes, traffic signals, bridges and culverts, sidewalk pavement, pedestrianway pavement, water mains, fire hydrants, storm sewers and roadside drainage ditches, erosion, siltation control, sanitary sewers, signs, monuments, landscaping, streetlights, and other similar items.

LAND SURVEYOR — A land surveyor registered in the State of Missouri.

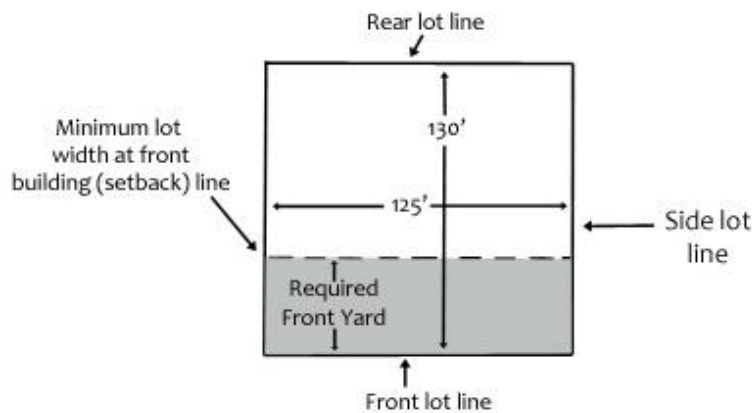
LESSEE — Any person who leases all or a portion of a premises on a day-to-day, week-to-week or month-to-month basis.

LITTER — Means and includes, garbage, trash, refuse, junk, brush, inoperative machinery, or other waste material.

LOADING SPACE — A durably dustproofed, properly graded for drainage, off-street space used for the loading and unloading of vehicles, except passenger vehicles, in connection with the use of the property on which such space is located.

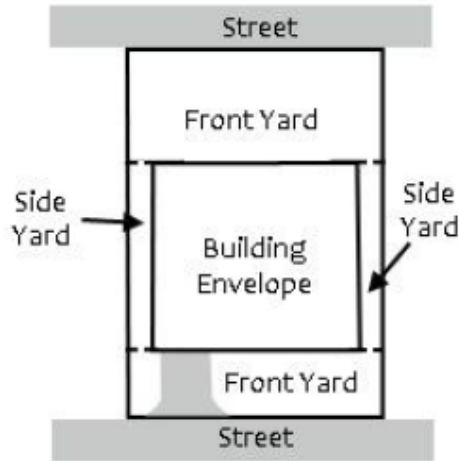
LOT — A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

LOT AREA — The total horizontal surface area within the boundaries of a lot exclusive of any area designated for street purposes.



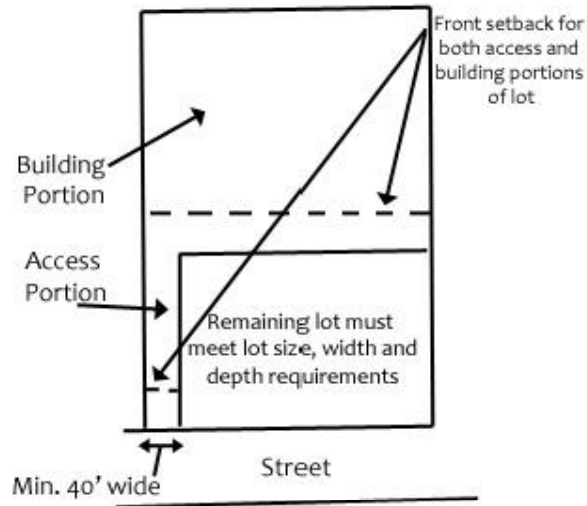
LOT, CORNER — A platted parcel of land abutting a minimum of two (2) road rights-of-way at their intersection.

LOT, DOUBLE-FRONTAGE — A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.



LOT, FLAG — A residential lot with two (2) discernible portions described as follows:

1. Access portion. That portion of the lot having frontage on or abutting a public road, with the frontage being sufficient in width for a private drive to serve the building site portion.
2. Building site portion. That portion of the lot not fronting on or abutting a public road, but connected to a public road by the access portion of the lot. The building site portion of the lot must meet the minimum dimensions and area requirements for lots in the particular zoning district.



LOT (PARCEL) OF RECORD — A lot which is part of a subdivision, the plat of which has been legally approved and recorded in the Office of the Recorder of Deeds of St. Louis County, or a parcel of land which was legally approved and the deed recorded in the Office of the Recorder of Deeds.

MALL — An enclosed public way upon which business establishments have direct access and which serves primarily for the movement of pedestrians, with trees, benches, or other furnishings provided and with vehicular access prohibited, restricted, or reduced so as to emphasize pedestrian use.

MANSARD — A roof having two (2) slopes on all sides with the lower slope steeper than the upper one.

MATERIAL IMPROVEMENT —

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
 - a. Before the improvement or repair is started; or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
2. For the purpose of this definition, material improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either 1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

MAXIMUM STRUCTURE SQUARE FOOTAGE — The gross horizontal area of a floor of a building or structure measured from the exterior walls or from the center line of party walls. Structure square footage includes the floor area of accessory buildings and structures.

MOBILE FOOD VENDOR — A person who cooks, prepares and distributes food or offers food for a charge from a mobile food vending unit located on any public or private property for a temporary basis.

MOBILE HOME — A self-contained mobile structure intended to be used for dwelling purposes which has been, or reasonably may be, equipped with wheels or other devices for transporting said structure.

MODOT — State of Missouri Department of Transportation or its duly designated and authorized successor agency.

MODULAR UNIT — A prefabricated building which arrives at its building site virtually complete and requiring only site preparation and assembly of major components, including installation on a permanent foundation.

MONUMENT — A permanent marker to be made of materials and placed by a land surveyor at locations specified in Section 405.04.080 of this UDC.

MSD — The Metropolitan St. Louis Sewer District or its duly designated and authorized successor agency.

MUNICIPAL ZONING APPROVAL or **MZA** (also referred to as "ZONING AUTHORIZATION") — Approval to erect, construct, post, alter, enlarge, maintain or

relocate a structure. Said authorization is issued by the City of Chesterfield in accordance with all applicable regulations of this UDC.

NET AREA — The total area of a site for residential or nonresidential development, excluding street rights-of-way and other publicly dedicated improvements, such as parks, open space, and stormwater detention and retention facilities, and easements, covenants, or deed restrictions that prohibit the construction of a building on any part of the site. Net area is expressed in either acres or square feet.

NET DENSITY (or DENSITY) — The result of multiplying the net area in acres times forty-three thousand five hundred sixty (43,560) square feet per acre and then dividing the product by the required minimum number of square feet per dwelling unit required by the UDC for a specific residential district; to be expressed in residential density units per acre.

NONCONFORMING LAND USE OR STRUCTURE — A use or structure which existed lawfully, whether by variance or otherwise, on the effective date of this UDC or any amendment thereto that became effective and which fails to conform to one (1) or more of the applicable regulations of the UDC or such amendment thereto.

OPEN SPACE — May include pervious surfaces such as ponds, grass areas, and landscaped areas. Open space also includes water features or drainage ditches, sidewalks, and pedestrian areas such as plaza areas for seating. Open space specifically excludes any portion of a site covered by a building, any paved area for vehicular circulation or parking, and any outdoor storage areas.

OPEN STORAGE — Storage of material or goods on the ground outside of a building.

OTHERWISE LAWFUL — In compliance with applicable zoning district regulations and with all rules, regulations, ordinances, conditions, permits, and licenses applicable to the property or activity, whether arising from this Unified Development Code or any other ordinance.

OVERLAY DISTRICT — A set of additional zoning requirements that is placed on a geographic area but does not change the underlying zoning of that area. The overlay district adds additional restrictions, protections or provides certain incentives in specific geographic areas or for land with special physical features or characteristics.

OWNER — A person, corporation, entity or organization, recorded as such on official records and including a duly authorized agent or notary holding legal title, or possession or control of the land.

PARCEL (TRACT) OF LAND — A separately designated area of land delineated by identifiable legally recorded boundary lines.

PARKING BAY — A paved vehicle storage area directly adjacent to the multiple-family access street pavement.

PARKING SPACE — A durably dustproofed, properly graded for drainage, usable space, enclosed in a main building or in an accessory building, or unenclosed, reserved for the temporary storage of one (1) vehicle, and connected to a street, alley, or other designated roadway by a surfaced aisle or driveway. Each such designated space shall comply with the dimensional requirements as established by the City of Chesterfield.

PARKWAY — A road or roadway intended to be used primarily for passenger vehicles and developed with a parklike or scenic character.

PAVE (PAVEMENT) — The act or result of applying a hard, watertight material to any ground surface in such manner as to present a uniform surface over large areas.

PEDESTRIANWAY — An easement or right-of-way designated to facilitate pedestrian access to adjacent streets and properties.

PERSON — Any individual, corporation, estate, trust, partnership, joint-stock company, association of two (2) or more persons having a joint common interest, or any other entity.

PERSON HAVING CONTROL — Any occupant, agent, servant, representative or employee of any owner, or lessee or renter of any property who exercises any control on behalf of the owner, lessee or renter.

PLAN, LANDSCAPE — A detailed plan illustrating current and proposed vegetation prepared in accordance with Section 405.04.020 of this UDC.

PLAN, LIGHTING — A plan indicating the location of all standards and fixtures; the proposed type of illuminating devices, fixtures, lamps, supports, reflectors and other devices and photometric information prepared in accordance with Section 405.04.030 of this UDC.

PLAN, PRELIMINARY DEVELOPMENT — A plan required for a change in zoning to a planned district prepared in accordance with Section 405.04.020 of this UDC.

PLAN, SITE — A plan for development which is over one thousand (1,000) square feet and not located in a planned district.

PLAN, SITE DEVELOPMENT — A plan for development in planned districts that is being done in one (1) phase.

PLAN, SITE DEVELOPMENT CONCEPT — A conceptual plan for development in planned districts being done in phases. A site development concept plan provides an overall picture of a development that is being divided into sections to be developed in phases. A site development concept plan constitutes a preliminary plat.

PLAN, SITE DEVELOPMENT SECTION — A plan showing the sections of a site development concept plan and the details of the development thereof.

PLAN, SKETCH — An informal plan indicating salient existing features of a tract and its surroundings, including the general layout of a proposed subdivision or land development.

PLAN, TREE PRESERVATION — A plan that delineates areas where trees are to be saved and details measures to be taken to ensure protection and survivability of trees to be saved prior to and during construction, and also complies with guidelines which are listed in the tree preservation and landscape requirements.

PLAT — A subdivision of land legally approved and recorded.

PREMISES — A parcel 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.

PROPERTY LINE — The legally recorded boundary of a lot, tract, or other parcel of land.

RECEIVING DISTRICT — One (1) or more districts to which the development rights of parcels in a transfer district can be sent, conveyed or otherwise obtained.

RECEIVING PARCEL — A parcel of land in the receiving district that is the subject of a transfer of development rights, where the owner of the parcel is receiving development rights, directly or by intermediate transfers, from a transfer parcel, and on which increased density and/or intensity is allowed by reason of the transfer of development rights.

RELATED ENTITY — A related entity of another person or entity:

1. If any person, firm, corporation, association, partnership, or other entity with a substantial interest in one entity, has a principal (individual, corporate, or partnership) or substantial interest in the other; or
2. If either entity has a principal or substantial [twenty-five percent (25%) or more] interest in the other.

RESIDENCE — Any building which is designed or used exclusively for residential purposes, except hotels and motels.

RIGHT-OF-WAY — A strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use.

ROADWAY RIGHT-OF-WAY LINE — The boundary that divides a lot from a public or private roadway.

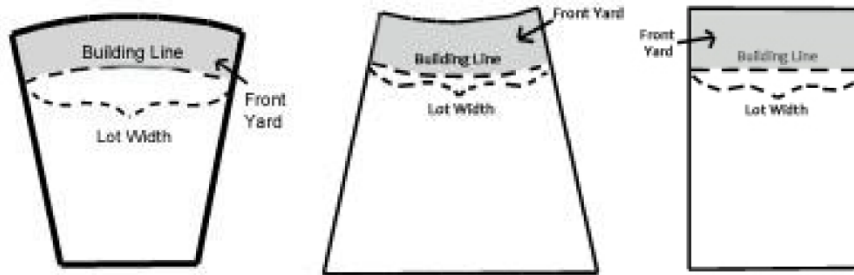
ROOFLINE — The top edge of a roof or building parapet, whichever is higher, excluding any mansards, chimneys, cupolas, or minor projections.

RSMo. — Missouri Revised Statutes.

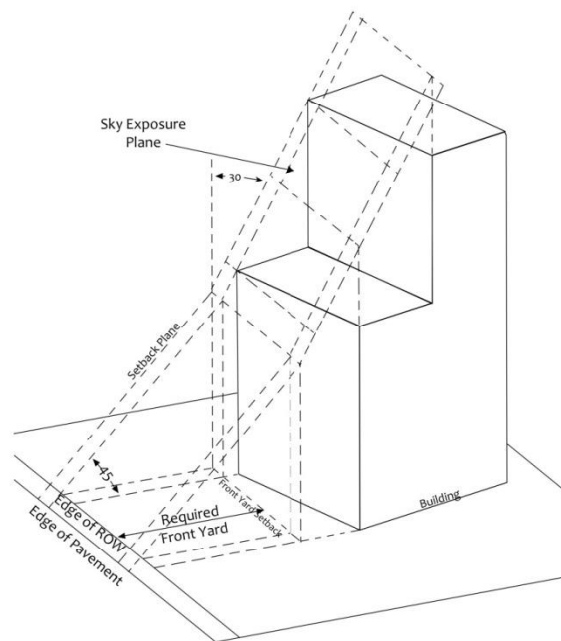
SATELLITE DISH — An accessory structure which at its widest dimension is in excess of thirty-six (36) inches; an earth-based station, the purpose of which is to receive signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

SEASONAL OR HOLIDAY DISPLAY — A temporary decorative display celebrating or denoting religious holidays or events, the seasons of the year, State and national holidays, and similar occasions.

SETBACK (BUILDING LINE) — The required minimum distance from a road right-of-way or lot line that establishes the area within which a structure can be erected or placed, except as may be permitted elsewhere in this UDC.

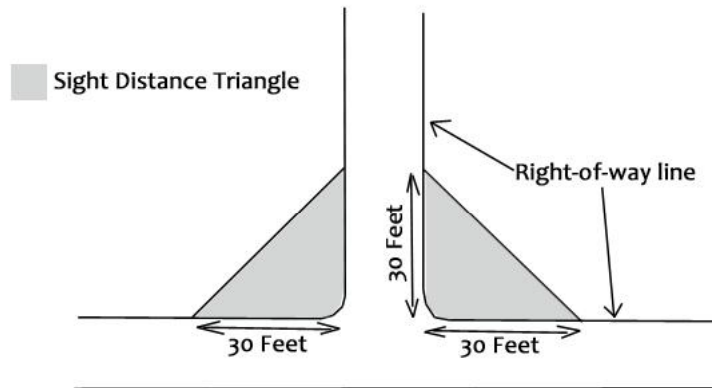


SETBACK PLANE — A theoretical plane beginning at the edge of the street and rising at a forty-five-degree angle over the required front yard to the front yard setback line used to determine the starting point for the sky exposure plan.



SIGHT DISTANCE — The clear line of sight necessary for pedestrian safety or safe operation of a motorized vehicle.

SIGHT DISTANCE TRIANGLE — The triangular area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the point of intersection of the projected property lines. The sight distance triangle also applies to driveways, points of ingress/egress, or any other area where a conflict (whether vehicular or nonvehicular) exists.



SILTATION CONTROL — The installation of such devices as sediment ponds, bales of straw, fencing, siltation webbing, sodding, seeding and mulching, or other devices to prevent silting of abutting properties and roadways during the period of construction and up to and including such time as permanent ground cover is attained.

SITE — Contiguous lots, tracts, projects or subdivisions of a single owner or several owners.

SKY EXPOSURE PLANE — A theoretical plane beginning on a line at the intersection of the setback plane and front yard setback rising over the buildable area of the lot on a slope determined by an acute angle of sixty degrees (60°).

SLOPE — The rate of deviation of the ground surface from the horizontal as expressed in percentages.

SPECIAL PROCEDURE — A procedure identified in this Unified Development Code as a mechanism for allowing certain developments under a specific process and requirements without modifying or changing the underlying zoning district. Examples of special procedures in this Code include, but are not limited to, the Residential Business Use and the Museum and Arts Area. See Article 03 of this UDC for a complete list of special procedures.

STATE — The State of Missouri.

STORY — The horizontal segment of a building between the floor surface and the ceiling next above it, and wholly above grade.

STREET — A general term denoting a public or private right-of-way which affords the principal means of vehicular access of abutting property. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court, but shall not include an alley or a pedestrianway. For the purposes of the sign regulations relative to sign location and number to respective roadway or roadway frontage, roadway shall include not only public or private rights-of-way providing access to abutting properties from the front but also limited and restricted access highways.

STREET, COLLECTOR — Collector streets function as secondary land service streets in that they move traffic from the major streets, which distribute traffic regionally, to local streets, which distribute the traffic to individual lots, parcels, and uses within the subdivision, area, or neighborhood. Collector streets also may serve individual lots, parcels, and uses as a secondary or additional function.

STREET, CUL-DE-SAC — A short, independent, street terminating in a circular turnaround.

STREET, FRONTAGE OR SERVICE — A street generally parallel to and adjacent to arterial streets and highways, which provides access to abutting properties and protection from through traffic.

STREET, LOCAL — Local streets are exclusively land service facilities for access to abutting properties. These serve the local neighborhood and may be in the form of a cul-de-sac or loop street; provided, however, that any combination of loop and cul-de-sac streets may be utilized without the streets being designated as collector streets, provided that such an arrangement serves the same function and also that the maximum fronting lots do not exceed the total which would be allowed within the provisions of this UDC.

STREET, LOOP — A short, independent street which usually terminates along the same collector street of its origin.

STREET PRIVATE — A private way which affords the principal means of vehicular access to abutting property.

STREET, STUB — One serving a parcel of land that temporarily terminates at a property line and is intended to be continued onto an abutting parcel in the future.

STREET SYSTEM, ARTERIAL — This system, along with the State highway and interstate routes, must serve as the principal network for through traffic flows. Arterial streets should connect areas of principal traffic generation with the designated United States and State highways. The primary purpose of the arterial street system is to serve through traffic; local access should be kept to a minimum. A properly designed and developed major arterial street system should help define the residential neighborhoods, industrial sites, and commercial areas and minimize the conflicts with school and park development.

1. Major arterials are streets and highways that provide service to traffic entering and exiting the City and between major activity centers.
2. Minor arterials are streets that feed the major arterial system, support moderate trip lengths and serve activity centers.

STREET SYSTEM, COLLECTOR — This system includes all distributor and collector streets serving traffic between arterial and local facilities. This type of roadway basically serves an equal function for providing for through traffic movements and for access for abutting properties. These roads may also serve to connect adjacent neighborhoods. To discourage through traffic, some discontinuity of the collector system through residential areas is often desirable. However, through commercial areas, the collector system should be more continuous.

STREET SYSTEM, LOCAL — Included in this system are all streets used primarily for direct access to residential, commercial, industrial, or other abutting properties. Continuity of the local street system in residential areas is necessary only to the extent required to provide easy and fairly direct access to adjacent properties and to connect with collector and arterial streets.

STREETSCAPE — The character or scene observed along a street and as created by natural and man-made components, including: width, paving materials, plantings, street furniture, traffic lights, and the forms of the surrounding buildings.

STRUCTURE — Any assembly of material forming a construction for occupancy or use, excepting, however, utility poles and appurtenances thereto, underground distribution or collection pipes or cables, and underground or ground level appurtenances thereto.

SUBDIVISION —

1. A multiple-family subdivision; or
2. The division or redivision of a tract or tracts of land wherein:
 - a. Any resulting lot or tract is less than ten (10) acres in area; or
 - b. Any resulting side of a lot created by a division is less than two hundred (200) feet in length, unless such side is the original boundary of the original, legally existing tract; or
3. Dedication of a new street right-of-way; or
4. Nonresidential subdivision.

SUBDIVISION, LARGE-LOT — A single-family residential subdivision wherein all lots are three (3) acres or more in area and each boundary side is greater than two hundred (200) feet in length.

SUBDIVISION, MINOR — Any classification of a subdivision wherein the division or redivision of land meets the criteria set forth in Section 405.02.110 of this UDC.

SUBDIVISION, MULTIPLE-FAMILY — A tract of land, whether divided into separate lots or not, which is intended for the construction of duplexes, multiple-family dwellings, row houses, and other arrangements of attached or connected building units.

SUBDIVISION, NONRESIDENTIAL — Either:

1. A division or redivision of a tract of land into more than one (1) lot, plat, or site for commercial or industrial purposes; or
2. The dedication or establishment of a street, alley, pedestrianway in conjunction with or use in any such tract.

SUBDIVISION, RESIDENTIAL (SINGLE-FAMILY) — A subdivision for single-family residential purposes wherein any resulting lot, plat, or site:

1. Has less than three hundred (300) feet of frontage on a street built to City standards; or
2. Is ten (10) acres or more in area but not located on a street built to City standards with any side being less than three hundred (300) feet in length; or
3. Is so proposed as to include the dedication or establishment of a street, alley, or public way in conjunction with or used in any such tract, or the designation of any additional private roadway easement which serves as the principal means of access to any adjoining properties; or
4. Is less than ten (10) acres in area.

SUBSTANTIAL CONSTRUCTION, DEVELOPMENT OR WORK —

1. In a project involving structures, the completion of excavation for footings and foundations.
2. In a project involving no structures or insignificant structures, the completion of grading.

SURETY COMPANY — An insurance company qualified and acting under the provisions of Chapter 379, RSMo., which has met the requirements of Section 379.020 thereof and which is approved by the City Attorney or to act as a surety under Section 405.02.120 of this UDC.

SURVEY — As provided or referenced herein, "survey" refers to a cadastral survey, land survey, boundary survey, property survey, topographic survey, spot survey, improvement survey, as may be appropriate to the individual section. In all cases, a survey is required to be a current survey which is signed and sealed by a registered, professional surveyor, licensed to practice in the State of Missouri.

TANDEM PARKING — A parking space within a group of two (2) or more parking spaces arranged one behind the other.

TITLE COMPANY — A corporation qualified and acting under the Missouri Title Insurance Law²¹ or a corporation which is an issuing agency for an insurance company insuring land titles.

TRACT — An area or parcel of land which the developer intends to subdivide and improve, or to cause to be subdivided and improved, pursuant to the requirements of this Unified Development Code.

TRADITIONAL NEIGHBORHOOD DESIGN (TND) — A compact, mixed-use neighborhood where residential buildings are in close proximity to commercial and/or civic buildings. The main objective of a TND is to encourage public interaction in order to create a sense of community. Cultural and environmental features influence the way the site is developed and may include, but not be limited to, diversity in residential architecture, inclusion of front porches, common squares, public gathering spots, community amenities, pedestrian-oriented site design, inclusion of boulevards or grid system of streets.

TRANSFER DISTRICT — One (1) or more districts in which the development rights of parcels in the district may be designated for use in one (1) or more receiving districts, subsequently severing in part or in whole the development rights of said parcels.

TRANSFER OF DEVELOPMENT RIGHTS — The procedure prescribed by this UDC whereby the owner of a parcel in the transfer district may convey development rights to the owner of a parcel in the receiving district or other person or entity, whereby the development rights so conveyed are extinguished on the transfer parcel and may be exercised on the receiving parcel in addition to the development rights already existing regarding that parcel or may be held by the receiving person or entity.

TRANSFER PARCEL — A parcel of land in the transfer district that is the subject of a transfer of development rights, where the owner of the parcel is conveying development rights of the parcel in part or in whole, and on which those rights so conveyed are extinguished and may not be used by reason of the transfer of development rights.

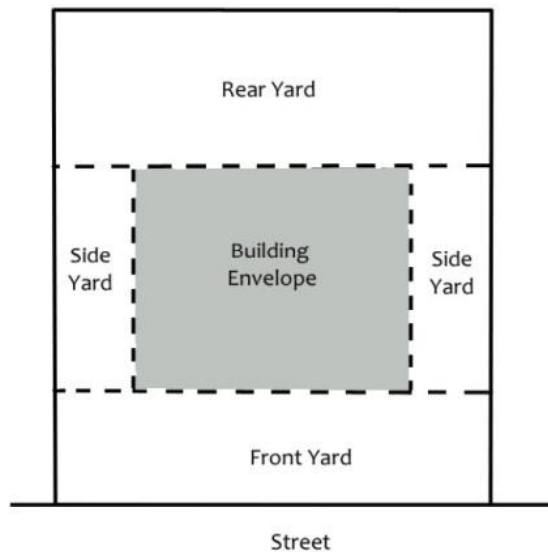
21. Editor's Note: See RSMo. § 381.011 et seq.

TREE STAND DELINEATION — A plan in accordance with the requirements in Article 04 of this UDC that provides a general accounting of existing vegetation so that a conceptual design of the proposed development can be done.

TRUST INDENTURE — Any recordable instrument by which common ground is held or maintained or assessments in a subdivision are levied for the administration of specific maintenance obligations, or both.

VARIANCE — A means of granting a property owner relief from certain provisions of this Unified Development Code where, owing to special conditions, a literal enforcement of the provisions of the Code will result in unnecessary hardship, and so that the spirit of the UDC shall be observed and substantial justice done.

YARD — An open area between the structure setback lines of a lot as established by the regulations of a particular zoning district, and the property lines of the same lot.



YARD, FRONT — A space extending across the entire front of a lot between the structure setback line as required by the regulations of a particular zoning district and the roadway right-of-way line.

YARD, REAR — A space opposite the front yard, extending across the entire rear of a lot between the structure setback line as required by the regulations of a particular zoning district and the rear lot line.

YARD, SIDE — A space extending between the structure setback line as required by the regulations of a particular zoning district and the side lot lines measured between the front yard and the rear yard.

ZONING DISTRICT — A part or parts of the City of Chesterfield for which this Unified Development Code establishes regulations governing the development and use of land therein.

ZONING DISTRICT, ACTIVE — Districts which are available for a change of zoning, ordinance amendment, or special procedure request.

ZONING DISTRICT, INACTIVE — Districts which are applicable to existing developments as depicted on the City of Chesterfield Zoning Map but are not available for future zoning Map amendment requests.

ZONING DISTRICT, PLANNED — A method of zoning that allows for flexibility in specified development standards.

ZONING DISTRICT, STRAIGHT — A method of zoning that includes specific development standards and establishes by-right entitlements.

Section 405.10.030. Use Terms.

[CC 1990 § 31-10-03; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

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

ACCESSORY USE — A use incidental and subordinate to the principal use of the premises. See Section 405.03.020 of this UDC for more information on accessory uses.

ADMINISTRATIVE OFFICE FOR EDUCATIONAL OR RELIGIOUS FACILITY — An establishment primarily engaged in providing internal office administration services as opposed to customer service.

AIRPORT — Any area of land or water designated, set aside, used, or intended for use for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

AMUSEMENT PARK — A commercially operated park with various devices for entertainment and booths for the sale of food and drink.

ANCILLARY USE — A use designed to serve the occupants and patrons of the principal permitted uses within the building. No separate access from the exterior building shall be permitted with respect to this use. See Section 405.03.020 of this UDC for more information on ancillary uses.

ANIMAL GROOMING SERVICE — Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

ARENA AND STADIUM — A commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of events. A sports arena may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

ART GALLERY — A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public.

ART STUDIO — Work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.

ASSISTED LIVING — A senior residence assisted by congregate meals, housekeeping, and personal services for persons who have difficulties with one (1) or more essentials of daily living, but for whom full-time professional medical care is unnecessary.

ATHLETIC COURTS AND FIELDS — Areas, whether indoors or outdoors, for training or athletic events. Such areas include, but are not limited to, baseball fields, basketball courts, tennis courts, racquetball courts, and other similar uses.

AUDITORIUM — A building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

AUTOMOBILE DEALERSHIP — A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

AUTOMOTIVE DETAILING SHOP — A facility which provides automobile-related services, including, but not limited to, applying paint protectors, interior and exterior cleaning and polishing as well as installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. However, engine degreasing or similar automobile cleaning services shall not be included under this definition.

AUTOMOTIVE RETAIL SUPPLY — The use of any building, or portion thereof, for the display and sale of new parts, tires and accessories for automobiles, panel trucks or vans, trailers, or recreation vehicles.

BAKERY — An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on site or off site. Such use may include incidental food service.

BANQUET FACILITY — An establishment used by individuals or groups to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries and other similar celebrations.

BAR — An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

BARBERSHOP or BEAUTY SHOP — A place of business wherein barbering, spa, and/or cosmetology services are provided, including hair care, nail care, or skin care.

BATCHING PLANT — A plant for the manufacture or mixing of concrete, asphalt, cement, and/or cement products, including any apparatus and uses incident to such manufacturing and mixing.

BLACKSMITH SHOP — An establishment involved in the creation of objects from iron or steel by forging metal.

BOAT (AND MARINE SUPPLY) STORAGE, CHARTER, REPAIR, SALE — Any establishment that provides for the storage, charter, repair, and/or sale of boats and similar vessels.

BOTANICAL GARDEN — A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

BOWLING CENTER — An establishment that devotes more than fifty percent (50%) of its gross floor area to bowling lanes, equipment, and playing area.

BREWERY — Any establishment that brews ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that manufactures more than fifteen thousand (15,000) barrels of beverage (all beverages combined) annually. In addition, uses that manufacture fifteen thousand (15,000) barrels of beverage or less, but which do not meet one (1) or more of the additional requirements needed to be considered brewpubs, are breweries.

BREW PUB — A restaurant that prepares handcrafted natural beer as an accessory use intended for consumption on the premises. Production capacity shall be limited to not more than five thousand (5,000) barrels per year. Such accessory use may occupy up to thirty percent (30%) of the gross floor area of the restaurant.

BROADCASTING STUDIO — Commercial and public communications uses, including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

CAMPING FACILITY — Any land and associated structures for camping, lodging, swimming, picnicking, boating, fishing, hiking, and wildlife observation facilities and customary service facilities necessary to provide the direct support for such activities consolidated to camping facility. This use does not include hotels/motels or mobile-home parks.

CAR WASH — Mechanical facilities for the washing, waxing or vacuuming of private automobiles, light trucks and vans, but excluding heavy trucks and buses.

CAR WASH, INDUSTRIAL — Mechanical facilities for the washing, waxing, and vacuuming of heavy trucks and buses.

CAR WASH, SELF-SERVICE — A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

CEMETERY — Land used or intended to be used for interment of the dead and dedicated for such purposes, including columbaria, mausoleums, urn gardens, necessary sales and maintenance facilities.

CHECK-CASHING FACILITY — A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Check-cashing facility does not include a State or federally chartered bank, savings association, credit union, or industrial loan company. Check-cashing facility also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding two dollars (\$2.00) as a service that is incidental to its main purpose or business.

CHURCH AND OTHER PLACE OF WORSHIP — A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. Includes synagogue, temple, mosque or other such place for worship.

CLUB — Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit.

COFFEE SHOP — An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

COFFEE SHOP, DRIVE-THROUGH — An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold and customer orders may be by means of a window designed to accommodate automobile traffic.

COMMERCIAL SERVICE FACILITY — Retail establishments that primarily render services rather than goods. Such services may include but not be limited to copy shops, printing services, package and postal services, janitorial services, and similar operations.

COMMUNITY CENTER — A place, structure, area, or other facility used for and providing religious, fraternal, social or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

CONDITIONAL USE — Uses which are not allowed as a matter of right within a zoning district. Conditional uses are those uses where analysis and judgment of the consequences of each development and use is necessary to preserve and to promote the public health, safety, and general welfare.

CORRECTIONAL INSTITUTION — A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. These facilities house prisoners who are in the custody of city/county/law enforcement and the facilities are typically government owned.

CULTIVATION AND SALE OF PLANT CROPS, COMMERCIAL VEGETABLE AND FLOWER GARDENING AS WELL AS PLANT NURSERIES AND GREENHOUSES — A farm, garden, cultivated land, or building together with accessory structure designed and intended to be used only for the cultivation and sale of live vegetation, including flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products.

DAY-CARE CENTER — A facility providing care for 1) the elderly and/or functionally impaired adults [eighteen (18) years of age or older]; or 2) five (5) or more children under the age of thirteen (13), not including children of a family residing on the premises, for any part of a twenty-four-hour day.

DAY-CARE HOME — A single-family residence where an occupant of the residence provides care and supervision of adults or children for any part of the twenty-four-hour day. For child day-care homes, care shall be given to a maximum of twelve (12) children, including children related to the day-care provider, for any part of a twenty-four-hour day.

DEVICE FOR ENERGY GENERATION — Devices for the generation of energy, such as solar panels, wind generators, and similar devices as an accessory use.

DORMITORY — A dwelling containing sleeping rooms without separate cooking facilities for a number of persons customarily unrelated but associated with an educational, religious, charitable or service institution.

DRUGSTORE AND PHARMACY — An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

DRUGSTORE AND PHARMACY, DRIVE-THROUGH — An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies in part, by means of a window designed to accommodate automobile traffic.

DRY-CLEANING ESTABLISHMENT — An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

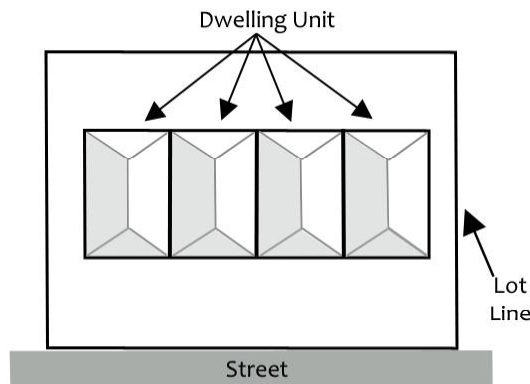
DRY-CLEANING ESTABLISHMENT, DRIVE-THROUGH — An establishment which launders or dry cleans articles dropped off in part, by means of a window designed to accommodate automobile traffic, directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

DRY-CLEANING PLANT — A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort, and the processes incidental thereto.

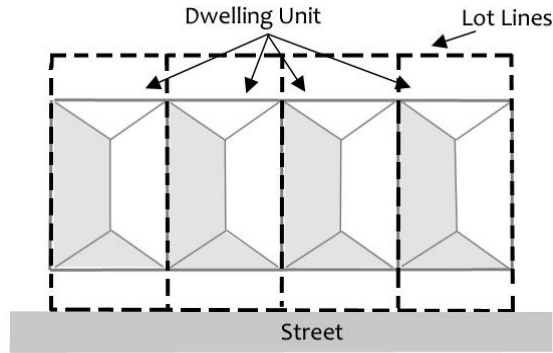
DWELLING — Any building, or portion thereof, used exclusively for human habitation, except hotels, motels, or mobile homes.

DWELLING, EMPLOYEE — Units only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of the primary use.

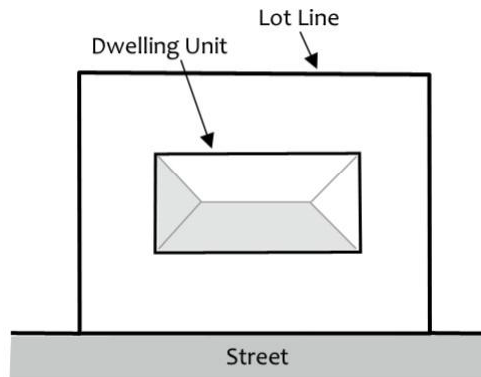
DWELLING, MULTIPLE-FAMILY — A building or portion thereof designed for or occupied exclusively by two (2) or more families.



DWELLING, SINGLE-FAMILY ATTACHED — Two (2) or more single-family dwellings sharing common wall areas, each on its own individual lot.



DWELLING, SINGLE-FAMILY DETACHED — A detached building, on a single lot, containing one (1) dwelling unit.



DWELLING UNIT — A room or group of rooms located within a structure forming a habitable unit for one (1) family.

EDUCATION FACILITY, COLLEGE/UNIVERSITY — An institution other than a trade school that provides full-time or part-time education beyond high school.

EDUCATION FACILITY, KINDERGARTEN OR NURSERY SCHOOL — A school or class for children generally under the age of six (6).

EDUCATION FACILITY, PRIMARY/SECONDARY — A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the state.

EDUCATION FACILITY — SPECIALIZED PRIVATE SCHOOL — An institution for students at the elementary, junior or senior high level who have physical or mental characteristics which require specialized or individual instruction.

EDUCATION FACILITY — VOCATIONAL SCHOOL — A secretarial school or college, or business school or college, when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization; school conducted as commercial enterprise for teaching instrumental music, dancing, barbering, or hairdressing, or for teaching industrial skills in which machinery is employed as a means of instruction only within buildings.

EDUCATION FACILITY — VOCATIONAL SCHOOL, OUTDOOR TRAINING — A secretarial school or college, or business school or college, when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization; school conducted as commercial enterprise for teaching instrumental music, dancing, barbering, or hairdressing, or for teaching industrial skills in which machinery is employed as a means of instruction, whether indoors or outdoors.

EXTRACTION/PROCESSING OF RAW MATERIALS — Any establishment primarily engaged in the process of the removal of physical matter in a solid, liquid, or gaseous state from its naturally occurring location, and the processing of said materials.

FAIRGROUND — An area of land use including, but not limited to: agricultural-related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Such county fairs, exhibitions, and shows do not include racetracks or motorized contests of speed.

FARMERS' MARKET — An occasional or periodic market held in an open area or in a structure where groups or individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include secondhand goods) dispensed from booths located on site.

FARMING — The growing of crops, plants, and trees. The term also includes the maintaining of horses, livestock, or poultry for the residents' needs or use and the sale of agricultural products grown on the premises, plant crops or domestic animals.

FILLING STATION AND CONVENIENCE STORE — A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

FILM DROPOFF AND PICKUP STATION — An establishment or business maintained for the dropoff and pickup of film without the maintenance or operation of any film processing equipment or machinery on the premises.

FILM PROCESSING PLANT — A building, portion of a building, or premises used or intended to be used for the development of film.

FINANCIAL INSTITUTION — An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, or credit unions.

FINANCIAL INSTITUTION, DRIVE-THROUGH — An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies (such as: banks, savings and loans, or credit unions) and including provisions for the conduct of banking services directly to the occupants of motor vehicles.

GOLF COURSE — A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

GROCERY, COMMUNITY — A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least five thousand

(5,000) square feet but not more than twenty-five thousand (25,000) square feet of gross floor area.

GROCERY, NEIGHBORHOOD — A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies less than five thousand (5,000) square feet of gross floor area.

GROCERY, SUPERCENTER — A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies more than twenty-five thousand (25,000) square feet of gross floor area.

GROUP HOME — A single-family dwelling or single-family residence 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 RESIDENTIAL FACILITY — An establishment qualified for a license by the State which provides resident services to children or adults of whom one (1) or more are unrelated. The individuals may be handicapped, aged, or disabled, are undergoing rehabilitation or extended care, and are provided services to meet their needs.

GYMNASIUM — A building or portion thereof used for athletic training or sports activities, including accessory seating for spectators.

HARBOR, MARINA, AND DOCK FOR WATERBORNE VEHICLES — A dock or basin where slips, moorings and often supplies, repairs, and other services are available for craft.

HELIPORT — Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

HIGHWAY DEPARTMENT GARAGE — A facility used by the Highway Department for the storage and maintenance of vehicles used by the Highway Department.

HISTORIC SITES OR BUILDINGS — Sites or buildings with an historic designation as detailed elsewhere in this UDC.

HOME OCCUPATION — Any activity conducted by a resident within a dwelling for financial gain which is incidental to, and clearly subordinate to, the residential use of the property. A home occupation has no employee that is not a resident on the premises, has no retail sales (except for goods and services produced on the premises) and occupies no more than twenty-five percent (25%) of the residence, including the basement and attached garage.

HOSPICE — Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families which are experienced during the final stages of terminal illness and during dying and bereavement.

HOSPITAL — An institution providing medical and surgical care for humans only, for both inpatients and outpatients, including medical service, training, and research facilities.

HOTEL AND MOTEL — An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service for transient occupancy. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities.

HOTEL AND MOTEL, EXTENDED STAY — A building or structure intended as, used as, maintained as, or advertised as a place where sleeping accommodations are furnished to the public as regular roomers, primarily for periods of one (1) week or more.

INCINERATOR — A plant designed to burn waste, often producing power as a by-product, but primarily for disposal.

INDEPENDENT LIVING — A senior residence providing no regular assistance to residents either with activities of daily living or with daily medical needs.

INDIVIDUAL SEWAGE TREATMENT FACILITY — Facilities serving an individual dwelling or nonresidential use, as approved by the appropriate regulatory agency.

INDUSTRIAL SALES, SERVICE, AND STORAGE — Establishments providing industrial sales, services, repairs, and storage to individuals or businesses. This classification includes metal, machine, and welding shops; cabinetry and woodworking shops; furniture upholstery shops; and similar business engagements in custom fabrication and repair.

JUNK/SALVAGE YARD — Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including but not limited to materials such as scrap metals, paper, rags, tires, and bottles.

KENNEL, BOARDING — The use of land or building for the purpose of boarding or keeping of five (5) or more dogs over four (4) months in age and not owned by the proprietor, or the boarding or keeping of six (6) or more cats over four (4) months of age and not owned by the proprietor or the keeping or boarding of a combination of six (6) or more dogs and cats which are sheltered, fed, and watered in return for a consideration.

KENNEL, PRIVATE —

1. The use of land or building for the purpose of selling and breeding of five (5) or more dogs over four (4) months in age or six (6) or more cats over four (4) months in age, or a combination of six (6) or more dogs and cats.
2. The word "selling" as herein used shall not be construed to include the sale of animals four (4) months of age or younger, which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over four (4) months old by persons not operating a kennel as herein defined.

LABORATORY — A facility for analysis of natural resources, medical resources, manufactured materials, or similar items.

LANDING STRIP — An airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with permitted uses of the land.

LAUNDROMAT — A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LIBRARY — A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

LIVESTOCK, RAISING AND KEEPING OF ANIMALS — An agricultural operation where domestic animals are kept for use as part of a farm or raised for sale.

LOCAL PUBLIC UTILITY FACILITY — A facility owned by any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under State or municipal regulations to the public services, including electricity, gas, steam, communication, telegraph, transportation, or water.

LOCAL PUBLIC UTILITY FACILITY, OVER SIXTY (60) FEET IN HEIGHT — A facility over sixty (60) feet in height that is owned by any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under State or municipal regulations to the public services, including electricity, gas, steam, communication, telegraph, transportation, or water. This use does not include telecommunications structures.

LUMBERYARD — An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

MAIL ORDER SALE WAREHOUSE — A business establishment that is primarily organized to warehouse and fill requests for merchandise or services through the mail.

MANUFACTURING, FABRICATION, ASSEMBLY, PROCESSING, OR PACKAGING FACILITY — The use of any building, land area, or other premises or portion thereof used for the manufacture, fabrication, assembly, processing, or packaging of goods. This use does not include:

1. Facilities producing or processing explosives or flammable gases or liquids;
2. Facilities for animal slaughtering, meat packing, or rendering;
3. Sulphur plants, rubber reclamation plants, or cement plants; or
4. Steel mills, foundries, or smelters.

MEAT-PACKING FACILITY — A building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed.

MOBILE HOME PARK — Any area or tract of land designed for the parking or other type of installation of mobile homes on spaces or lots offered for lease or rent, including all improvements, buildings, structures, recreation areas, or other facilities for the use of the residents of such development.

MORTUARY — An establishment in which the deceased are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings or display of funeral equipment.

MUSEUM — A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific,

or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use art galleries; associated work and storage areas required by a business, firm, or service to carry on business operations of the primary use; bookstores; educational facilities, including, but not limited to: schools, service facilities, studios, or work areas; employee cafeterias; offices; outdoor art displays (said displays must be related to the use of the property, but must not be utilized for advertisement); parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours; and the sale of goods to the public.

NEWSPAPER STAND — A temporary structure, manned by a vendor that sells newspapers, magazines, and other periodicals.

NURSING HOME — A building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care. A nursing home may also include some assisted and independent living uses.

OFFICE, DENTAL — A room, suite of rooms, or building operated by one (1) or more licensed dentists for the examination and treatment of persons solely on an outpatient basis.

OFFICE, GENERAL — A room, suite of rooms, or building in which a person transacts the affairs of a business, profession, service, industry, or government.

OFFICE, MEDICAL — A room, suite of rooms, or building used by one (1) or more physicians, chiropractors, nurses, or similar personnel for the examination and treatment of persons solely on an outpatient basis.

OIL CHANGE FACILITY — Operations that provide lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. It is intended that these services will be provided while customers wait, generally within a fifteen-to twenty-minute time period.

PAWNSHOP — Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

PERMITTED USE — A use allowed in the zoning district in which it is listed, subject to compliance with the dimensional requirements, development standards, and any other special requirement of the zoning district and the general requirements of this UDC.

PLUMBING, ELECTRICAL, AIR-CONDITIONING, AND HEATING EQUIPMENT SALES, WAREHOUSING AND REPAIR FACILITY — Any establishment that includes the retail sale, repair service, and/or warehousing of equipment for a plumbing, electric, air-conditioning, or heating business.

PROFESSIONAL AND TECHNICAL SERVICE FACILITY — An establishment where work is done for others, predominately on the premises of the office, by someone trained and engaged in such work for a career, e.g., lawyers, accountants.

PUBLIC SAFETY FACILITY — A government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.

RAILROAD SWITCHING YARD — An area that contains equipment enabling railway trains to be guided from one track to another.

READING ROOM — A public or private facility for the use and sale of literary, musical, artistic, or reference materials.

RECREATION FACILITY — Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity; includes, but is not limited to, skating rinks, water slides, miniature golf courses, arcades, tennis courts, swimming pools, billiard halls, and fitness centers, but not movie theaters.

RESEARCH FACILITY — A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor.

RESTAURANT, FAST-FOOD — An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customer orders and/or service are generally by means of a walk-up counter. Consumption may be either on or off the premises.

RESTAURANT, SIT-DOWN — An establishment maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises, primarily inside the building at tables, booths, or counters, with chairs, benches, or stools.

RETAIL SALES ESTABLISHMENT, COMMUNITY — Retail shops and stores (excluding autos, boats, machinery, groceries, etc.) such as apparel, books, hardware, jewelry, paint, sporting goods, and electronics having between four thousand (4,000) square feet and twenty-five thousand (25,000) square feet of floor space.

RETAIL SALES ESTABLISHMENT, NEIGHBORHOOD — Retail shops and stores (excluding autos, boats, machinery, groceries, etc.) such as apparel, books, hardware, jewelry, paint, sporting goods, and electronics having four thousand (4,000) square feet or less of floor space.

RETAIL SALES ESTABLISHMENT REGIONAL — Retail shops and stores (excluding autos, boats, machinery, groceries, etc.) such as apparel, books, hardware, jewelry, paint, sporting goods, and electronics having more than twenty-five thousand (25,000) square feet of floor space.

RETAIL SALES, OUTDOOR — The placement of goods for sale or for advertisement outside of the building or structure, including but not limited to garden supplies, tires, motor oil, and clothes, but not including vending machines.

RETREAT CENTER — A facility which is operated by a nonprofit organization, provides opportunities for small groups of people to congregate temporarily on a site for such purposes as education, enlightenment, contemplation, renewal, or solitude; and by its nature needs to be located in a quiet, sparsely populated, natural environment.

RIDING STABLE — A building and designated site, whether indoors or outdoors, intended or used as a shelter for horses or ponies, which provides for commercial boarding, hire, sale, or training of such animals.

SALES YARD OPERATED BY A CHURCH, SCHOOL, OR OTHER NOT-FOR-PROFIT ORGANIZATION — The use of any building, land area, or other premises or portion thereof, operated by a church or other place of worship, school, or not-for-profit organization for the outdoor sale and display of items for sale.

SANITARY LANDFILL — A disposal site and related facilities at which the method of disposing nonhazardous solid waste is by landfill.

SELF-STORAGE FACILITY — A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses.

SEWAGE SYSTEM — A wastewater treatment system, approved by the appropriate county, State, City, or federal agencies, which provides collection networks and a central wastewater treatment facility.

SHEET METAL SHOP — Any establishment involved in the fabrication of sheet metal products on the premises.

SHOOTING RANGE, INDOOR — The use of a structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOOTING RANGE, OUTDOOR — The use of any building, land area, or other premises or portion thereof for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SOLID WASTE, COMPOST FACILITY — A site that has been approved by the City, county, and the State Pollution Control Agency for the storage, transfer, or composting of specifically identified types of solid waste materials.

SOLID WASTE, FACILITY — Establishment for the disposition of unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

SOLID WASTE, TRANSFER FACILITY — A facility that receives primarily solid waste materials from commercial vehicles for the purpose of storing and handling prior to transferring to another facility.

STABLE, PRIVATE — An accessory structure or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling and their guests, but in no event for hire. This use includes an indoor riding arena.

STEEL MILL, FOUNDRY, AND SMELTER — The use of any building, land area, or other premises or portion thereof, engaging in the milling, foundry, or smelting of steel.

SUBSTANCE ABUSE FACILITY, INPATIENT — Structures and land used for the treatment of alcohol or other drug abuse where one (1) or more patients are provided with care, meals, and lodging.

SUBSTANCE ABUSE FACILITY, OUTPATIENT — Structures and land used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided.

SULFUR, CEMENT, OR RUBBER RECLAMATION PLANTS — Any plant engaged in the reclamation of sulfur, cement, and/or rubber.

TACKLE AND BAIT SHOP — The use of any building, land area, or other premises or portion thereof engaged in the retail sale of tackle supplies and/or bait for fishing.

TATTOO PARLOR/BODY PIERCING STUDIO — An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one (1) or more of the following: 1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person; using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

THEATER, INDOOR — A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

THEATER, OUTDOOR — An establishment with open air seating devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

TOW YARD — An outdoor storage facility for the temporary storage of towed vehicles.

TRANSIT STORAGE YARD — The use of any building, land area, or other premises or portion thereof, whether inside or outside, for the storage, maintenance, and repair of vehicles and equipment used for public or private transit service.

TRANSIT TRANSFER STATION — The property, equipment, and improvements of whatever nature owned, used, constructed, maintained, controlled, or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

TRUCKS, TRAILERS, CONSTRUCTION EQUIPMENT, AGRICULTURAL EQUIPMENT SALES, RENTAL, LEASING, OUTDOOR STORAGE — The use of any building, land area, or other premises or portion thereof used for the sale, rental, leasing, or outdoor storage of trucks, trailers, construction equipment, or agricultural equipment.

USE — The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied, or maintained.

VEHICLE REPAIR AND SERVICES FACILITY — A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.

VETERINARY CLINIC — An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence.

WAREHOUSE, WHOLESALE OR STORAGE, GENERAL — A use engaged in storage and transporting manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

WAREHOUSE, WHOLESALE OR STORAGE, LIVE ANIMALS, EXPLOSIVES, OR FLAMMABLE GASES AND LIQUIDS — Any establishment that includes transporting or storage of manufactured commodities, live animals, explosives, or flammable gases and liquids.

WELDING SHOP — Any establishment involved in the joining of materials, primarily metals by applying heat, sometimes with pressure and sometimes with an intermediate or filler metal having a high melting point.

WILDLIFE RESERVATION AND CONSERVATION PROJECT — Lands that contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies. Conservation projects: A project designed for the management of natural resources to prevent waste, destruction, or degradation.

YARD FOR STORAGE OF CONTRACTORS' EQUIPMENT, MATERIALS, AND SUPPLIES — Storage yards operated by or on behalf of a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

ZOOLOGICAL GARDEN — An area, building, or structures which contain wild animals on exhibition for viewing by the public.

Section 405.10.040. Signage Terms.

[CC 1990 § 31-10-04; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

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

ATTENTION-GETTING DEVICE — A balloon, banner, beacon, festoon, pennant or other similar object erected on a site to draw attention to that particular site, business, or activity. For additional information, see definitions for "balloon, festoon, and pennant."

BALLOON — Any nonporous bag of light material filled with heated air, a gas lighter than air, or with continuous airflow so as to be inflated, whether it floats in the air or is inflated and remains on the ground. For the purposes of these regulations, a balloon devoid of characters, letters, symbols or illustrations shall be considered a sign.

BANNER — Any temporary sign of light-weight fabric or similar material that is mounted to a pole or building at one (1) or more edges. National flags, State or municipal flags, official flags of any institution or business, or subdivision promotion flags shall not be considered banners. See also "sign, street banner."

BEACON — Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same premises as the light sources.

BILLBOARD — A sign structure advertising a commercial enterprise, product, service, industry or other activity not conducted, sold, or offered on the same premises on which the sign is erected.

COMMERCIAL MESSAGE — Any sign wording, logo, or other graphic representation that, directly or indirectly, identifies, advertises, or calls attention to a business, product, service, or other commercial activity.

ELECTRONIC MESSAGE CENTER — A sign whose alphabetic, graphic, or symbolic informational content can be changed or altered on a fixed display surface, composed of electrically illuminated or mechanically driven changeable segments, either by means of pre-programming or by computer-driven electronic impulses. Also see "sign, changeable copy (automatic)."

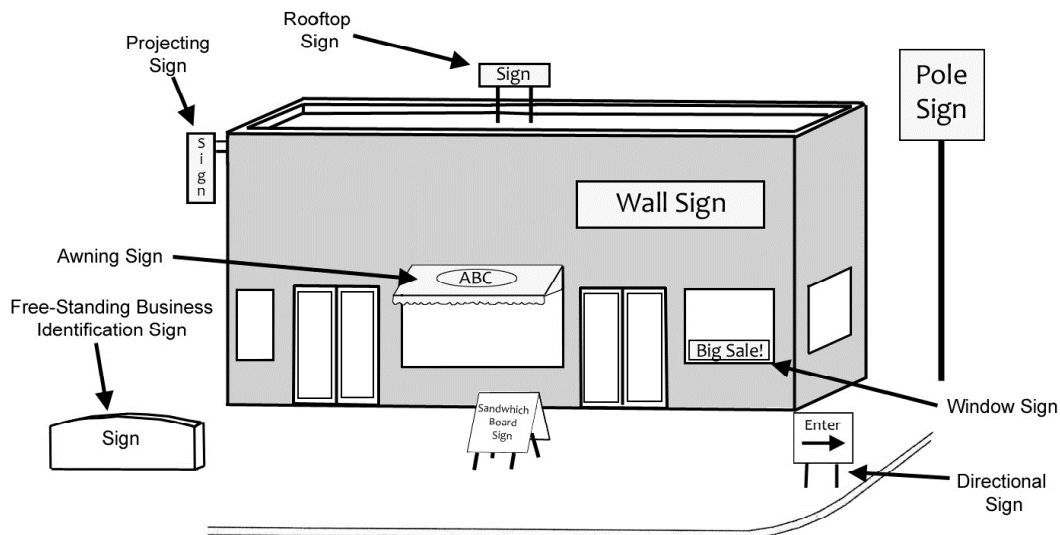
FESTOON — A string of ribbons, tinsel, small flags or pinwheels used primarily to gain attention. See also "pennant."

GRAPHIC REPRESENTATION — A written or pictorial likeness or image.

NOW HIRING BANNER — A banner announcing the initial hiring period for a newly established business, not yet open or having been open for thirty (30) days or less.

PENNANT — Any light-weight fabric or other material suspended from a rope, wire, or string, designed to move in the wind for the purpose of gaining attention.

SIGN — Any device, structure, fixture, or placard that uses any graphics, symbols, written copy, and/or illumination to advertise, direct, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.



SIGN, ABANDONED — A sign which no longer is utilized to identify, direct, or otherwise advertise a bona fide business, lessor, service, owner, product, or activity and/or for which no legal owner can be found. A sign that is in disrepair or has not been maintained by the owner in such a fashion that it is unsafe, unsound, or can no longer be read from a reasonable distance as a result of failure to have been maintained.

SIGN, ACCESSORY — A sign relating to an accessory use on a lot or development that provides on-site directional information to pedestrians or motorists. Also see "sign, incidental."

SIGN, ADVERTISING — A sign intended to attract general public interest concerning a commercial enterprise, product, service, industry, or other activity not conducted, sold or offered on the same premises upon which the sign is erected. Also see "billboard" and "sign, off-premises."

SIGN, ANIMATED — Any sign which includes action or motion. This term does not refer to flashing or changing, all of which are separately defined.

SIGN, AWNING/CANOPY — A sign painted on, printed on, or otherwise affixed to the surface of an awning, canopy or similar structural protective cover over a door entrance, window or outdoor service area.

SIGN, BACKGROUND AREA — The entire area of a sign on which copy could be placed, but does not include a permanent building surface.

SIGN, BOARD — Any freestanding sign made from plywood, particle board, masonite or any other type of sawed lumber material.

SIGN, CHANGEABLE COPY — A sign or portion thereof whose characters, letters, illustrations or other informational content can be changed, altered, or rearranged by manual or automatic means.

SIGN, CHANGEABLE COPY (AUTOMATIC) — A sign whose characters, letters, illustrations, or other informational content can be changed, altered, or rearranged by electronic or mechanical means. A time and temperature and date sign, electronic message center or reader board, and stock market sign are considered automatic changeable copy signs.

SIGN, CHANGEABLE COPY (MANUAL) — A sign whose characters, letters, illustrations, or other informational content can be changed, altered, or rearranged by manual means.

SIGN, CONSTRUCTION — A temporary sign used during construction of new buildings or reconstruction of, or additions to existing buildings, which identifies the project and denotes the owner, architect, engineer, contractor, material supplier and/or financing institutions for the project on which the sign is located.

SIGN, DIRECTIONAL (OFF-PREMISES) — An off-premises sign giving directions, either written or symbolic, or other instructions, but no advertising copy. Also see "sign, subdivision direction (residential)."

SIGN, DIRECTIONAL (ON-PREMISES) — An on-premises sign identifying entrances, exits, aisles, ramps and other similar traffic-related information or instructions.

SIGN, DIRECTORY — A permanent business sign intended for customer convenience, direction and safety which identifies a building, office park, or industrial park by name/address and includes tenant names/locations.

SIGN, DISPLAY HOUSE PROMOTION — A temporary sign intended to inform the general public about a particular display house in a developing subdivision.

SIGN, FACE OF — The entire area of a sign on which copy could be placed irrespective of structural supports. The area of a sign which is visible from one direction as projected on a plane.

SIGN, FLASHING — Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source. Automatic changing signs, such as public service, time and temperature, and date signs, stock market or electronically controlled message centers are classified as flashing signs. Also see also "sign, animated."

SIGN, FLAT OR WALL — A sign attached directly to the wall of a building which is in the same plane as the face of the wall with the maximum space between the sign and the face of the wall to be six (6) inches.

SIGN, FREESTANDING — Single- or double-faced sign placed upon or supported by the ground independent of any building or structure, including pole or pylon signs and monument signs.

SIGN, FUTURE USE OF SITE — A sign announcing the future development of a site permitted by the regulations of a particular zoning district in which the site is located or by an approved special procedure.

SIGN, HEIGHT OF — The vertical distance measured from the existing finished grade adjacent to the sign or the elevation of the adjacent street, whichever is higher, to the highest point of the sign.

SIGN, IDENTIFICATION — A sign whose copy is limited to the names, logo, occupation, and/or address of a building occupant, subdivision, or development project.

SIGN, ILLEGAL — A sign which contravenes this UDC or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

SIGN ILLUMINATION — Any artificial light source incorporated internally or externally for the purpose of illuminating a sign.

SIGN, INCIDENTAL — A sign, generally informational, that has a purpose solely accessory to the use of the lot on which the sign is located. No sign with a commercial message legible or apparent from off the lot on which the sign is located shall be considered incidental.

SIGN, INFORMATION — A sign which identifies a residence, a noncommercial activity, or conveys cautionary information. Also see "sign, public information."

SIGN, LIVING OR HUMAN — A living or human sign is a sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purposes of advertising or drawing attention to an individual, business, commodity, service or product.

SIGN, MAILBOX — A business identification sign expressly for the commercial service procedure not to exceed eighteen (18) inches by twenty-four (24) inches in sign face area.

SIGN, MENU BOARD — A sign which lists the assortment of offerings that may be ordered at a restaurant via the drive-through lane.

SIGN, MONUMENT TYPE — A freestanding sign attached to a proportionate base, integrated planter or structural frame, the width of which shall be a minimum of one-half (1/2) the width of the widest part of the sign face.

SIGN, NONCONFORMING — A sign which existed lawfully, whether by variance or otherwise, on the date this Unified Development Code or any amendment thereto became effective, and which fails to conform to one (1) or more of the applicable regulations of this Unified Development Code or such amendment thereto.

SIGN, NONCONFORMING (ILLEGAL) — A sign which fails to conform to one (1) or more of the applicable sign regulations or amendments thereto and was erected unlawfully on the date this Unified Development Code or any amendment became effective.

SIGN, NONCONFORMING (LEGAL) — A sign which existed lawfully on the date that this Unified Development Code or any amendment thereto became effective and which fails to conform to one (1) or more of the applicable sign regulations or amendments thereto.

SIGN, OFF-PREMISES — A sign advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located. Also see "billboard" and "sign, advertising."

SIGN PACKAGE — A comprehensive, complementary and unified plan for signage throughout a single development or contiguous lots under common ownership.

SIGN PERMIT — A license to proceed with erecting, constructing, posting, altering, enlarging, maintaining, or relocating a sign.

SIGN, POLE or PYLON — A freestanding sign supported by uprights, braces, columns, poles, or other vertical members which are not attached to a building and where the bottom edge of the sign face is located three (3) feet or more above the average grade at the base of the sign.

SIGN, POLITICAL — Any sign which is designed to influence the action of the voters for the passage or defeat of a measure appearing on the ballot at any national, state, or local election or which is designed to influence the voters for the election or defeat of a candidate for nomination or election at any national, State or local level.

SIGN, PORTABLE — Any sign not permanently attached to the ground, building, or other permanent structure, or a sign designed to be transported by means of wheels and signs attached to or painted on vehicles parked and visible from the public right-of-way unless said vehicle is used in the normal day-to-day operations of a business.

SIGN, PROJECT IDENTIFICATION — A permanent, freestanding sign located at the main entrance to a commercial or industrial development which is in excess of twenty (20) acres in size. Also see "sign, directory."

SIGN, PROJECTING — Any sign, other than a flat or wall sign, affixed to a building or wall in such a manner that its back edge extends more than six (6) inches beyond the surface of such building or wall.

SIGN, PUBLIC INFORMATION — A sign used for public events, promotion of civic causes or activities for charitable or not-for-profit purposes.

SIGN, REAL ESTATE — A temporary on-premises sign pertaining to the rental, lease, or sale of real property.

SIGN, ROOF — A sign erected on, over or above the roofline of a building.

SIGN, ROOF (INTEGRAL) — Any sign erected or constructed as an integral or essentially integral part of a normal roof structure, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the roof by a space of more than six (6) inches.

SIGN, SANDWICH BOARD — Two (2) sign board faces, usually hinged, placed on the ground which is used primarily for advertising purposes.

SIGN, STREET BANNER — A temporary sign composed of light-weight fabric or similar material attached to a pole or streetlight by means of a rigid frame at one (1) or more edges.

SIGN STRUCTURE — Any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

SIGN, SUBDIVISION DIRECTION (RESIDENTIAL) — A temporary sign intended to direct the general public to a residential subdivision under development.

SIGN, SUBDIVISION IDENTIFICATION — A permanent freestanding or wall sign identifying a legal subdivision or development.

SIGN, SUBDIVISION PROMOTION — A temporary sign intended to inform the general public about a residential subdivision under development.

SIGN, TEMPORARY — A sign which is intended or contracted for a time of limited duration not exceeding twelve (12) months.

SIGN, TEMPORARY, DEVELOPMENT-RELATED — Construction signs, future-use-of-site signs, and subdivision promotion signs.

SIGN, WALL — Any sign attached parallel to and with its back within six (6) inches of a wall, painted on the wall surface of, or erected and confined within the outside limits of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

SIGN, WINDOW — Any sign, including paint, placed inside a window or upon the window panes or glass that is visible from the exterior of the window.

Section 405.10.050. Landscaping And Tree Preservation Terms.

[CC 1990 § 31-10-05; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

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

AFFORESTATION — The conversion of open land into forest through tree planting.

BUFFER, MEASUREMENT OF — When adjacent to road rights-of-way, buffer areas shall be measured from future rights-of-way.

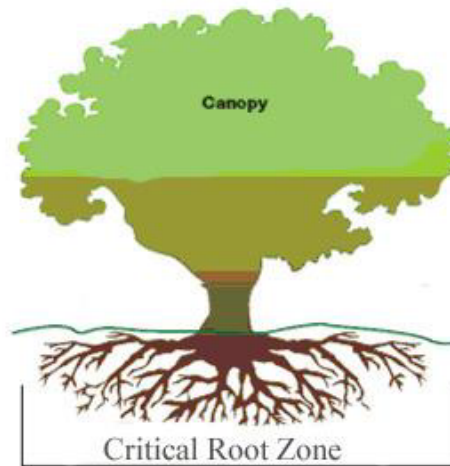
BUFFER STRIP — A strip of land with natural or planted vegetation intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

CALIPER — The diameter of the trunk of a young tree less than four (4) inches in diameter, measured at six (6) inches above natural grade.

CANOPY TREE — Deciduous trees that have a minimum height of thirty (30) feet at maturity.

CITY'S TREE SPECIALIST — A tree specialist retained by the City to review tree protection and preservation issues at the City's request.

CRITICAL ROOT ZONE (CRZ) — The area of tree roots within the crown dripline. This zone is generally defined as the area underneath a tree's canopy, extending from the tree's trunk to a point no less than the furthest crown dripline.



DIAMETER AT BREAST HEIGHT (DBH) — The diameter of the trunk of a tree, in inches of diameter, measured at breast height four and one-half (4.5) feet above the original soil or natural grade. If a tree forks or separates into two (2) or more trunks below four and one-half (4.5) feet, then the trunk is measured at its narrowest point below the fork.

DRIPLINE — The location on the ground which is just below the outer extent of the tree branches.



GREEN SPACE PRESERVATION AREA — An area designated within a proposed development within which all existing healthy trees, vegetation, stream corridors, soil grade

and any existing or additional landscape plantings are to be permanently protected and preserved. No structures or paving are permitted in a green space preservation area.

GROVE — A group of trees similar in species or size and significant enough to be given special attention. See also "monarch tree stand."

INVASIVE PLANT — A vegetation species that grows aggressively in the State of Missouri, as listed by the Missouri Department of Conservation.

LANDSCAPE BUFFER — An area of landscaping separating two (2) land uses, or a land use and public right-of-way, and acts to soften or mitigate the effects or impacts of one land use on the other.

LIMIT OF DISTURBANCE — A line that identifies the location on the ground where fencing will be installed to protect trees from clearing, grading, soil filling, storage of materials, parking of vehicles, utility installation or other construction activity of any kind.

MONARCH TREE — Any tree shall be classified as a monarch tree if it meets two (2) or more of the following conditions:

1. It is a rare or unusual species; or
2. It is of exceptional quality; or
3. It has historical significance; or
4. It will be specifically used as a focal point in a project or landscape.
5. Small trees (dogwood, redbud, serviceberry, etc.) measuring at least twelve (12) inches DBH; or
6. Medium/large trees (pine, oak, maple, etc.) measuring at least twenty (20) inches DBH.

MONARCH TREE STAND — A contiguous grouping of at least eight (8) trees which have been determined to be of high value or comprised of monarch trees. Determination is based upon the following:

1. A relatively mature even-aged stand of trees; or
2. A stand of trees with a purity of species composition; or
3. A stand of trees which is rare or unusual in nature; or
4. A stand of trees with historical significance; or
5. A stand of trees with exceptional aesthetic quality or size that is a principal feature of a site.

NATIVE PLANT — A vegetation species that existed prior to the arrival of settlers within the State of Missouri, as listed by the Missouri Department of Conservation.

NATURAL AREA — An area that is substantially undisturbed by development.

NOXIOUS WEED — A vegetation species that is listed as a Missouri State noxious weed by the United States Department of Agriculture.

NUISANCE PLANT — Toxic species known to cause death or severe allergic reactions among a segment of the human population, such as poison hemlock, poison ivy, and ragweed.

ORNAMENTAL TREE — A small highly visual tree species that can attain a mature height of twenty (20) to thirty-five (35) feet.

PUBLIC TREE — Any tree located on City-owned or -controlled property, including parks, street rights-of-way, parkways, public facilities, etc.

STREET TREE — Any tree that is currently located or proposed for planting as part of the row of trees required along streets or highways.

TREE — A woody plant that grows mostly upright with a single or multi-stem that may eventually attain a height of fifteen (15) feet or more.

TREE CANOPY — The upper portion of a tree or trees made up of branches and leaves.

TREE CANOPY COVERAGE — The area in square feet of a tree's spread. Existing tree canopy is determined by measuring the ground's surface area that is covered by the branch spread of a single tree or clump or grove of trees. When trees are relatively close together, but the branches are not touching, the general area covered by this group can be used to determine the area of tree canopy coverage.

TREE DISTURBANCE — Includes the intentional, unintentional or negligent removal, destruction, or killing of any tree, or causing the loss of the tree canopy coverage or critical root zone of individual trees or group of trees.

TREE MASS — A grouping of three (3) or more trees whose canopies intertwine or overlap.

TREE PRESERVATION PLAN (TPP) — A plan that delineates areas where trees are to be saved and details measures to be taken to ensure protection and survivability of trees to be saved, prior to and during construction, in accordance with Section 405.04.020 of this UDC.

TREE PROTECTION AREA — The area above ground necessary to protect the critical root zone, including the trunk and scaffold branches of a tree.

TREE SPECIALIST — A person who meets one (1) of the following criteria:

1. Arborist/certified arborist: a person who is a full-time owner or employee of a commercial tree service with at least five (5) years of field experience or a person who is certified through the International Society of Arboriculture.
2. Forester/certified forester: a person with a degree in forestry and at least five (5) years of field experience or a person certified through the Society of American Foresters.

TREE STAND DELINEATION (TSD) — A detailed description and location of individual trees, groups of trees, tree-covered lots, and forested lands, prepared in map form, as explained in the tree preservation and landscape requirements.²²

TREE TOPPING — Drastic removal or cutting back of large branches in mature trees.

22. Editor's Note: See Section 405.04.020, Tree Preservation And Landscape Requirements.

TURF GRASS — A type of vegetation ground cover, managed by weed removal and mowing to maintain a uniform height.

TURF WEED — Broadleaf weeds, annual and perennial grasses that invade or disrupt the uniformity of turf grass lawns.

ULTIMATE TREE CANOPY — Ultimate tree canopy is determined by assigning the following area values for planted trees, and the tree sizes may be used in combination to attain the necessary density for tree planting.

1. Large tree: four hundred (400) square feet.
2. Medium tree: three hundred (300) square feet.
3. Small tree: two hundred (200) square feet.

UNDERSTORY TREE — Deciduous trees that have a maximum height of less than thirty (30) feet at maturity.

WOODED AREA — Five thousand (5,000) square feet or more of tree canopy coverage and where the tree canopy is primarily comprised of trees equal to or larger than five (5) inches in DBH. The five thousand (5,000) square feet may be in a single grouping or comprised of several single trees or groupings of scattered trees in old yards or old fields, as well as land with thick tree cover or forested lands. The five thousand (5,000) square feet need not be contiguous.

Section 405.10.060. Architectural Terms.

[CC 1990 § 31-10-06; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

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

ARCHITECTURAL OR BUILDING ELEVATION — The perimeter vertical surface of a building.

AWNING or CANOPY — A structure partially or entirely supported by or attached to a wall and which is covered by canvas, cloth, plastic or other similar temporary material, used as a protective cover for a door entrance, window, or outdoor service area.

COMPATIBLE — A relative term which requires the analysis of site, building, and landscape design in relationship to adjacent development. Compatibility is established when there are consistent design and functional relationships so that rehab and new development complements the existing or adjacent development. Achieving a compatible design does not require the imitation or repetition of the site, building and landscape design of adjacent development.

COMPLEMENTARY — Site design, building design, and landscape design are achieved when the proposed design responds to, or contributes to, the existing land use patterns, character, and zoning context. Complementary development does not necessarily mean the imitation or replication of adjacent development.

FACADE — That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or to the eaves and the entire width of the building elevation.

MASSING — The architectural relationship, proportion, profile, and contour among the various masses or volumes of a building or landscape. The mass of a building is defined by the roof, walls and floor. It may be a simple box form, but more often it is a composite of various forms. Plant massing can be used to create architectural forms as can site elements in the landscape, such as screens, canopies, barriers, floors, pavements and ground surfaces. These can be used to define edges of open spaces and/or directional movement.

PARAPET — The extension of a wall or other architectural facade above the roofline.

PROPORTION — The ordered relationship of bulk, massing and scale in building design so as to create a harmonious relationship between the parts, and as a whole. Proportion can be used to describe height-to-height ratios, width-to-width ratios, width-to-height ratios, and ratios of massing. Proportion should be evaluated for individual buildings, as well as in relationship to adjacent buildings and groups of buildings.

RHYTHM — The flow of design elements in one (1) building or the relationship of design elements in two (2) or more buildings.

SCALE — The comparison of the size of one object to another. In building design, scale is created by the articulation of building mass by use of design elements such as projections and recesses, doors and windows, texture and color, to create relationships at many levels in the building design. Examples of different levels of scale which can be created in a building include: human scale, the relationship of the building and its design elements to the size of a human being; the size of building elements in relation to the overall size of the building; the size of a building as a whole in relation to adjacent buildings; and the size of a project in relation to the building site.

Section 405.10.070. Lighting Terms.

[CC 1990 § 31-10-07; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

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

DIRECT LIGHT — Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

FIXTURE — The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

FOOTCANDLE — A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

GLARE — Direct light emitted by a luminaire that causes reduced vision or momentary blindness.

ILLUMINANCE — The level of light measured at a surface.

LAMP — The component of a luminaire that produces the light.

LIGHT-EMITTING DIODE (LED) — A p-n junction solid-state diode whose radiated output is a function of its physical construction, material used, and exciting current. The output can be in the IR or in the visible region.

LIGHTING, INTERMITTENT — A method of lighting, such as for signs, where artificial or reflected light is not maintained stationary or constant in intensity or color.

LIGHT POLLUTION — General sky glow caused by the scattering of artificial light in the atmosphere, much of which is caused by poorly designed luminaires.

LIGHT SHIELD — Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.

LIGHT TRESPASS — Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

LUMEN — A unit of measure of luminous flux.

LUMINAIRE — The complete lighting system, including the lamp and the fixture.

LUMINAIRE FULL CUTOFF — A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.

OUTDOOR LIGHT FIXTURE — Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.

SHIELDED — A light fixture whose output is controlled in such a manner that a direct view of the light emitting surface from an adjacent property is either minimized or prevented. This control could be as a result of the fixture housing, external or internal control devices (louvers, shields, barn doors, etc.), placement of the luminaire on the subject property, or the combinations of these elements. Shielding may either be full or partial.

SHIELDED, FULLY — Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane passing through the lowest point of the fixture from which the light is emitted as certified by a photometric test report.

SHIELDED, PARTIALLY — Outdoor light fixtures shielded or constructed so that the lower edge of the shield is at or below the center line of the light source or lamp so as to minimize light emissions above the horizontal plane.

TEMPORARY OUTDOOR LIGHTING — The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of no more than thirty (30) days, with at least one hundred eighty (180) days passing before being used again.

Section 405.10.080. Telecommunications Terms.

[CC 1990 § 31-10-08; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

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

ALTERNATIVE SUPPORT STRUCTURE — Vertical components not generally designed for use as antenna-support structures, including but not limited to structures such as church steeples, light poles and water towers.

ANTENNA — An electrical conductor or group of electrical conductors that transmit or receive radio waves, excluding amateur radio antennas.

ATTACHMENT — An antenna or other piece of related equipment affixed to a transmission tower, building, silo, smokestack, water tower, light or utility pole, or an alternative support structure.

COLLOCATION — Placement of an antenna on an existing transmission tower, building, light or utility pole, water tower or other structure where the antenna and all supports are located on the existing structure.

COMMERCIAL IMPRACTICABILITY or COMMERCIALLY IMPRACTICABLE — A circumstance which may excuse the applicant or holder from performing a requirement of Article 06 of this UDC. Such an excuse may be granted where these three (3) conditions exist:

1. A contingency occurs;
2. Nonoccurrence of the contingency has been a basic assumption on which the requirement was made; and
3. Performance of the requirement has been made impractical because of, including, but not limited to excessive and unreasonable cost.

COMPLETED APPLICATION — An application that contains all information and/or data necessary to enable the Council to evaluate the merits of the request and to make an informed decision with respect to the effect and impact of wireless telecommunications facilities on the City in the context of the permitted land use for the particular location requested.

FACILITIES SITING PERMIT — The official document or permit by which an applicant is allowed to construct and use wireless telecommunications facilities as granted or issued by the City.

GUYED TOWER — A tower which is supported by the use of cables (guy wires) which are permanently anchored.

HEIGHT — The difference in elevations, as measured from the preexisting natural grade level to the highest point on the tower or structure, even if said highest point is an antenna, attachments, or camouflage feature.

LATTICE TOWER — A self-supporting tower characterized by an open framework of lateral cross members which stabilize the tower.

MATERIAL MODIFICATION — An important, essential or significant change to an existing wireless telecommunications facility. Changes that materially affect the obvious physical appearance of a facility, materially increase a facility's height or structural loading, or otherwise materially affect the safety of the facility would be material modifications. An increase of ten percent (10%) or more in the height of a wireless telecommunications facility shall be presumed to constitute a material modification, unless the applicant, owner or operator of the facility demonstrates that such increase or addition will not materially affect the appearance or safety of the facility. Collocation on a telecommunications structure for which a facilities siting permit allowing such collocation had previously been granted in conformity with this UDC shall not be considered a material modification for purposes of this statute so long as such collocation does not increase the height of the wireless telecommunications facility and does not increase the previously existing antenna array of the wireless telecommunications structure. Ordinary repair and/or maintenance (which includes

the replacement or upgrade of components with substantially similar components), without any material addition, removal or other material modification of any visible components or aspects of a wireless telecommunications facility shall not be considered a material modification for the purposes of this Article.

MONOPOLE — A single upright pole engineered to be self-supporting and does not require lateral cross supports or guys.

STEALTH DESIGN — An antenna, including support structure(s) if any, or telecommunications facility that is designed or located in such a way that the antenna and facility are not readily recognizable as telecommunications equipment.

WIRELESS TELECOMMUNICATIONS FACILITY or TELECOMMUNICATIONS SITE or PERSONAL WIRELESS FACILITY — A structure, facility or location designed, or intended to be used as, or used to support antennas or other telecommunications transmitting or receiving devices, including but not limited to, towers of all types, the tower compound, alternative support structures, fencing, enclosures, roads, parking areas, generators, required lighting, landscaping and similar structures that employ camouflage technology or stealth design, including but not limited to structures such as multistory buildings, church steeples, silos, water towers, signs or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It does not include home or office devices that are contained wholly within an existing home or office, nor over-the-air-reception devices, including reception antennas for direct broadcast satellites, multichannel multipoint distribution (wireless cable) providers, television broadcast stations and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception. It is a structure intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal telecommunications services, commercial satellite services, or microwave telecommunications, and any commercial wireless telecommunications service not licensed by the FCC.

Section 405.10.090. Air navigation Terms.

[CC 1990 § 31-10-09; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

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

AIRPORT ELEVATION — The highest point of an airport's usable landing area measured in feet from sea level.

OBJECT — A structure, including a mobile structure, constructed or installed by man, or a product of nature, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, trees, overhead transmission lines, and utility poles.

RUNWAY — A defined area on an airport prepared for landing and takeoff of aircraft along its length.

RUNWAY, LARGER THAN UTILITY — A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet-powered aircraft.

RUNWAY, NONPRECISION INSTRUMENT — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area

type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

RUNWAY, PRECISION INSTRUMENT — A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or precision approach radar (PAR). It also means a runway for which a precision-approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

RUNWAY, UTILITY — A runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

RUNWAY, VISUAL — A runway intended solely for the operation of aircraft using visual approach procedures.

SURFACE APPROACH — A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

SURFACE, CONICAL — A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

SURFACE, HORIZONTAL — A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

SURFACE, PRIMARY — A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway.

SURFACES, TRANSITIONAL — These surfaces extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

Section 405.10.100. Adult use Terms.

[CC 1990 § 31-10-10; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

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

ADULT BOOKSTORE — An establishment having ten percent (10%) or more of its stock-in-trade in books, photographs, magazines, films for sale or viewing on or off the premises by use of motion-picture devices, video players, DVD players, computers or coin-operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to sex or sexual activity or the principal

purpose of which is to sexually stimulate or sexually arouse the patron viewer or reader or instruments, devices, or paraphernalia that are designed or marketed for use in connection with specified sexual activities.

ADULT ENTERTAINMENT BUSINESS OR ESTABLISHMENT — Any of the establishments, businesses, buildings, structures or facilities which fit within the definition of adult bookstore, adult entertainment facility, adult motion-picture theater, bathhouse, massage parlor and/or modeling studio.

ADULT ENTERTAINMENT FACILITY —

1. Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, video tapes, DVDs, sexual paraphernalia or films predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to sexual activities, and erotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape, DVD, or film presentation), where the patrons either: 1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or 2) observe any live presentation, video tape, DVD or film presentation of persons wholly or partially nude, unless otherwise prohibited by ordinance, with their genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities.
2. It is not intended to identify as an adult entertainment facility those buildings, structures or facilities in which part of any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education, or other similar establishment which include nudity as a form of expression or opinion or communication of ideas or information, which is to be differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of the commercial or business enterprise.

ADULT MOTION-PICTURE THEATER — An enclosed building used for presenting or showing, for money consideration, movie or video films or pictures or other material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities for observation by customers therein.

BATHHOUSE — An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State.

MASSAGE PARLOR — An establishment which has a fixed place of business having a source of income or compensation which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage under such circumstances that is reasonably expected that the person to whom the treatment is provided or some person on his

or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner, professional physical therapist or professional massage therapist licensed by the State of Missouri; operation of barbershops, beauty salons, health clubs, or similar places of business in which massages are administered to the patron fully clothed involving only the scalp, the face, the neck, or the shoulders or services performed by a licensed therapist or other persons who are not engaged in prohibited specific sexual activities as defined herein.

MODELING STUDIO — An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools or other not-for-profit organizations in which persons are enrolled in a class or individual artist or sculptor not engaged in prohibited specific sexual activity as defined herein.

SPECIFIED SEXUAL ACTIVITIES — Sexual conduct, being acted or simulated, acts of human masturbation; sexual intercourse; a physical contact in an act of apparent sexual stimulation or gratification with a person's clothed or unclothed genitalia, pubic area, buttocks, or the breast of a female, or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

Section 405.10.110. Grading, Erosion And Sediment Control Terms.

[CC 1990 § 31-10-11; Ord. No. 2801 § 3 (Exh. A), 6-16-2014]

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

ADVERSE IMPACT — A negative impact on land, water, and associated resources resulting from grading activity. The negative impact includes increased risk of flooding, degradation of water quality, increased off-site sedimentation, reduced groundwater recharge, adverse effects on aquatic organisms, wildlife, and other resources, and threats to public health, welfare and safety.

BEST MANAGEMENT PRACTICES or BMPS — Practices, procedures or a schedule of activities to reduce the amount of sediment and other pollutants in stormwater discharges associated with construction and grading activities. For examples of BMPs, refer to the City of Chesterfield's Sediment and Erosion Control Manual.

CLEARING — Any activity that removes vegetative surface cover.

CONTRACTOR — A person who contracts with the owner, developer, or another contractor to undertake any or all grading activities covered by this UDC. This definition encompasses subcontractors.

EROSION — The wearing away of the land surface by the action of wind, water or gravity.

EROSION CONTROL or SEDIMENT CONTROL — Practices, measures or a schedule of activities to reduce the wearing away of the land and reduce the sediment and other pollutants carried by stormwater, wind or gravity.

EXCAVATION — Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

FILL or FILLING — Any act by which earth, sand, gravel, rock or any other similar material is deposited, placed, pushed, pulled or transported to a place other than the place from which it was excavated and shall include the conditions resulting therefrom.

GRADING or GRADING ACTIVITY — Clearing, excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

GRADING PERMIT — Written approval from the City of Chesterfield authorizing grading activities.

GRADING PLAN — A plan that accurately depicts a representation of the existing, intermediate and final rough grading prior to construction of improvements and structures.

INSPECTOR — A person who, under the direction of the Public Works Director, reviews any grading activity for compliance with this UDC.

NON POINT SOURCES AND LAND DISTURBANCE PERMITS (NPDES) — Refers to Section 402 of the Missouri Department of Natural Resource's Water Pollution Control Program.

PERMITTEE — The applicant in whose name a valid permit is duly issued pursuant to this UDC, and his/her agents, employees, and others acting in his/her direction.

SEDIMENT AND EROSION CONTROL MANUAL (MANUAL) — A manual which establishes minimum requirements, and provides guidance and additional resources to facilitate control of soil erosion on land that is undergoing development for nonagricultural uses, and to preserve the natural terrain and waterways within the incorporated limits of the City of Chesterfield.

SEDIMENT or SEDIMENTATION — Solid material, mineral or organic, that has been moved from the point of origin by erosion.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — The SWPPP covers required sediment and erosion control practices specific to site conditions and maintenance and adherence to the SWPPP plan. Its purpose is to ensure the design, implementation, management and maintenance of BMPs in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities, comply with the Missouri Water Quality Standards and ensure compliance with the terms and conditions of the NPDES.

Section 405.10.120. Floodplain Development And Floodplain Damage Prevention Definitions.

[CC 1990 § 31-10-12; Ord. No. 2828, § 2 (Att. B), 1-5-2015]

All definitions pertaining to floodplain development and floodplain damage prevention are located in Article 05, Flood Damage Prevention, of this Unified Development Code.

UNIFIED DEVELOPMENT CODE

405 Attachment 1

City of Chesterfield

Use Table for Residential Districts
 [Ord. No. 2801, §3 (Exh. A), 6-16-2014; Ord. No. 2814 §3, 9-15-2014; Ord. No. 2954 § 1, 6-5-2017]

Uses:
 P - Permitted
 C - Conditional
 * Means the use is allowed with conditions. See Section 31-03-03 for additional regulations.

Use Group	Zoning District and Category												
	LLR	E-2 Ac	E-1 Ac	E-1/2 Ac	R-2	R-3	R-4	R-5	R-6	R-6A	R-6AA	R-7	R-8
Residential													
Dwellings													
Single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	P
Single-family attached				P									
Multifamily									P	P	P	P	P
Group home	C	C	C	C	C	C	C	C	C	C	C	C	C
Group residential facility	C	C	C	C	C	C	C	C	C	C	C	C	C
Mobile home park	C*					C*							
Nursing homes	C	C	C	C	C	C	C	C	C	C	C	C	C
Civic													
Public safety facilities	P	P	P	P	C	P	P	P	P	P	P	P	P
Public													
Administrative offices for educational or religious institutions	C	C	C	C	C	C	C	C	C	C	C	C	C
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches and other places of worship	P	P	P	P	P	P	P	P	P	P	P	P	P
Clubs or community centers	C	C	C	C	C	C	C	C	C	C	C	C	C
Day-care center	C	C	C	C	C	C	C	C	C	C	C	C	C
Day-care home	C	C	C	C	C	C	C	C	C	C	C	C	C

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Use Group	Zoning District and Category												
	LLR	E-2 Ac	E-1 Ac	E-1/2 Ac	R-2	R-3	R-4	R-5	R-6	R-6A	R-6AA	R-7	R-8
Farming (including cultivation and sale of crops, plants and domestic animals with no salesrooms)	P	C	C										
Golf courses	C	P	P	P	P	P	C	C	C	C	C	C	C
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P
Hospitals	C	C	C	C	C	C	C	C	C	C	C	C	C
Hospice	C	C	C	C	C	C	C	C	C	C	C	C	C
Libraries, public or private	C	C	C	C	P	P	P	P	P	P	P	P	P
Livestock and stables	C*	C	C										
Mortuary	C	C	C	C	C	C	C	C	C	C	C	C	C
Parks	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation facility	C												
Restaurant, sit-down													
Retreat center	C	C	C	C	C	C	C	C	C	C	C	C	C
Kennels, boarding	C	C	C	C									
Kennels, private	C	C	C	C									
Veterinary clinics	C												
Wildlife reservation, forest and conservation project	P	P	P	P	P								
Educational													
College/university	P	P	P	P	P	P	P	P	P	P	P	P	P
Primary	P	P	P	P	P	P	P	P	P	P	P	P	P
Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P
Kindergarten, nursery school	P	P	P	P	P	P	P	P	P	P	P	P	P
Specialized private school	C	C	C	C	C	C	C	C	C	C	C	C	C
Utilities													
Public facilities	P	P	P	P	P	P	P	P	P	P	P	P	P
Public facilities over 60 feet in height	C	C	C	C	C	C	C	C	C	C	C	C	C

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Use Group	Zoning District and Category												
	LLR	E-2 Ac	E-1 Ac	E-1/2 Ac	R-2	R-3	R-4	R-5	R-6	R-6A	R-6AA	R-7	R-8
Sewage treatment facilities, other than facilities permitted as an accessory use	C	C	C	C	C	C	C	C	C	C	C	C	C
Telecommunications tower or facility	C	C	C	C	C	C	C	C	C	C	C	C	C

UNIFIED DEVELOPMENT CODE

405 Attachment 2

City of Chesterfield

Use Table for Nonresidential Districts
[Ord. No. 2801, § 3 (Exh. A), 6-16-2014]

Uses:

P - Permitted

C - Conditional

* Means the use is allowed with conditions. See Section 31-03-04 for additional regulations.

** Refers to light industrial type uses permitted in certain geographical areas in a PC District.

Use Group	Zoning Districts									
	PS	AG	PC	NB	PI	LJ	MU			
Agriculture										
Agriculture and agricultural buildings		P								
Livestock-raising and keeping of animals		P								
Civic										
Administrative offices for educational or religious institutions		C	P	P	P	P				
Church and other places of worship		C	P	P	P	P				
Community center			P							
Correctional institution					P					
Highway Department garage					P					
Historic sites, including buildings	P									
Library			P	P						
Natural or primitive areas and forests encompassed by the provisions of the Missouri State Forestry Law	P									
Parks	P	P	P	P	P	P				
Postal stations			P	P	P	P				P
Public building facilities owned or leased by the City of Chesterfield			P	P	P	P				
Public safety facility	P	P	P	P	P	P				P
Railroad switching yard and tracks and associated structures					P					
Retreat center	C	C								
Sales yard operated by a church, school, or other not-for-profit organization									P	
Wildlife habitats, forests, conservation projects and fish hatcheries	P	P								

CHESTERFIELD CITY CODE

Use Group	Zoning Districts									
	PS	AG	PC	NB	PI	LI	MU			
Residential										
Dwelling, employee	C		P							
Dwelling, single-family detached										
Dwellings, multifamily										
Home occupation		P								
Group residential facility										P
Public Recreational										
Airport, public or private		C						P		
Amusement park			P							
Arena and stadium			P					P		
Art gallery			P							
Art studio			P							
Athletic fields	P	P								
Auditorium			P							
Banquet facility			P							
Botanical garden			P							
Camping facility	C									
Cemetery	P	C	P	P						P
Club		C	P	P						
Correctional institution										
Driving ranges										
Fairground	C							P		
Farmer's market			P	P						
Golf courses	C	C	P							
Gymnasium			P	P						
Harbor, marina, and dock for waterborne vehicles, including repair facilities and sales of fuel and supplies										P
Helipport-public and private										P
Mortuary		C	P	P						
Museum			P	P						
Reading room			P	P						
Recreation facility		C	P	P						
Riding stable		P	P	P						

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Use Group	Zoning Districts									
	PS	AG	PC	NB	PI	LI	MU			
Sales yard operated by a church, school, or other not-for-profit organization			P							
Transit transfer station			P							
Union halls and hiring halls			P		P					
Zoological gardens			P							
Office										
Office-dental			P	P	P					P
Office-general			P	P	P	P				P
Office-medical			P	P	P	P				P
Commercial/Sales										
Automobile dealership			P							
Automotive detailing shop						P				
Automotive retail supply			P		P	P				
Bakery			P		P	P				
Bar			P		P	P				
Bowling center			P							
Brewery						P				
Brewpub			P			P				
Coffee shop			P			P				
Coffee shop, drive-through			P							
Farming, livestock and stables. Farming includes cultivation and sale of crops, plants and domestic animals with no salesrooms		P	P							
Grocery, community			P							
Grocery, neighborhood			P							
Grocery, supercenter			P							
Newspaper stand			P		P	P				
Pawnshop								P		
Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility								P		P
Restaurant-sit-down	C		P	P	P					
Restaurant-fast-food			P	P	P					
Restaurant-take-out			P	P	P					P
Retail sales establishment-community			P							
Retail sales establishment-neighborhood			P	P						

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Use Group	Zoning Districts									
	PS	AG	PC	NB	PI	LI	MU			
Retail sales establishment-regional			P							
Salesrooms for commercial gardens, plant nurseries, and greenhouses		C								
Tackle and bait shop			P							
Service/Industrial										
Animal grooming service			P	P	P					
Barber- or beauty shop			P	P						
Batching plant					P					
Blacksmith shop					P					
Boat (and marine supply) storage, charter, repair, sale					P					
Broadcasting studio			P		P					
Car wash			P		P					
Car wash, industrial					P					
Car wash, self-service			P		P	P				
Check-cashing facility			P		P					
Commercial service facility			P	P	P	P				
Day-care center			P	P	P	P				P
Drugstore and pharmacy			P	P						
Drugstore and pharmacy, with drive-through			P							
Dry-cleaning establishment			P	P	P					
Dry-cleaning establishment, with drive-through			P		P					
Dry-cleaning plant					P					
Extraction and processing of raw materials from the earth and processing thereof					P					
Filling station and convenience store with pump stations			P		P					
Film dropoff and pickup stations			P		P					
Film processing plant			P		P					
Financial institution, no drive-through			P	P	P					
Financial institution, drive-through			P		P					
Helipoint-public or private			P		P					
Hospice			P	P						
Hospital			P							P
Hotel and motel			P							
Hotel and motel, extended stay			P							
Incinerator					P					

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Use Group	Zoning Districts									
	PS	AG	PC	NB	PI	LI	MU			
Industrial sales, service, and storage					P	P				
Junk- or salvage yard					P*					
Kennel, boarding		P*	P		P	P				
Kennel, private		P*			P					
Laboratory-professional, scientific			P**		P	P				
Laboratory										P
Laundromat			P		P					
Lumberyard					P					
Mail order sales warehouse			P**		P	P				
Manufacturing, fabrication, assembly, processing, or packing, except explosives or flammable gases or liquids			P**		P	P				
Meat-packing facility										
Nursing home			P							
Oil change facility			P							
Parking area (stand-alone), including garages, for automobiles; not including sales or storage of damaged vehicles for more than 72 hours			P	P	P					P
Professional and technical service facility										
Research laboratory and facility			P	P	P	P				
Self-storage facility			P**		P	P				
Sheet metal shop										
Shooting range, indoor										
Shooting range, outdoor										
Steel mill, foundry, and smelter										
Substance abuse facilities-outpatient										P
Substance abuse facilities-inpatient										P
Sulphur, cement, or rubber reclamation plants										
Tattoo parlor/body piercing studio			P							
Theater, indoor			P							
Theater, outdoor			P							
Tow yard									P	
Transit storage yard										
Transit transfer station and terminals for trucks, buses, railroads, watercraft or other modes of public transportation									P	

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Use Group	Zoning Districts									
	PS	AG	PC	NB	PI	LI	MU			
Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage					P					
Vehicle repair and service facility			P		P					
Veterinary clinic		P	P	P	P					
Warehouse, general			P**		P					
Warehouse, wholesale or storage of live animals, explosives, or flammable gases and liquids					P					
Welding shop, sheet metal and blacksmith shop					P					
Yard for storage of contractors' equipment, materials and supplies					P					
Educational										
College/university			P							P
Kindergarten or nursery school			P							
Specialized private school			P		P					P
Vocational school			P		P					P
Vocational school with outdoor training			P**		P					P
Adult Uses										
Adult bookstore			P		P					
Adult entertainment business or establishment			P		P					
Adult entertainment facility			P		P					
Adult motion-picture theater			P		P					
Bathhouse			P		P					
Massage parlor			P		P					
Modeling studio			P		P					
Specific sexual activities			P		P					
Utilities										
Device for energy generation			P		P					C
Individual sewage treatment facilities			P*		P*					C
Public utility facilities	P*	P	P*	P*	P*	P	P	P	P	P
Public facilities over 60 feet in height		C	C	C	C	C	C	C	C	C
Public utility transmission and distribution lines and pipelines, underground and aboveground, including booster stations	C	C	C	C	C	C	C	C	C	C
Radio, television, and communication transmitting, receiving, or relay towers and facilities		C								
Sanitary landfill										P
Sewage treatment facilities, other than facilities permitted as an accessory use	C									

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Use Group	Zoning Districts									
	PS	AG	PC	NB	PI	LJ	MU			
Sewage system					P					
Solid waste, compost facility					P					
Solid waste, facility					P					
Solid waste, transfer facility					P					
Telecommunications structure			P	P	P	P				
Telecommunications tower or facility			P	P	P	C				

UNIFIED DEVELOPMENT CODE

405 Attachment 3

City of Chesterfield

Use Table for Overlays and Special Procedures
 [Ord. No. 2801, § 3 (Exh. A), 6-16-2014; Ord. No. 2816, § 1 (Att. A), 10-6-2014; Ord. No. 2828, § 3 (Att. C), 1-5-2015]

Uses:
 P - Permitted
 C - Conditional
 * Means the use is allowed with conditions. See the district regulations for the underlying district in this Article for additional regulations.

Use Group	Overlay District or Special Procedure			
	MAA	PUD	RBU	WH
Civic				
Church and other places of worship				P
Community center				C
Library				C
Open air performance and educational facility	P*			
Parks				P
Public safety facility				P
Retreat center				C
Wildlife reservations and forests including conservation projects				P
Residential				
Dwelling, single-family attached				P
Dwelling, single-family detached				P
Dormitories				C
Group residential facility				C
Public/Recreational				
Art gallery	P			
Cemetery				C*
Club				C*
Mortuary				C
Museum	P			

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Use Group	Overlay District or Special Procedure			
	MAA	PUD	RBU	WH
Riding stable				C
Theater	P			
Office				
Office-dental			P*	
Office-general	P		P	
Office-medical			P*	
Commercial/Sales				
Newspaper stand		P*		
Restaurant, sit-down		P*		
Retail sales establishment, neighborhood		P*	P*	
Commercial sales facility			P*	
Service/Industrial				
Barber- or beauty shop		P*		
Day-care center		P*		C
Drugstore and pharmacy		P*		
Hospice				C
Hospital				C
Kennel, boarding				C
Kennel, private				C
Laundromat		P*		
Nursing home				C
Educational				
College/university				P
Educational facility	P			P
Kindergarten or nursery school				P
Specialized private school				C
Utilities				
Public utility facilities				P
Public facilities over 60 feet in height				C
Radio, television, and communication transmitting, receiving, or relay towers and facilities				C
Sewage treatment facilities, other than facilities permitted as an accessory use				C

UNIFIED DEVELOPMENT CODE

405 Attachment 4

City of Chesterfield

Site and Building Design
 [Ord. No. 2801, § 3 (Exh. A), 6-16-2014; Ord. No. 2954 § 2, 6-5-2017]

Residential Architecture	Access	Exterior Elements	Landscaping and Screening	Scale	Site Design
	<p>See General requirements for building design, Sec. 31-04-01(D) of this Article.</p>	<p>Use architectural elements and materials matching the front facade on the sides and rear of the structure where the facade is visible from streets external to the subdivision.</p> <p>Avoid long uninterrupted building surfaces and materials or designs that cause glare.</p> <p>Primary building material shall be extended and installed so that no more than twelve (12) inches of concrete foundation wall is exposed.</p>	<p>See General requirements for building design, Sec. 31-04-01(D) of this Article.</p>	<p>Design to fit appropriately with the natural landscape. Design infill development to reinforce functional relationships and patterns of development within the existing neighborhood.</p>	<p>Utilize setbacks, screening, building massing or driveway parking locations to provide transitions when adjacent to a different land use or residential density.</p>

CHESTERFIELD CITY CODE

	Access	Exterior Elements	Landscaping and Screening	Scale	Site Design
Multifamily Architecture	Provide an on-site pedestrian system with access to common ground areas.	Express architecturally the individual dwelling units within the building. Utilize color, material and plane changes to articulate facades. Avoid monotonous or institutional designs. Primary building material shall be extended and installed so that no more than twelve (12) inches of concrete foundation wall is exposed.	See General requirements for building design, Sec. 31-04-01(D) of this Article.	Respect the scale, proportion and character of the adjacent or predominant neighborhood.	Provide functional recreation areas. Provide private outdoor space for each dwelling. Provide visual transitions between the street and the dwelling units.

UNIFIED DEVELOPMENT CODE

<p>Commercial and Industrial Architecture</p>	<p>Access Locate service and loading areas away from public streets and out of the main circulation system and parking areas. Provide access for service vehicles, trash collection and storage areas from alleys when possible. If not possible, utilize the street with the least traffic volume and visual impact.</p>	<p>Exterior Elements See Section 31-04-01(D), General requirements for building design, of this Article.</p>	<p>Landscaping and Screening Screen utility meters and surface transformer switching pads.</p>	<p>Scale See Section 31-04-01(D), General requirements for building design, of this Article.</p>	<p>Site Design Design and locate building equipment and utilities to minimize visibility from public streets, surface parking lots, and neighboring properties.</p>
<p>Fast-Food Restaurants</p>	<p>Create a circulation system that provides adequate space for drive-through queuing lines. Direct drive-through queuing lines so as to not conflict with pedestrian circulation or on-site parking.</p>	<p>Adapt franchise or corporate style architecture to complement the style of adjacent developments. Apply color schemes that coordinate with adjacent developments' color schemes. Utilize similar architectural designs and palettes as the commercial development in which the building will be located. Integrate drive-through elements, outdoor seating areas and play equipment architecturally into the building design.</p>	<p>Utilize perimeter fencing that is attractive and compatible with the building design.</p>	<p>Adapt franchise or corporate style architecture to fit in with the scale and proportion of adjacent development.</p>	<p>Locate drive-through elements away from the primary street frontage.</p>

CHESTERFIELD CITY CODE

Auto Service and Fuel Stations	Access	Exterior Elements	Landscaping and Screening	Scale	Site Design
	See Section 31-04-01(D), General requirements for building design, of this Article.	Provide a structural or strong design element to anchor corner stores. Create building(s) designs compatible with surrounding developments. Use of prefabricated or pre-designed buildings is discouraged. If used, adapt the design so as to be compatible with adjacent development.	Provide landscaping and/or pathways in an alternate paving material to break up expanses of pavement and/or asphalt. Screen or architecturally incorporate tank vents into the design.	Design prefabricated or pre-designed buildings, if used, so as to have a scale and proportions compatible with adjacent development.	Avoid multiple structures on the site. Situate car wash openings away from the street.
Shopping Center and Office Complex	Create separate circulation routes for truck deliveries and customers. Access for deliveries shall be from the least traveled or impacted street. Avoid, when possible, large parking areas adjacent to the street.	Provide consistent design styles, details and palettes throughout the development including outlot buildings. Design outdoor retail sales areas, if allowed, to be complementary and integrated into the overall building design.	Screen or architecturally incorporate outdoor shopping cart storage into the design.	See Section 31-04-01(D), General requirements for building design, of this Article.	Provide outdoor gathering areas. Outdoor retail sales space must be shown and approved on the site plan if allowed.

UNIFIED DEVELOPMENT CODE

405 Attachment 5

City of Chesterfield

Table 5
Tree List
[Ord. No. 2801, §3 (Exh. A), 6-16-2014]

Scientific Name	Common Name	Street Tree	Parking Lot or Island	Deciduous	Evergreen	Ornamental	Mature Height (feet)	Growth Rate (Size Class)
Abies concolor	Fir, White (concolor)		X		X		45+	Slow/Medium (Large)
Acer ginnala	Maple, Amur		X	X		X	20-25	Medium (Small)
Acer platanoides	Maple, Norway	X		X			45+	Medium (Large)
Acer platanoides 'Columnar'	Maple, Norway, Columnar		X	X			45+	Medium (Large)
Acer rubrum varieties	Maple, Red and varieties	X	X	X			45+	Fast (Large)
Acer saccharinum	Maple, Silver			X			45+	Fast (Large)
Acer saccharum Varieties	Maple, Sugar and varieties	X	X	X			45+	Slow/Medium (Large)
Acer tataricum	Maple, Tatarian		X	X			15-25	Medium (Small)
Acer x freemanii 'Jeffersred'	Maple, Hybrid, Autumn Blaze	X	X	X			45+	Medium/Fast (Large)
Acer x freemanii 'Scarsen'	Maple, Scarlet Sentinel		X	X			45+	Fast (Large)
Aesculus glabra	Buckeye, Ohio		X	X		X	25-35	Slow (Medium)
Aesculus hippocastanum	Horsechestnut			X		X	30-45	Medium (Medium)
Aesculus pavia	Buckeye, Red		X	X		X	20-30	Slow (Small)
Alnus glutinosa	Alder, European	X		X			45+	Medium/Fast (Large)
Amelanchier arborea	Serviceberry, Downy		X	X		X	25-30	Slow/Medium (Medium)

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Scientific Name	Common Name	Street Tree	Parking Lot or Island	Deciduous	Evergreen	Ornamental	Mature Height (feet)	Growth Rate (Size Class)
<i>Amelanchier laevis</i> 'Cumulus'	Serviceberry, Cumulus		X	X		X	25-30	Slow/Medium (Medium)
<i>Amelanchier x grandiflora</i> 'Robin Hill'	Serviceberry, Robin Hill		X	X		X	25-30	Slow/Medium (Medium)
<i>Betula nigra</i>	River Birch		X	X			40-70	Medium/Fast (Medium)
<i>Carpinus betulus</i>	Hornbeam, European	X	X	X			35-40	Slow/Medium (Medium)
<i>Carpinus caroliniana</i>	Hornbeam, American	X	X	X		X	20-35	Medium (Small)
<i>Carya illinoensis</i>	Pecan			X			45+	Medium/Fast (Large)
<i>Carya laciniosa</i>	Hickory, Shellbark			X			45+	Slow/Medium (Large)
<i>Carya ovata</i>	Hickory, Shagbark			X			45+	Slow (Large)
<i>Catalpa speciosa</i>	Catalpa, Northern			X			45+	Fast (Large)
<i>Celtis laevigata</i>	Sugarberry	X		X			45+	Fast (Large)
<i>Celtis occidentalis</i> varieties	Hackberry and varieties	X		X			45+	Medium/Fast (Large)
<i>Cercidiphyllum japonicum</i>	Katsura		X	X		X	45+	Medium/Fast (Large)
<i>Cercis canadensis</i>	Redbud, Eastern		X	X		X	25-30	Fast (Medium)
<i>Chionanthus virginicus</i>	Fringetree			X		X	20-50	Medium (Small)
<i>Cladrastis kentukea</i>	Yellowwood	X		X			30-50	Slow/Medium (Large)
<i>Cornus florida</i>	Dogwood, Flowering		X	X		X	15-25	Slow/Medium (Small)
<i>Crataegus crus-galli</i>	Hawthorn, Cockspur		X	X		X	15-20	Medium (Small)
<i>Crataegus laevigata</i> 'Superba'	Hawthorn, Crimson Cloud	X	X	X		X	15-20	Medium (Small)
<i>Crataegus phaenopyrum</i>	Hawthorn, Washington		X	X		X	20-30	Medium (Small)
<i>Crataegus virdis</i>	Hawthorn, Green			X		X	25-30	Medium (Small)

UNIFIED DEVELOPMENT CODE

Scientific Name	Common Name	Street Tree	Parking Lot or Island	Deciduous	Evergreen	Ornamental	Mature Height (feet)	Growth Rate (Size Class)
<i>Crataegus viridis</i> 'Winter King'	Hawthorn, Winter King		X	X		X	25-30	Medium (Small)
<i>Eucommia ulmoides</i>	Rubbertree, Hardy	X	X	X			45+	Medium (Large)
<i>Fagus grandifolia</i>	Beech, American	X		X			45+	Slow/Medium (Large)
<i>Fagus sylvatica</i>	Beech, European			X			45+	Slow/Medium (Large)
<i>Ginkgo biloba</i> -Male	Ginkgo (male)	X	X	X			45+	Slow/Medium (Large)
<i>Gleditsia triacanthos</i> (inermis)-thornless, podless varieties	Honeylocust-varieties that are thornless and podless	X	X	X			45+	Fast (Large)
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree		X	X			45+	Medium/Fast (Large)
<i>Halesia carolina</i>	Silverbell		X	X		X	20-30	Slow (Medium)
<i>Ilex decidua</i>	Holly, Deciduous		X	X		X	45+	Slow (Large)
<i>Ilex opaca</i>	Holly, American				X	X	45+	Slow (Large)
<i>Juniperus virginiana</i> and varieties	Red Cedar, Eastern		X		X		30-40	Medium (Medium)
<i>Juniperus chinensis</i>	Juniper, Chinese		X		X		20-30	Slow/Medium (Small)
<i>Koelreuteria paniculata</i>	Golden Rain Tree	X	X	X		X	25-40	Medium/Fast (Medium)
<i>Liquidambar styraciflua</i>	Sweetgum			X			45+	Fast (Large)
<i>Liriodendron tulipifera</i>	Tulip Tree			X			45+	Fast (Large)
<i>Magnolia acuminata</i>	Cucumber Tree		X	X			45+	Slow/Medium (Large)
<i>Magnolia grandiflora</i>	Magnolia, Southern			X		X	45+	Medium (Large)
<i>Magnolia x soulangiana</i>	Magnolia, Saucer		X	X		X	20-30	Slow/Medium (Medium)
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	X		X			70-100	Fast (Large)

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Scientific Name	Common Name	Street Tree	Parking Lot or Island	Deciduous	Evergreen	Ornamental	Mature Height (feet)	Growth Rate (Size Class)
<i>Nyssa aquatica</i>	Water Tupelo			X			50-80	Slow/Medium (Medium/Large)
<i>Nyssa sylvatica</i>	Blackgum	X	X	X			30-50	Slow (Medium)
<i>Ostrya virginiana</i>	Hop-hornbeam	X	X	X			30-40	Slow/Medium (Medium)
<i>Oxydendron arboreum</i>	Sourwood, (Sorrel Tree)		X	X			20-30	Slow/Medium (Medium)
<i>Magnolia virginiana</i>	Magnolia, Sweetbay		X	X		X	15-25	Medium (Small)
<i>Picea abies</i>	Norway Spruce				X		40-60	Medium/Fast (Medium/Large)
<i>Picea glauca</i>	Spruce, White		X		X		30-40	Medium (Medium)
<i>Picea pungens</i>	Spruce, Colorado Blue		X		X		30-40	Medium (Medium)
<i>Pinus densiflora</i>	Pine, Japanese Red		X		X		45+	Medium (Large)
<i>Pinus flexilis</i>	Pine, Limber		X		X		30-40	Medium (Large)
<i>Pinus resinosa</i>	Pine, Red				X		45+	Medium (Large)
<i>Pinus strobus</i>	Pine, Eastern White		X		X		45+	Fast (Large)
<i>Pinus thunbergiana</i>	Pine, Japanese Black		X		X		45+	Medium (Large)
<i>Platanus occidentalis</i>	Sycamore			X			45+	Fast (Large)
<i>Platanus x acerifolia</i>	Planetree, London	X		X			45+	Fast (Large)
<i>Prunus serrulata</i>	Cherry, Flowering, Japanese		X	X		X	25-35	Medium (Medium)
<i>Pyrus calleryana</i>	Pear, Callery, Chanticleer			X		X	15-25	Medium (Small)
<i>Pyrus calleryana</i>	Pear, Callery, Redspire		X	X		X	35-45	Medium (Medium)
<i>Quercus acutissima</i>	Oak, Sawtooth	X		X			45+	Medium (Large)
<i>Platycladus orientalis</i>	Arborvitae, Oriental		X		X	X	30-40	Slow (Medium)
<i>Prunus cerasifera</i>	Plum, Purple-leaf		X	X		X	15-25	Medium (Small)
<i>Prunus sargentii</i>	Cherry, Sargent,		X	X		X	30-40	Medium (Medium)
<i>'Columnaris'</i>	Columnar							

UNIFIED DEVELOPMENT CODE

Scientific Name	Common Name	Street Tree	Parking Lot or Island	Deciduous	Evergreen	Ornamental	Mature Height (feet)	Growth Rate (Size Class)
<i>Quercus acutissima</i>	Oak, Sawtooth	X		X			45+	Medium (Large)
<i>Quercus alba</i>	Oak, White			X			45+	Medium (Large)
<i>Quercus bicolor</i>	Oak, Swamp White	X		X			45+	Medium (Large)
<i>Quercus coccinea</i>	Oak, Scarlet	X		X			45+	Medium/Fast (Large)
<i>Quercus falcata</i> var. <i>pagodafolia</i>	Oak, Cherrybark			X			45+	Medium (Large)
<i>Quercus imbricaria</i>	Oak, Shingle	X		X			45+	Medium (Large)
<i>Quercus macrocarpa</i>	Oak, Bur			X			45+	Slow/Medium (Large)
<i>Quercus stellata</i>	Oak, Post			X			45+	Slow (Large)
<i>Quercus velutina</i>	Oak, Black			X			45+	Medium (Large)
<i>Quercus shumardii</i>	Oak, Shumard	X		X			45+	Medium/Fast (Large)
<i>Quercus prinus</i>	Oak, Chestnut	X		X			45+	Medium (Large)
<i>Quercus michauxii</i>	Oak, Swamp Chestnut	X		X			45+	Medium (Large)
<i>Quercus muehlenbergii</i>	Oak, Chinkapin	X		X			45+	Medium (Large)
<i>Quercus robur</i>	Oak, English	X		X			45+	Medium (Large)
<i>Quercus rubra</i>	Oak, Northern Red	X	X	X			45+	Medium/Fast (Large)
<i>Salix nigra</i>	Willow, Black			X			30-40	Fast (Medium)
<i>Sassafras albidum</i>	Sassafras			X			30-40	Medium (Medium)
<i>Sophora japonica</i>	Pagoda Tree, Japanese			X		X	45+	Medium (Large)
<i>Syringa reticulata</i>	Lilac, Japanese Tree		X	X		X	25-30	Medium (Small)
<i>Taxodium distichum</i>	Bald Cypress			X			45+	Medium (Large)
<i>Tilia americana</i>	Basswood, American (Linden)	X		X			45+	Medium/Fast (Large)
<i>Tilia cordata</i> Varieties	Linden, Littleleaf and varieties	X	X	X			45+	Slow/Medium (Large)
<i>Tsuga canadensis</i>	Hemlock, Canadian		X		X		45+	Slow/Medium (Large)

CHESTERFIELD CITY CODE

Scientific Name	Common Name	Street Tree	Parking Lot or Island	Deciduous	Evergreen	Ornamental	Mature Height (feet)	Growth Rate (Size Class)
Ulmus americana Varieties	Elm, American and varieties	X		X			60-80	Medium/Fast (Large)
Ulmus parvifolia	Elm, Chinese (Lacebark)	X		X			45+	Medium/Fast (Large)
Zelkova serrata varieties	Zelkova and varieties	X		X			45+	Fast (Large)

NOTE:

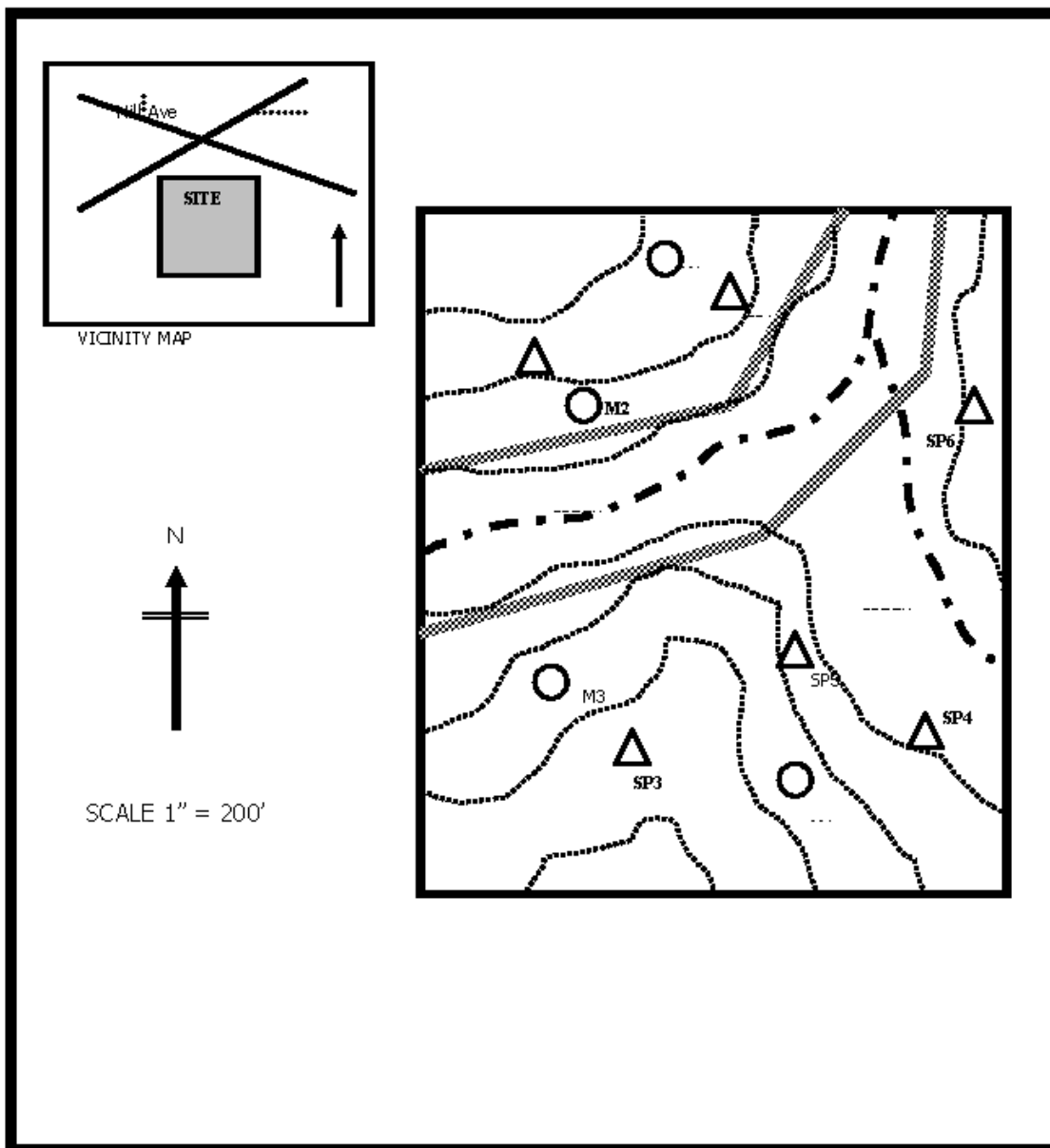
* Street tree information is included for informational purposes only. Street trees are approved by the Planning and Public Works Committee of City Council and the City Council and can be amended from time to time.

UNIFIED DEVELOPMENT CODE

405 Attachment 6

City of Chesterfield

Aerial Photography/BAF 10 Method
[Ord. No. 2801, §3 (Exh. A), 6-16-2014]

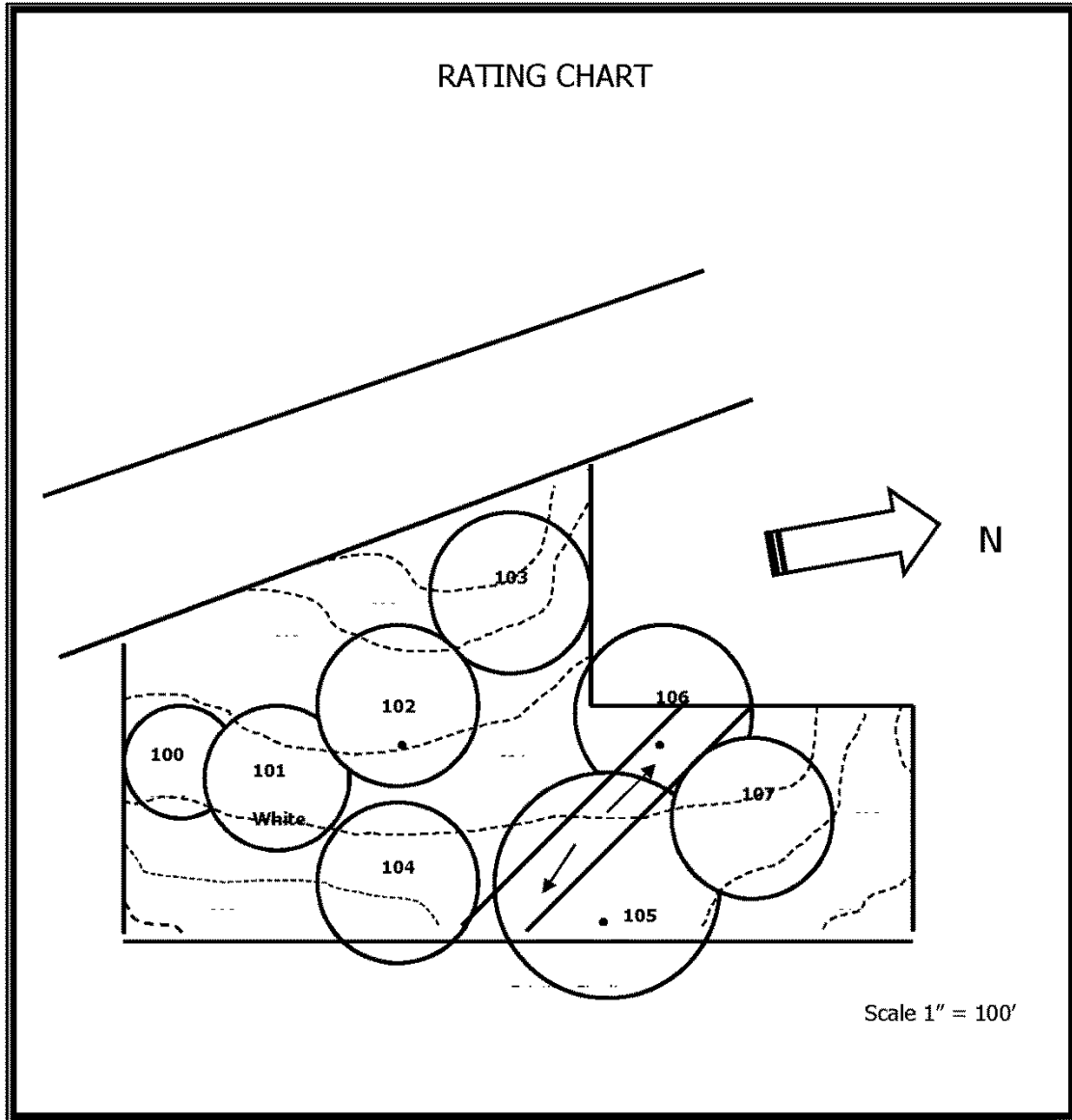


UNIFIED DEVELOPMENT CODE

405 Attachment 7

City of Chesterfield

Ocular Estimate Method
[Ord. No. 2801, §3 (Exh. A), 6-16-2014]



Chapter 500

BUILDINGS AND BUILDING REGULATIONS

ARTICLE I Code Adoptions And County Enforcement Services

- Section 500.010. Certain County Codes Adopted.
- Section 500.020. Agreement With St. Louis County.
- Section 500.030. Violation And Penalty.
- Section 500.040. through Section 500.090. (Reserved)

ARTICLE II Minimum Standards Of Maintenance

- Section 500.100. Purpose Of Article.
- Section 500.110. Acceptability Of Article.
- Section 500.120. Definitions.
- Section 500.130. Enforcement Officer.
- Section 500.140. Minimum Exterior Standards.
- Section 500.150. Registering Allegations.
- Section 500.160. Right Of Entry.
- Section 500.170. Notice To Abate.
- Section 500.180. Orders Of Hearing Officer.
- Section 500.190. Failure To Comply With Order.
- Section 500.200. Summons.
- Section 500.210. through Section 500.290. (Reserved)

ARTICLE III Commercial And Private Construction

- Section 500.300. Operation Of Heavy Equipment.

- Section 500.310. through Section 500.390. (Reserved)

ARTICLE IV Numbering Of Buildings

- Section 500.400. Street Number Required — Posting Requirements Generally.
- Section 500.410. Street Number Required — Posting Requirements Generally — Building Used For Commercial, Industrial, Etc., Purposes.
- Section 500.420. Compliance Schedule.
- Section 500.430. through Section 500.490. (Reserved)

ARTICLE V Unfit Buildings

- Section 500.500. Definitions.
- Section 500.510. Nuisance.
- Section 500.520. Emergencies.
- Section 500.530. Standards For Repair, Vacation Or Demolition.
- Section 500.540. Duty To Perform Inspection.
- Section 500.550. Affected Parties.
- Section 500.560. Notice Of Nuisance.
- Section 500.570. Posting Of Notice.
- Section 500.580. Occupancy Prohibited.
- Section 500.590. Failure To Comply.
- Section 500.600. Hearing Or Civil Suit.
- Section 500.610. Duties Of Hearing Officer.

Section 500.620. Result Of Hearing.

Section 500.630. Right To Judicial Review.

Section 500.640. Assignment Of Costs.

Section 500.650. Damage Or Loss Of Building Or Structure.

Section 500.660. Violations.

Section 500.670. Administration And Enforcement.

ARTICLE VI

Renewable Energy Systems On Residential Properties

Section 500.680. Purpose.

Section 500.690. Definitions.

Section 500.700. Applicability.

Section 500.710. Solar Energy Systems — Minimum Requirements.

Section 500.720. Small Wind Energy Systems - Minimum Requirements.

Section 500.730. Ground Source Heat Pump Systems — Minimum Requirements.

Section 500.740. General Review Process.

Section 500.750. Appeal.

Section 500.760. "Grandfathered" Or Existing Solar, Ground Source Heat Pumps And Small Wind Energy Systems.

Section 500.770. Penalty For Violation.

ARTICLE I

Code Adoptions And County Enforcement Services¹

Section 500.010. Certain County Codes Adopted.

[CC 1990 § 2-263; Ord. No. 1349 §§ 1, 2, 11-17-1997; Ord. No. 1663 § 1, 8-21-2000; Ord. No. 1768 § 1, 8-6-2001; Ord. No. 1839 § 1, 4-15-2002; Ord. No. 1981 § 1, 10-20-2003; Ord. No. 2219 § 1, 11-21-2005; Ord. No. 2257 § 1, 4-17-2006; Ord. No. 2459, 5-19-2008; Ord. No. 2625 § 1, 9-20-2010]

A. The City of Chesterfield hereby adopts the:

1. 2009 International Building Code as adopted by St. Louis County ordinance 24,444 dated July 21, 2010;
2. 2009 International Residential Code as adopted by St. Louis County ordinance 24,427 dated July 13, 2010;
3. 2009 International Existing Building Code as adopted by St. Louis County ordinance 24,444 dated July 21, 2010;

1. Cross References: As to provisions to be adopted as prerequisite to enter into or renew contract with county for police services, § 610.120; as to contract with county for health department services, § 240.010; as to contract with county for mosquito control services, § 240.070; as to contract with county for coordinated communications services for police service, § 200.030.

State Law References: Authority of municipalities and other political subdivisions to contract and cooperate with each other for a common service, §§ 70.210 — 70.320, RSMo.

Editor's Note: The current contract for code enforcement services is held on file in the city offices.

4. 2009 International Property Maintenance Code as adopted by St. Louis County ordinance 24,440 dated July 14, 2010;
5. 2009 International Mechanical Code as adopted by St. Louis County ordinance 24,438 dated July 14, 2010;
6. 2009 Uniform Plumbing Code as adopted by St. Louis County ordinance 24,441 dated July 14, 2010;
7. 2008 National Electrical Code as adopted by St. Louis County ordinance 24,439 dated July 14, 2010; and
8. 1997 Explosives Code as adopted by St. Louis County ordinance 18,693 dated November 6, 1997,

respectively, as the Building Code, Residential Code, Existing Building Code, Property Maintenance Code, Mechanical Code, Plumbing Code, Electrical Code and Explosives Code of the City of Chesterfield, Missouri, as if fully set out herein.

- B. Copies of the above listed codes shall be maintained by the Department of Planning, Public Works and Parks in the City for reference.

Section 500.020. Agreement With St. Louis County.

The City of Chesterfield, Missouri, is hereby authorized and directed to execute and enter into a contract on behalf of the City with St. Louis County, Missouri, for Technical Code enforcement services, which contract shall be on file in the City offices.

Section 500.030. Violation And Penalty.

- A. Whenever in any code adopted in this Chapter, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her by said codes, 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, upon conviction of a violation of any such provision of any code adopted in this Chapter, 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, except that imprisonments may be in the City prison or workhouse instead of the County Jail.
- B. Every day any violation of any code adopted in this Chapter shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by any code adopted in this Chapter, 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 any code adopted in this Chapter, an attempt to do the act is likewise prohibited.

Section 500.040. through Section 500.090. (Reserved)

ARTICLE II

Minimum Standards Of Maintenance**Section 500.100. Purpose Of Article.****[CC 1990 § 7-6; Ord. No. 1932 § 1, 5-5-2003]**

- A. To protect, provide for and promote the public safety, health, comfort, morals and general welfare of the residents of the City of Chesterfield, Missouri, by establishing minimum requirements for safe and sanitary exterior maintenance of the structure/buildings and accessory structures. These general objectives include, among others, the following specific purposes:
1. To protect the character and stability of all residential and non-residential properties within the City.
 2. To provide minimum standards for the exterior maintenance of the residential and non-residential property within the City.
 3. To prevent the creation of any blighting conditions by preventing the deterioration of any residential and non-residential property and thereby preserving the value of land and buildings throughout the City.
 4. To provide the means for the administration and enforcement of this Article to ensure that the above purposes are accomplished.

Section 500.110. Acceptability Of Article.**[CC 1990 § 7-7; Ord. No. 1932 § 1, 5-5-2003]**

Every residential and non-residential building/structure within the City, whatever the nature of its use, whether vacant or occupied, whether existing or hereafter constructed, shall be maintained in accordance with the applicable requirements of this Article. In any case where a provision of any Zoning, Building, Fire, Safety or Health Code of the municipality existing on the effective date of this Article or hereafter established is found to be in conflict with the provisions contained herein, the provision that establishes the more restrictive standard shall prevail.

Section 500.120. Definitions.**[CC 1990 § 7-8; Ord. No. 1932 § 1, 5-5-2003]**

As used in this Article, the following terms shall have the respective meanings ascribed to them:

ACCESSORY STRUCTURE — A detached subordinate structure located on the same lot as the main structure. Where a part of the wall of an accessory structure is part of a main structure or where an accessory is attached by a roof, such accessory structure shall be

considered as part of the main structure. The use of said structure is customarily incidental to the main structure.

APPROVED — Approved as applied to a material, device or method of construction shall mean approved by the Building Code adopted by the City or approved by other authority designed by law to give approval in the matter in question.

BASEMENT — A floored and wall substructure of a building at least fifty percent (50%) below the average finished grade of the building.

CELLAR — A portion of a separate structure not part of a dwelling building located partly or wholly underground and having one-half (1/2) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CONDOMINIUM — Property as described in Chapter 448, RSMo., and all amendments thereto. (See definition of owner.)

DETERIORATION — The condition or appearance of a building, or part thereof, characterized by evidence of physical decay, neglect or lack of maintenance.

DWELLING — Any building, or portion thereof, which is designed or used or intended to be used as a living or sleeping facility for human occupants.

DWELLING UNIT — A self-sufficient living area for one (1) family having its own permanently installed cooking and sanitary facilities.

FIXTURES — An element or feature present on the exterior of a building including such objects as flagpoles, light fixtures and other semi-permanently fixed structures.

MULTI-FAMILY — A building or portion thereof designed for or occupied exclusively by three (3) or more families living independently of each other in individual dwelling units.

OCCUPANT — The person, firm, partnership, corporation or other entity that has possession of any part of the space within the building.

OPERATOR — Any person, firm, partnership, corporation or other entity who alone, jointly or severally with others, shall be in actual possession of, or have charge, care or control of any dwelling unit within the City. When the owner is represented by an employee, agent, trustee, guardian of the estate or person of the title holder, such person shall be bound to comply with the provisions of this Article to the same extent as the owner. In all cases of condominiums, the board of managers shall be responsible for complying with all provisions of this Article, if within the common elements, as defined by the "specific declaration and bylaws".

OWNER — Any person, firm, partnership, corporation or other entity who alone, jointly or severally with others shall be the titled owner or, shall be in actual possession of, or have charge, care or control of any building or part of a building within the City or the right to take charge, care or control of any building or part of a building within the City. When the owner is represented by an employee, agent, trustee, guardian of the estate or person of the title holder, such person shall be bound to comply with the provisions of this Article, including the common elements, as defined by the "specific declaration and bylaws" of the particular property or building.

PERSON — A corporation, firm, partnership, association, organization and any other group acting as a unit, as well as any individual. It shall also include any executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any Section of this Article, prescribing a penalty or fine, as to partnerships or associations, the word shall include the individual partners or individual members thereof, and as to corporations, shall include the individual officers, agents or members thereof who are responsible for any violation of such Section.

PREMISES — A lot, plot or parcel of land or any part thereof, including the buildings or structures thereon.

REPAIR — To restore to a good and sound condition, state of operation, appearance or serviceability and free from defect or decay. All repairs to be made with materials similar to the undamaged area and designed to last approximately as long as would replacement by new materials.

REPLACEMENT — To remove an existing item or portion of an item that cannot be restored, or in lieu of the repair of an item, to a good and sound state of operation, appearance or serviceability so as to be free from decay or defect and to construct or install any item with an item of improved quality or of similar quality as the existing item when new. Replacement will ordinarily take place when the item is not repairable.

STRUCTURE — Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including, but without limiting, the generality of the foregoing: pergolas, radio towers, memorials and ornamental structures. The word "structure" includes the word "building" in addition to the foregoing.

YARD — An open space on the same lot with a structure.

Section 500.130. Enforcement Officer.

[CC 1990 § 7-9; Ord. No. 1932 § 1, 5-5-2003]

The Planning and Development Services Director is hereby designated to exercise the powers prescribed by this Article. In addition to the authority which may be specifically provided in this Article, the Director may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Article. The Planning and Development Services Director may appoint and fix the duties of such officers, agents and employees as the Director deems necessary to carry out the purposes of this Article and may delegate any of the aforementioned functions or powers to another officer, agent and/or employees.

Section 500.140. Minimum Exterior Standards.

[CC 1990 § 7-10; Ord. No. 1932 § 1, 5-5-2003]

- A. General. The exterior of a building, including any exterior lighting mounted on the building, shall be maintained in a structurally sound and sanitary condition.

- B. Foundations. Every foundation shall be reasonably weather-tight and in good repair. The foundation elements shall adequately support the building at all points. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads.
- C. Roofs. The roof shall be sufficiently weather-tight, without loose shingles, missing or unsecured roofing materials.
- D. Stairs, Porches, Railings And Decks. No porch, stairway, railing or deck shall have rotting, loose or deteriorating supports. All stairs, porches, handrails and decks shall be maintained in such a manner as to be capable of supporting the load for which it was intended.
- E. Windows, Doors, Screens And Garage Doors. Every window, screen and door shall fit reasonably tight within its frame and shall be in good repair, operable, capable of being easily opened and held in position by hardware. They shall be substantially tight without cracks, breaks or holes.
- F. Hardware And Fixtures. All exterior hardware and fixtures, including decorative fixtures, shall be well anchored and without loose or unsecured elements that pose a safety hazard.
- G. Driveways And Sidewalks. Driveways and sidewalks shall be maintained in such a manner as to remain reasonably free of holes, cracks and other signs of deterioration, wide or uneven ridges that may impede the safety of pedestrians.
- H. Fences And Retaining Walls. Fences and retaining walls shall be anchored firmly and be intact without loose or missing pieces, holes or breaks in materials that would cause a failure of the fence or retaining wall to support the uses for which it is intended.
- I. Accessory Buildings, Structures Or Appurtenances. All accessory buildings or structures, including, but not limited to, tie walls, retaining walls, antennae, towers, etc., shall be subject to all requirements of this Article.
- J. Structural Members. All supporting structural members of a structure shall be kept in a structurally sound condition, free of deterioration and maintained in such manner as to be capable of safely bearing the dead and live loads imposed upon them.
- K. Exterior Walls. Every exterior structural or architectural wall shall be free of holes, breaks, loose or rotting boards or timber or any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained in a weather-proofed condition and shall be properly surface coated to prevent deterioration. Where an existing painted wall surface has areas of chipping, peeling, scaling or missing paint equal to or greater than twenty-five percent (25%) of the painted area, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary.
- L. Decorative Features. All cornices, moldings, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.

- M. Canopies, Marquees, Awnings And Overhangs. All canopies, marquees, awnings and any overhead extension shall be maintained in good repair and be properly anchored, shall be protected from the elements and against decay and rust by the periodic application of weather-coating materials such as paint or other protective treatment.
- N. Chimneys. All chimneys, smokestacks, cooling towers and similar appurtenances shall be maintained in a structurally safe and sound condition and in good repair.
- O. Basement Hatchways. Every basement or cellar hatchway shall be constructed and maintained in a safe and effective condition to prevent the entrance into the building of rodents, rain or surface drainage.
- P. Gutters And Downspouts. Rain gutters and downspouts or other means of water diversion that are provided to collect/conduct and discharge all water from the roof shall be anchored securely so as to discharge the water from the roof in the direction and manner intended.

Section 500.150. Registering Allegations.

[CC 1990 § 7-11; Ord. No. 1932 § 1, 5-5-2003]

Any person desiring to register an allegation regarding any structure or land which may be in violation of this Article shall be required to state his/her name and address which shall be placed on record with the City as a condition precedent to the filing of an allegation. No anonymous allegations shall be accepted or recorded by the City. All allegations must state specifically the violation or violations being reported.

Section 500.160. Right Of Entry.

[CC 1990 § 7-12; Ord. No. 1932 § 1, 5-5-2003]

- A. Any authorized officer or agent of the City, pursuant to this Article, shall be allowed onto any land within the City limits to investigate violations of this Article, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession and said officer shall obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
- B. Any authorized officer or agent of the City pursuant to this Article shall be allowed to enter onto any land within the City limits to abate violations of this Article.
- C. It shall be unlawful for any person to interfere with a Public Officer or agent of the City in performing his/her duties pursuant to this Article whether investigating or abating violations.
- D. Any person who interferes with an officer or agent of the City pursuant to this Article shall be punished as provided in Section 500.200 of this Article.

Section 500.170. Notice To Abate.**[CC 1990 § 7-13; Ord. No. 1932 § 1, 5-5-2003]**

- A. Whenever it comes to the attention of the City, or the City becomes aware of the existence of a violation, the City shall investigate the violation. If the City's representative discovers a basis for determining that one (1) or more Sections of this Article have been violated, they shall issue a notice of violation. Said notice shall be left with any adult person occupying or in possession of such property, whether such person is the owner, renter or lessee thereof, by delivering such warning notice to such person, or if no one is present in the property or refuses to accept the notice, by posting the warning notice on the front or side or rear entrance to the residence or building.
- B. The notice provided in Subsection (A) shall contain:
1. The address or legal description of the property;
 2. The ordinance number of the ordinance being violated;
 3. The nature of the violation and the date by which such violation shall be removed or abated;
 4. A notice of the penalty for failure to remove or abate the violation, stating that if the violation reoccurs by the same occupier, owner or person in charge, a summons will be issued without further notice.
 5. The date that a hearing will be held before the Planning and Development Services Director or a designated agent at a place and time fixed not less than ten (10) days or more than thirty (30) days after the service or mailing of said notice.
 6. Such notice shall also state that the owner, mortgagee and the parties in interest shall be given the right to file an answer to the allegations and to appear in person, or otherwise with or without legal counsel, and give testimony at the place and time fixed in the notice. Said notice shall also state that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the hearing officer.
- C. During said hearing, the hearing officer shall have the power and authority to administer oaths and affirmations, examine witnesses and receive evidence. The rules of evidence utilized by courts in Missouri shall not be controlling in hearings before the public officer.
- D. If the violation occurs on property where a residence or building is unoccupied, the warning notice may be posted as provided for in Subsection (A). If the violation occurs on unimproved property, the warning notice may be posted upon a tree or other object upon the property.
- E. In addition, a notice in writing containing the same information as provided on the warning notice provided in Subsection (B) shall be sent to the last known address of owner of record as identified by the St. Louis County tax records or any other person having control of the property and any mortgage of record, by ordinary mail, postage prepaid.

Section 500.180. Orders Of Hearing Officer.**[CC 1990 § 7-14; Ord. No. 1932 § 1, 5-5-2003]**

Within thirty (30) days of any hearing held pursuant to Section 500.170, the hearing officer shall issue a written order containing findings of fact and stating the officer's determination. Such order shall be directed to the owner and served in a manner prescribed in Section 500.170 upon the owner and all other persons entitled to notice according to the provisions of Section 500.170(A). If the hearing officer determines that a violation has occurred, the order shall require the repair, alteration or improvement to be made and shall specify a time for the repair, alteration or improvement to be completed so as to correct the violation.

Section 500.190. Failure To Comply With Order.**[CC 1990 § 7-15; Ord. No. 1932 § 1, 5-5-2003]**

Once a notice has been given as required by Section 500.170 on a lot or tract of land in or on which a violation has been created or maintained and, after abatement thereof, the same violation recurs in or on the same lot or tract of land by the same person or persons responsible therefore within one (1) year of the abatement, no further notice as set forth in Section 500.170 need be given. Thereafter, such responsible person or persons may be summoned into Municipal Court to answer to the charges against him/her. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City in abating the violation as set out in Sections 500.170 and 500.180.

Section 500.200. Summons.**[CC 1990 § 7-16; Ord. No. 1932 § 1, 5-5-2003]**

- A. Upon neglect or failure to act upon the order of the hearing officer, the City shall issue a summons for abatement as set forth in Section 215.050 of this Code:
1. **Summons, Service Of.** If a notice is given as provided in Section 500.170, and if after the time for removal or abatement has lapsed the property is reinspected and the Inspecting Officer finds and determines that the violation has not been removed or abated, the Inspecting Officer shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed to the same individuals as set forth in Section 500.170 and delivered in the same manner as set forth in Section 500.170 and specifying the Section of the Article which is being violated and setting forth in general the nature of the violation. The summons shall contain a date on which the case will be on the Municipal Court docket for hearing. The City Prosecuting Attorney or Assistant City Prosecuting Attorney will review and approve the summons and then shall sign the original copy of all such summons, and the original thereof shall be forwarded to the Clerk of the Municipal Court for inclusion on the court's docket for the date shown on the summons.
 2. **Abatement By City — Costs Assessed To Person Responsible.** If the condition violating this Article is not corrected, after the occupant, owner or person in charge of property for which a warning notice has been given to remove or abate a violation fails to remove or abate the violation in the time specified in the

notice, whether residential or non-residential, then the City may remove the same and thereby abate the violation and, if necessary, may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the costs of the person or persons responsible for creating or maintaining the violation or by any persons as defined in Section 500.120.

3. **Payment Of Costs — Special Tax Bill Or Judgment.** All costs and expenses incurred by the City in removing or abating any violation on any residential or non-residential property may be assessed against the property in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the violation may be made a part of the judgment by the Municipal Judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, creating or maintaining a violation on residential or non-residential property.
4. **Warning Notice, First Offense.** In all cases where the violation on residential or non-residential property is the first (1st) offense of the specified Article violation for the persons charged therewith, the notice provisions of Section 500.170 shall be observed.
5. **Warning Notice, Subsequent Offenses.** In all cases where the violation on residential or non-residential property is a repeat or continued offense on such property, the notice provisions of Section 500.170 need not be observed.

Section 500.210. through Section 500.290. (Reserved)

ARTICLE III

Commercial And Private Construction

Section 500.300. Operation Of Heavy Equipment.

[CC 1990 § 7-1; Ord. No. 642 §§ 2 — 5, 2-3-1992; Ord. No. 665 §§ 1 — 4, 4-6-1992; Ord. No. 911 §§ 1 — 2, 5-16-1994; Ord. No. 1568 § 1, 11-1-1999; Ord. No. 1665 §§ 1 — 2, 8-30-2000]

- A. **Definitions.** As used in this Section, the following definitions apply unless the context clearly indicates another meaning:

DAYTIME HOURS — 7:00 A.M. to 6:00 P.M. Monday through Friday and 7:30 A.M. to 5:00 P.M. Saturday during prevailing local time.

EMERGENCY WORK — Work necessary to restore property to a safe condition following a public calamity or work required to protect person or property from imminent exposure to danger.

HEAVY EQUIPMENT — Any vehicle or other device used in construction including, but not limited to, large trucks, dump trucks, graders, bulldozers, pneumatic hammers, loaders, excavators, trenchers, backhoes, earth moving equipment, dozers or air compressors.

PERSON — Any entity, corporation, partnership or individual.

RESIDENCE — Any building which is designed or used exclusively for residential purposes, except hotels and motels.

- B. Restrictions Generally. No person or entity shall cause or allow construction work of any kind that creates noise, to include, but not limited to, hammering, running of motors, mixing materials, the operation of any heavy construction equipment, but is not limited to, hauling, erection (including excavation), demolition or grading equipment nor allow the alteration or repair of any building or structure within one thousand (1,000) feet of a residence other than between the daytime hours as described in Subsection (A), except in the case of emergency work and then with a permit from the Planning and Development Services Director for a period not to exceed three (3) days which, however, may be renewed for a like or less period while the emergency continues.
- C. Exceptions. The following shall constitute exceptions to the time limitations as herein specified:
1. Emergency work to repair or maintain public/private utility facilities;
 2. Emergency work to repair equipment or facilities damaged or rendered inoperable as a direct result of unavoidable damage or upset conditions providing such occurrence is reported to the Planning and Development Services Director within twenty-four (24) hours after the occurrence;
 3. The repair, maintenance or construction of public highways of the State, County or Municipal governments, or such public or quasi-public municipal corporations as may be established under the Constitution of the State of Missouri.
- D. Extension Of Time Limits.
1. Upon written request by 12:00 Noon on the day of the request filed by any entity, corporation, partnership or individual directly involved in the use of heavy equipment directed to the Planning and Development Services Director, the Director shall be, in his/her discretion, authorized to grant an extension of the hours as contained in Subsection (A) where necessary. Said extension shall be as follows:
 - a. Monday through Friday until 10:00 P.M. during regular and daylight-saving time.
 - b. Sunday 11:00 A.M. to 5:00 P.M. during regular and daylight-saving time.
 2. During any such extension the entity, corporation, partnership or individual making the request shall be responsible for seeing that proper inspection is undertaken on-site and continued enforcement and compliance with all Chesterfield ordinances off-site to include, but not limited to, traffic control and shall pay the costs to the City for any overtime or other out-of-pocket expenses incurred for the inspections or monitoring of said work during the extended time periods.

3. During the extended time periods, all other regulations established by the City shall remain in full force and effect.
- E. Penalties. Any person as defined heretofore violating the provisions of this Section shall, upon conviction, be punished by a fine of five hundred dollars (\$500.00) per truck and five hundred dollars (\$500.00) per hour for each reported incident or by imprisonment for such a period of time not to exceed ninety (90) days, or by both such fine and imprisonment. Every hour that any person shall violate this Section and every piece of construction equipment shall be treated as separate offenses and shall be fined or imprisoned accordingly.

Section 500.310. through Section 500.390. (Reserved)

ARTICLE IV
Numbering Of Buildings²

Section 500.400. Street Number Required — Posting Requirements Generally.

[CC 1990 § 7-91; Ord. No. 337 § 1, 8-21-1989]

All buildings and structures having a post office address shall list the street number of such post office address on the front of the building or structure in a type of sufficient size as to be clearly visible from any street adjacent to the property. In any case where the building or structure is not visible from the street that is adjacent to the property, or if the building is more than one hundred fifty (150) feet from the street adjacent to the property, the street number must be placed at some location on said property within fifty (50) feet of the adjacent street. This number need not always be on a mailbox, but a number on the mailbox on said property will satisfy the requirements of this Article. In the case of buildings or structures which are adjacent to more than one (1) street, the number shall be visible from the street to which the post office address corresponds.

Section 500.410. Street Number Required — Posting Requirements Generally — Building Used For Commercial, Industrial, Etc., Purposes.

[CC 1990 § 7-92; Ord. No. 337 § 2, 8-21-1989]

All buildings or structures which are used for business, commercial, industrial, manufacturing or public purposes which have post office addresses shall list the street number of such post office address on the front of the building in a type of sufficient size (minimum three (3) inches, maximum twelve (12) inches) as to be clearly visible from a street adjacent to the property and on the rear of the building on the right edge of the building when facing the rear of the building and not less than six (6) feet nor more than eight (8) feet above the ground level.

2. Cross References: As to fire prevention and protection, ch. 203; as to planning, ch. 400; as to streets and sidewalks, ch. 505; as to zoning, ch. 405; as to subdivisions, ch. 410.

Section 500.420. Compliance Schedule.**[CC 1990 § 7-93; Ord. No. 337 § 3, 8-21-1989]**

The owner of any such building or structure which currently does not have a number as required in Section 500.400 shall have six (6) months from the date of this Article to erect or post such address.

Section 500.430. through Section 500.490. (Reserved)**ARTICLE V
Unfit Buildings****Section 500.500. Definitions.****[CC 1990 § 7-101; Ord. No. 874 § 1, 2-7-1994; Ord. No. 1055 § 1, 7-17-1995; Ord. No. 1276 § 1, 6-16-1997]**

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

UNFIT BUILDING — All buildings or structures having one (1) or more of the following defects:

1. Those which have interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. Those which have exterior portions, members, appurtenances, ornamentations or components which are likely to fail or collapse or to become detached or dislodged and thereby injure persons or damage property.
3. Those which are open at door and/or window.
4. Those which have been damaged by fire, wind, flood, vandalism or other causes so as to impair the life, health, safety or welfare of persons who are or might reasonably be in or on neighboring structures or rights-of-way.
5. Those which are so dilapidated or unsafe as to be likely to cause injury to the life, health, safety or welfare of neighbors.
6. Those which have never been lawfully occupied and for which a certificate of use and occupancy could not be granted by reason of incompleteness, where construction has been substantially abandoned for more than two (2) years.
7. Those which have been for two (2) years boarded up, abandoned, not used as a residence or by way of other evidence that the structure shall not be used in the future as a residence based upon the predominant zoning or in the immediate area as a result of a change in the underlying zoning district.

Section 500.510. Nuisance.**[CC 1990 § 7-102; Ord. No. 874 § 2, 2-7-1994; Ord. No. 1055 § 2, 7-17-1995]**

All "unfit buildings" within the terms of this Section are hereby declared to be public nuisances and shall be repaired, reconditioned, vacated and repaired or vacated and demolished as herein provided.

Section 500.520. Emergencies.**[CC 1990 § 7-103; Ord. No. 874 § 3, 2-7-1994; Ord. No. 1055 § 3, 7-17-1995]**

- A. In cases where it reasonably appears that there is immediate danger to the life, health, safety or welfare of any person unless an "unfit building," as defined herein, is immediately repaired, vacated and demolished, the Building Inspector shall report such facts to the Planning and Development Services Director. The Planning and Development Services Director shall take emergency measures to vacate, repair and/or demolish such dangerous building or structure with prior written consent from the City Administrator. The Planning and Development Services Director and the City Administrator shall forward all copies of their actions to the City Council at the Council's next regular meeting subsequent to such action. The reasons for the Director's actions shall be set forth in detail in such reports.
- B. The costs of such emergency vacation, repair or demolition of such "unfit building" shall be collected in the same manner as provided in Section 500.640 herein.

Section 500.530. Standards For Repair, Vacation Or Demolition.**[CC 1990 § 7-104; Ord. No. 874 § 4, 2-7-1994; Ord. No. 1055 § 4, 7-17-1995]**

- A. The following standards shall be followed by the Planning and Development Services Director and the Building Inspector in ordering repair, vacation or demolition of an "unfit building" as defined herein:
 1. If the "unfit building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Article, it shall be ordered to be repaired.
 2. If the "unfit building" is in such condition as to make it dangerous to the life, health, safety or welfare of its occupants, it shall be ordered to be vacated.
 3. In any case where an "unfit building" is fifty percent (50%) damaged, decayed or deteriorated, it shall be ordered to be repaired or demolished.
 4. In all cases where a building cannot be repaired so that it will no longer exist in violation of the provisions of this Article or any ordinance of this City of Chesterfield or Statute of the State of Missouri, it shall be ordered to be demolished.

Section 500.540. Duty To Perform Inspection.

[CC 1990 § 7-105; Ord. No. 874 § 5, 2-7-1994; Ord. No. 1055 § 5, 7-17-1995; Ord. No. 1276 § 2, 6-16-1997]

- A. The City of Chesterfield shall request an inspection to be performed by the County of St. Louis, its designated representative or any other inspector designated by the City of Chesterfield upon:
1. Any structure upon which complaints are made by any person alleging it is unfit.
 2. Any building or structure reported by a Police Department, Fire District or any other public agency as apparently unfit.
 3. Any structure or building which has been classified as unfit pursuant to a study, program or inspection conducted by a St. Louis County agency or department or by a department of the City of Chesterfield.
- B. If an inspector designated by the City of Chesterfield, St. Louis County or its designated representative, after inspection, determines that a building or structure is unfit and the Planning and Development Services Director shall concur with said findings of the inspector pursuant to his/her written report, the Planning and Development Services Director shall declare the building "unfit" and a public nuisance.
- C. If the Building Inspector completes inspection of a building and finds it to be inherently dangerous and, in his/her opinion, constitutes a nuisance per se, upon approval of such finding ex parte by the Planning and Development Services Director, he/she shall place a notice on such building forthwith, reading as follows:

NOTICE

"This building has been found to be an "unfit building" by the Building Inspector. This notice is to remain on this building until it is repaired, vacated and repaired or vacated and demolished in accordance with the notice which has been given the 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 St. Louis County where the land is located. It is unlawful to remove this notice until such notice is complied with."

Such a finding and posting of this notice shall not deprive any persons entitled to notice and hearing from receiving such notice and hearing as otherwise provided by this Article.

Section 500.550. Affected Parties.

[CC 1990 § 7-106; Ord. No. 874 § 6, 2-7-1994; Ord. No. 1055 § 6, 7-17-1995]

With respect to an unfit building or structure, an affected party shall include the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure or its premises as shown by the records of St. Louis County Recorder of Deeds as of the date the said structure is declared to be unfit and/or a public nuisance.

Section 500.560. Notice Of Nuisance.

[CC 1990 § 7-107; Ord. No. 874 § 7, 2-7-1994; Ord. No. 1055 § 7, 7-17-1995; Ord. No. 1276 § 3, 6-16-1997]

Upon declaration of a public nuisance under this Article, the City shall notify all affected parties that a public nuisance has been declared. Such notice shall be served by personal service or certified mail, return receipt requested, to all affected parties. If service cannot be had by either of those modes, service will be by publication. Such shall be in the following form:

NOTICE OF DECLARATION OF NUISANCE

Pursuant to the provisions of Chapter 500, Article V "Unfit Buildings" Sections 500.500 et seq. of the Code of the City of Chesterfield, the building or structure described below has been declared a public nuisance:

(Address or adequate description of building or structure)

The City demands that the affected parties (vacate, remove or recondition) the property described above. (If the order is recondition, it shall be done pursuant to the report of the inspector as adopted by the City of Chesterfield.)

No person shall enter this building or structure or any part hereof after _____, except persons directly employed in securing, repairing or removing such structure.

This building or structure shall be repaired or demolished and removed from the premises no later than thirty (30) days after the service of a copy of this notice as required by the City ordinance. If repair or demolition of this building or structure has not begun and carried forth promptly within the time period stated above, the City of Chesterfield shall call a hearing which shall be held on the ____ day of _____, 20____ on this matter. At such hearing, the City may order such action as it may deem necessary and the cost, together with the expenses of the administration, to be assessed against the property as a special tax lien.

Section 500.570. Posting Of Notice.

[CC 1990 § 7-108; Ord. No. 874 § 8, 2-7-1994; Ord. No. 1055 § 8, 7-17-1995]

Upon declaration of nuisance by the City of Chesterfield, a copy of the notice shall be posted upon the property in a prominent place.

Section 500.580. Occupancy Prohibited.

[CC 1990 § 7-109; Ord. No. 874 § 9, 2-7-1994; Ord. No. 1055 § 9, 7-17-1995]

No person shall enter or occupy a building or structure or portion thereof after the posting of notice as set out in Section 500.560 above, except persons directly employed in securing or removing such building or structure in accordance with the plans approved by the City of Chesterfield.

Section 500.590. Failure To Comply.

[CC 1990 § 7-110; Ord. No. 874 § 10, 2-7-1994; Ord. No. 1055 § 10, 7-17-1995; Ord. No. 1276 § 4, 6-16-1997]

Upon failure to commence work or reconditioning or demolition within the time specified or failure to proceed continuously with the work without unnecessary delay, the City of Chesterfield shall call and have a full and adequate hearing on the date and time as set out in the notice of "declaration of nuisance" or such other time as the parties may agree. All affected parties shall receive at least fifteen (15) days' written notice of the hearing by certified mail of the date set for the hearing. If for any reason the hearing, as set out in the notice of declaration of nuisance, is not held on the date as set out in the notice or at a subsequent date as agreed by the parties, the City may set a new date for a hearing and all affected parties shall receive at least fifteen (15) days' written notice of the hearing by certified mail. Any party may be represented by counsel and all parties shall have an opportunity to be heard.

Section 500.600. Hearing Or Civil Suit.

[CC 1990 § 7-111; Ord. No. 874 § 11, 2-7-1994; Ord. No. 1055 § 11, 7-17-1995]

- A. The City of Chesterfield shall appoint a hearing officer who shall be a professional engineer or architect registered in the State of Missouri and shall be appropriately compensated.
- B. The City may, if it deems appropriate, institute a civil suit in the State courts for enforcement of the provisions of this Article.

Section 500.610. Duties Of Hearing Officer.

[CC 1990 § 7-112; Ord. No. 874 § 12, 2-7-1994; Ord. No. 1055 § 12, 7-17-1995]

The hearing officer shall preside at all hearings held pursuant to this Article and shall hear and receive evidence, shall make rulings relating thereto, and shall perform all other usual or necessary functions of the presiding officer in an administrative hearing in accordance with the Missouri Administrative Procedure and Review Act, Chapter 536, RSMo., as amended.

Section 500.620. Result Of Hearing.

[CC 1990 § 7-113; Ord. No. 874 § 13, 2-7-1994; Ord. No. 1055 § 13, 7-17-1995]

- A. If the evidence supports a finding that the building or structure is a nuisance or detrimental to the life, health, safety or welfare of the residents of the City of Chesterfield, the hearing officer or designated officer shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety or welfare of the residents of the City of Chesterfield.
- B. The City shall issue an order signed by the Planning and Development Services Director, based upon the findings of fact made pursuant to the paragraph hereinabove, commanding the owner, occupant, mortgagee, lessee, agent and all other persons

having an interest in said building as shown by land records of the Recorder of Deeds of St. Louis County to repair, recondition, vacate and repair, or vacate and demolish any building found to be an "unfit building" within the terms of this Article. 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 Recorder of Deeds of the County may vacate and demolish said "unfit building" at his/her own risk to prevent the acquiring by the City of a lien against the land where the "unfit building" stands as provided in Section 500.640 herein.

- C. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the life, health, safety or welfare of the citizens of the City, no order shall be issued.

Section 500.630. Right To Judicial Review.

[CC 1990 § 7-113.1; Ord. No. 1055 § 14, 7-17-1995]

Any affected party as specified in Section 500.550 of this Article who is aggrieved by a final decision of the City Council in a contested case, whether such decision is affirmative or negative in form, shall be entitled to judicial review in Sections 536.100 to 536.160, RSMo., as amended.

Section 500.640. Assignment Of Costs.

[CC 1990 § 7-114; Ord. No. 874 § 14, 2-7-1994; Ord. No. 1055 § 15, 7-17-1995; Ord. No. 1276 § 5, 6-16-1997]

If the owner, occupant, mortgagee or lessee fails to comply with the order or extension thereof within thirty (30) days, the Planning and Development Services Director shall cause such building or structure to be repaired, vacated and repaired or vacated and demolished as the facts may warrant under the standards herein provided for. He/she shall certify the charge for such repair, vacation or demolition as well as any costs for less to record or release any lien to the City Clerk as a special assessment represented by a special tax bill against the real property affected. Said tax bill shall be lien upon said property and shall be enforced to the same extent and in the same manner as all special tax bills for assessments payable in one (1) installment. Said assessments are payable at the rate of eight percent (8%) per annum until paid or, if requested, the tax bill may be paid in installments over a period of not more than ten (10) years. From the date of its issuance, the tax bill shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

Section 500.650. Damage Or Loss Of Building Or Structure.

[CC 1990 § 7-115; Ord. No. 874 § 15, 2-7-1994; Ord. No. 1055 § 16, 7-17-1995]

- A. Should any building or structure, the subject of an order issued pursuant to Section 500.620 and upon which a special tax bill has been issued against the property, suffer damage or loss by fire, explosion or any other casualty loss, it shall be deemed a personal debt against the property owner. Where the property owner receives a covered

claim payment in excess of fifty percent (50%) of the face value of the policy covering such building or structure:

1. 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 to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Article.
2. The City shall release the proceeds and any interest which has accrued on such proceeds received under Subsection (1) of this Section to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Section 500.600 of this Article. If the City has proceeded under the provisions of Section 500.600 of this Article, all monies in excess of that necessary to comply with the provisions of this Article for the removal of the building or structure less salvage value, to board up the building or structure or to clean up the property after a casualty loss shall be paid to the insured.
3. If there are no proceeds of any insurance policy as set forth in Subsection (1) 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 until paid.

Section 500.660. Violations.

[CC 1990 § 7-116; Ord. No. 874 § 16, 2-7-1994; Ord. No. 1055 § 17, 7-17-1995]

Any person having an interest in an "unfit building" who fails to comply with any notice or order to repair, recondition, vacate or demolish said building, given by any person authorized by this Section to give such notice or order, shall be guilty of an offense. The occupant or lessee in possession, who fails to comply with any notice to vacate, and any person having an interest in said building as shown by the land records of the Recorder of Deeds for St. Louis County under a legal duty to repair, who fails to repair said building in accordance with any notice given as provided for in this Section, shall be guilty of an offense. Any person removing any notice provided for in this Article shall be guilty of an offense and subject to a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) per occurrence and/or imprisonment not to exceed ninety (90) days.

Section 500.670. Administration And Enforcement.

[CC 1990 § 7-117; Ord. No. 1000 § 2, 2-21-1995; Ord. No. 1055 § 18, 7-17-1995]

This Article shall be administered and enforced by the Planning and Development Services Director and the Public Works Director who shall have the authority and duty to designate authorized personnel of the Department of Planning, Public Works and Parks and shall be empowered in the performance of their functions to enter upon any land in the City for the purpose of making inspections, examinations and determinations to effectuate the purpose and provisions of this Article. The above authorized personnel shall be required to present proper credentials upon demand when entering any land or structure for the purpose of this Article.

ARTICLE VI

Renewable Energy Systems On Residential Properties**Section 500.680. Purpose.**

[CC 1990 § 7-21; Ord. No. 2760, 9-9-2013]

The purpose of this Section of the City Code is to promote the use of renewable energy and to provide for the development, installation, and construction of renewable energy systems on residential property subject to criteria and regulations established to protect the public health, safety and welfare of the residents of the City.

Section 500.690. Definitions.

[CC 1990 § 7-21; Ord. No. 2760, 9-9-2013]

For the purposes of this Ordinance, terms used for renewable energy structures shall be defined as follows:

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM (BIPV) — An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings. PV shingles or tiles, PV laminates, and PV glazing are all examples of BIPV.

GLARE — The effect produced by light reflecting from a solar energy system with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GROUND SOURCE HEAT PUMP SYSTEM — A system that uses the relatively constant temperature of the earth to provide heating in the winter and cooling in the summer.

GROUND SOURCE HEAT PUMP SYSTEM, CLOSED LOOP — A system that circulates a heat transfer fluid, typically food-grade anti-freeze, through pipes or coils buried beneath the land surface.

GROUND SOURCE HEAT PUMP SYSTEM, HORIZONTAL — A closed loop ground source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches no more than twenty (20) feet below the surface.

GROUND SOURCE HEAT PUMP SYSTEM, OPEN LOOP — A system that uses ground water as a heat transfer fluid by drawing ground water from a well to a heat pump and then discharging the water over land, directly in a water body or into an injection well.

GROUND SOURCE HEAT PUMP SYSTEM, VERTICAL — A closed loop ground system heat pump where the loops or coils are installed vertically in one (1) or more borings below the land surface.

GROUND-MOUNTED SOLAR ENERGY SYSTEM — A solar energy system that is not attached to a structure and is affixed to the ground.

PHOTOVOLTAIC (PV) SYSTEM — A solar energy system that converts sunlight into electrical energy.

ROOF-MOUNTED SOLAR ENERGY SYSTEM — A solar energy system affixed to the roof of either a principal or accessory structure.

SMALL WIND ENERGY SYSTEM — A structure designed for the purpose of converting wind energy into electrical energy to reduce on-site consumption of utility power.

SOLAR ENERGY SYSTEM — A structure designed for the purpose of collecting and transforming solar energy into thermal or electrical energy. Solar energy systems may include photovoltaic or solar thermal systems.

SOLAR THERMAL SYSTEM — A solar energy system that uses sunlight to produce heat that is used for space heating and cooling, domestic hot water, and heating pool water.

Section 500.700. Applicability.

[CC 1990 § 7-21; Ord. No. 2760, 9-9-2013]

- A. Solar and small wind energy systems are structures which shall be permitted on all residential property zoned residential, estate or non-urban district.
- B. The requirements of the City Code shall apply to all solar and small wind energy systems installed or modified after the effective date of this Ordinance on all residential property zoned residential, estate or non-urban district.
- C. Any upgrade, modification, or structural change that alters the size or placement of an existing solar or small wind energy system shall comply with the provisions of this Section.

Section 500.710. Solar Energy Systems — Minimum Requirements.

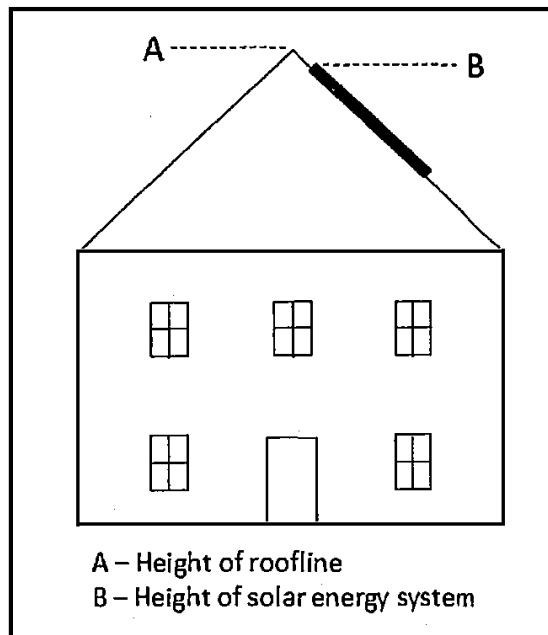
[CC 1990 § 7-21; Ord. No. 2760, 9-9-2013]

- A. The following general requirements apply to all solar energy systems. All solar energy systems shall:
 1. Comply with all minimum yard structure setback requirements for the zoning district in which the property is located;
 2. Be placed in such a manner that glare will not be directed onto nearby properties or adjacent streets; and
 3. Adhere to Chapter 500 of the City Code pertaining to minimum standards for property maintenance.
- B. Minimum Requirements for Ground-Mounted Solar Energy Systems. All ground-mounted solar energy systems shall:
 1. Be located in the rear yard of the residential property;

2. Not exceed ten (10) feet in height as measured from the average grade at the base of the structure to the highest point of the structure;
3. Have all exterior electrical and/or plumbing lines connecting to a principal or accessory structure be located underground; and
4. Ground-mounted solar energy systems must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, walls, plantings or other architectural feature or any combination thereof; provided however, that screening shall not be required to be so dense, so tall or so located as to render the equipment essentially non-functional.

C. Minimum Requirements For Roof-Mounted Solar Energy Systems.

1. All roof-mounted solar energy systems shall be mounted on a principal or accessory building or structure.
2. Mounting on sloped roofs:
 - a. System shall not exceed the height, of the existing roofline as illustrated below.
 - b. System shall be mounted parallel to the roof, not to exceed twelve (12) inches above the roof line it is affixed to.
 - c. System shall be positioned in a symmetrical fashion and centered on the plane of the roof on which it is located.
 - d. System shall be set back at least two (2) feet from any outside edge, ridge, or valley of the roof.



3. Mounting on flat roofs.

- a. System shall be mounted parallel to the roof, not to exceed thirty-six (36) inches above the roof line it is affixed to.
- b. System shall be positioned in a symmetrical fashion and centered on the plane of the roof on which it is located.
- c. System shall be set back at least two (2) feet from any outside edge, ridge, or valley of the roof.

D. Building-Integrated Photovoltaic Systems.

1. Building-integrated photovoltaic systems may be located on any roof plane or wall.

Section 500.720. Small Wind Energy Systems - Minimum Requirements.

[CC 1990 § 7-21; Ord. No. 2760, 9-9-2013]

A. One small wind energy system shall be permitted per residential lot and shall:

1. Comply with all minimum yard structure setback requirements for the zoning district in which the property is located;
2. Only be located in the rear yard of the residential property;
3. Be ground mounted only;
4. Have a maximum tower height that does not exceed the maximum height permitted for a structure in the zoning district in which the tower is located or the maximum height of the existing residential structure, whichever is less;
5. Height shall be measured as the distance from average grade at the base of the structure to the highest point of the structure;
6. Adhere to Chapter 500 of the Chesterfield City Code pertaining to minimum standards for property maintenance;
7. Be placed in such a manner that glare will not be directed onto nearby properties or adjacent street and does not create significant shadow flicker impacts. "Significant shadow flicker" is defined as more than thirty (30) hours per calendar year on abutting occupied buildings;
8. Have a sound level that does not exceed sixty (60) decibels as measured at the site property line, except during short-term events such as severe wind storms and utility outages;
9. Either be stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment;
10. Have all exterior electrical lines located underground; and
11. Not be illuminated by artificial means, except where the illumination is specifically required by the Federal Aviation Administration or other federal, state, or local regulations.

Section 500.730. Ground Source Heat Pump Systems — Minimum Requirements.**[CC 1990 § 7-21; Ord. No. 2760, 9-9-2013]**

- A. Only closed loop ground source heat pump systems utilizing heat transfer fluids as defined are permitted. Open loop ground source heat pump systems are prohibited.
- B. Setbacks.
 - 1. All components of ground source heat pump systems including pumps, borings and loops shall be set back at least five (5) feet from all property lines.
 - 2. Above ground equipment associated with ground source heat pumps shall not be installed in a front yard. Equipment shall be located in the side or rear yard, set back at least five (5) feet from the property line.
 - 3. Ground source heat pumps systems shall not be located or encroach upon any recorded easement.

Section 500.740. General Review Process.**[CC 1990 § 7-21; Ord. No. 2760, 9-9-2013]**

- A. Municipal Zoning Approval is required for all solar, small wind energy systems and ground source heat pump systems prior to the issuance of a building permit. The following information shall be submitted to the Planning and Development Services Division:
 - 1. An Application for Municipal Zoning Approval.
 - 2. Five (5) copies of a plot plan, drawn to scale and including the following information:
 - a. Location and size of the renewable energy structure, including the height of the residential structure, the maximum height of the solar or small wind energy system, and the height of all other structures located on the property;
 - b. The location and type of screening for proposed ground-mounted solar energy systems;
 - c. All existing and proposed easements/rights-of-way on the site;
 - d. Specific structure setbacks in accordance with the structure setbacks established in the governing zoning district;
 - e. For small wind energy systems, the Applicant shall have the burden of proving the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures; and
 - f. Any other information as required by the City of Chesterfield.

Section 500.750. Appeal.**[CC 1990 § 7-21; Ord. No. 2760, 9-9-2013]**

Decisions of the Planning and Development Services Director regarding the application of this ordinance may be appealed to the Board of Adjustment in accordance with applicable procedures as established by the Board of Adjustment.

Section 500.760. "Grandfathered" Or Existing Solar, Ground Source Heat Pumps And Small Wind Energy Systems.**[CC 1990 § 7-21; Ord. No. 2760, 9-9-2013]**

- A. Solar, ground source heat pumps and small wind energy systems lawfully installed and operable on residential property, prior to the effective date of this Section of the City Code, are exempt from the requirements herein unless:
1. The solar, ground source heat pumps or small wind energy system is moved to another location on the property, enlarged, or replaced with a new system; or
 2. Any other work or alteration is done to the existing solar, ground source heat pumps or small wind energy system that requires Municipal Zoning Approval by the City.

Section 500.770. Penalty For Violation.**[CC 1990 § 7-21; Ord. No. 2760, 9-9-2013]**

This ordinance and the requirements thereof are exempt from the warning and summons for violation set in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Chapter 505

STREETS AND SIDEWALKS

**ARTICLE I
In General**

Division 1
Generally

Section 505.010. through Section 505.080. (Reserved)

Division 2
Opening And Excavation Of Public Streets

- Section 505.090. Work In Streets — Permit.**
- Section 505.100. Deposits.**
- Section 505.110. Procedure — Notification, Inspection.**
- Section 505.120. Backfilling And Restoration.**
- Section 505.130. Sidewalks — Curbs — Gutters — Driveway Entrances.**
- Section 505.140. Specifications Governing Building, Construction, Etc.**
- Section 505.150. Liability Of City.**
- Section 505.160. Exception.**
- Section 505.170. Penalty For The Removal Of Barricades Or Warning Devices.**

Division 3

Signs And Objects Within The Rights-Of-Way

Section 505.180. Signs Placed In Rights-Of-Way Prohibited.

ARTICLE II

Driveway Access Location And Design Standards

- Section 505.190. Purpose.**
- Section 505.200. Scope Of Provision.**
- Section 505.210. General.**
- Section 505.220. Location Of Driveway Access.**
- Section 505.230. Spacing Of Driveway Access.**
- Section 505.240. Corner Clearance.**
- Section 505.250. Shared Or Cross Access.**
- Section 505.260. Maximum Number Of Non-Residential Entrances.**
- Section 505.270. Geometric Design Of Driveway Access.**
- Section 505.280. Street Structures.**
- Section 505.290. Permits.**
- Section 505.300. Penalties.**

Cross References: As to department of planning, public works and parks, §§ 120.260 et seq.; as to division of public works, § 120.330; as to office of public works director, § 120.330; as to division of engineering, § 120.340; as to advertising and signs, Ch. 407; as to sale or consumption of intoxicating liquor in vehicle upon any public street, sidewalk, etc., prohibited, § 600.210(G); as to buildings and building regulations, Ch. 500; as to numbering of buildings, §§ 500.400 et seq.; as to emergency management, Ch. 225; as to flood damage prevention, Ch. 415; as to health and sanitation, Ch. 240; as to sale of goods or services

prohibited in public rights-of-way, § 605.350; as to motor vehicles and traffic, Title III; as to use of closed roadways, alleyways, etc., prohibited, § 340.220; as to fire lanes, § 355.170; as to abandoned vehicles, Ch. 385; as to bicycle regulations, Ch. 373; as to subdivision street standards, § 410.220; as to subdivision street names, § 410.240; as to subdivision street improvements, § 410.300; as to disclosure of responsibility for street maintenance in subdivisions, § 410.310; as to sidewalks in subdivisions, § 410.320.

State Law References: Municipal regulation of the construction of buildings, § 77.500, RSMo.; construction materials standards, §§ 701.010 et seq., RSMo.

ARTICLE I In General

Division 1 **Generally**

Section 505.010. through Section 505.080. (Reserved)

Division 2

Opening And Excavation Of Public Streets

Section 505.090. Work In Streets — Permit.

[CC 1990 § 26-6; Ord. No. 1337 § 1, 11-3-1997]

- A. Required. Except in case of municipal work authorized by the Public Works Director, no person or entity shall make any opening or excavation or place any object in any public street, alley, sidewalk, parkway or other public place or thoroughfare without a written special use permit from the Public Works Director.
- B. Work Requiring Permit Authorization. All work which results in a physical disturbance of the public right-of-way shall require permit authorization. This requirement shall include, but not be limited to, all excavations and installations relating to conduit, poles, pole lines, wires, mains, pipes, valves, conductors, sewers, drains, driveways, sidewalks or appurtenances thereof.
- C. Other Work. Work which does not result in a physical disturbance of the public right-of-way and does not interrupt traffic shall not require permit authorization or telephone notification. Examples of this type of work shall include the following: the opening and/or inspection of manholes, vaults and other structures located outside the pavement surface, maintenance of lighting fixtures, maintenance and/or replacement of driveways and sidewalks, etc.
- D. Record. The Public Works Director shall keep a full and complete account of all permits issued showing the date, the person to whom issued and the location of proposed work.
- E. Permit Placard. Any person having occasion to make any such excavation shall make written application for a permit therefore to the Public Works Director who is given

authority to issue such permits. The application shall state the location and nature of the proposed work and when the work is to be commenced. No permit shall be issued for a period in excess of ninety (90) days.

- F. Emergency work, where the public safety and welfare are endangered, which results in a physical disturbance of the public right-of-way, shall require immediate notification of the proposed work to the Public Works Director during regular work hours or by telephone to the City Police Department at all other times. Notification should be followed by permit application to the Public Works Director as soon as possible.
- G. The Public Works Director shall provide each permittee at the time a permit is issued hereunder a suitable placard plainly written or printed in English letters at least one (1) inch high with the following notice: "City of Chesterfield, Permit No. ____ Expires ____" and in the first (1st) blank space there shall be inserted the number of said permit and after the word "expired" shall be stated the date when permit expires. It shall be the duty of any permittee hereunder to keep the placard posted in a conspicuous place at the site of the work. It shall be unlawful for any person to exhibit such placard at or about any site not covered by such permit or to misrepresent the number of the permit or the date of expiration of the permit.

Section 505.100. Deposits.

[CC 1990 § 26-7; Ord. No. 1337 § 1, 11-3-1997]

- A. The applicant shall accompany the permit application with an escrow, bond, insurance, affidavit, etc., indicated herein as necessary for that type of permit.
 - 1. Escrows. Special use permits shall be issued upon the approval of the Department of Planning, Public Works and Parks and the developer depositing with the City a sum equal to that which would be required to assure the completion of said project. Said escrow funds are meant to guarantee the restoration, maintenance and/or rehabilitation of said site if the project does not proceed in accordance with the plans as approved by the Department of Planning, Public Works and Parks of the City. Said escrow can be approved by the Department of Planning, Public Works and Parks and the City Attorney without approval of the City Council. Any portion of the deposit not expended or retained by the City hereunder shall be refunded without interest, not less than one (1) year after the excavation or building is completed and approved by the City.
 - 2. Surety. In lieu of a cash escrow, a surety of bond or indemnity agreement for not less than one thousand dollars (\$1,000.00) for each permitted site, subject to all the terms and conditions of this Article, may be provided, subject to the approval of the City Attorney. In the case of owners, contractors or builders who have previously violated the subject and provisions of this section, the amount of the bond, escrow or indemnity shall be increased in each case based on such previous experience.
 - 3. Refund. If the applicant has restored the pavement in satisfactory form, such deposit shall be refunded to him/her; otherwise, the City shall use the deposit for the purpose of employing others to restore the pavement and surface and the applicant shall be liable to the City for any cost in excess of the amount of the

deposit actually expended by the City to restore the same. If the deposit is more than needed to restore the surface, the City shall retain out of the excess the City's fee for arranging and supervising the restoration and refund the balance, if any, to the applicant. If the deposit is not sufficient to pay the cost of restoration and the fee therefore and liquidated damages hereinafter provided, the applicant shall be liable for the difference.

4. Condition. As a prerequisite to the issuance of a special use permit, the applicant shall agree in writing to be bound by the terms of this Article and to such conditions as may be prescribed by the Public Works Director as to lights and barricades, the time within which the opening is to be filled and the surface restored and for notice thereof, and to repair as required during the one (1) year period allowed herein. If the opening is not closed within the time established, the applicant shall pay the sum of one hundred dollars (\$100.00) per day as liquidated damages and not as a penalty, to be deducted from his/her deposit if sufficient.
5. Insurance.
 - a. The contractor and his/her subcontractors shall procure and maintain during the life of the special use permit, insurance of the types and minimum amounts as follows:
 - (1) Workers' Compensation in full compliance with statutory requirements of Federal and State of Missouri law and employers' liability coverage in the minimum amount of five hundred thousand dollars (\$500,000.00).
 - (2) Comprehensive general liability and bodily injury:
 - (a) Including death:
 - i. Each person: five hundred thousand dollars (\$500,000.00).
 - ii. Each occurrence: one million dollars (\$1,000,000.00).
 - (b) Property damage:
 - i. Each person: one million dollars (\$1,000,000.00).
 - ii. Aggregate: one million dollars (\$1,000,000.00).
 - (3) Comprehensive automobile liability, bodily injury:
 - (a) Including death:
 - i. Each person: five hundred thousand dollars (\$500,000.00).
 - ii. Each occurrence: one million dollars (\$1,000,000.00).
 - (b) Property damage:
 - i. Each accident: one million dollars (\$1,000,000.00).
 - (4) Owner's protective bodily injury:

- (a) Including death:
 - i. Each person: five hundred thousand dollars (\$500,000.00).
 - ii. Each occurrence: one million dollars (\$1,000,000.00).
- (b) Property damage:
 - i. Each occurrence: five hundred thousand dollars (\$500,000.00).
 - ii. Aggregate: five hundred thousand dollars (\$500,000.00).
- (5) Professional:
 - (a) Liability:
 - i. Each occurrence: one million dollars (\$1,000,000.00).
 - b. The owner's protective policy shall name the City as the insured. Certificates evidencing such insurance shall be furnished to the City prior to issuance of the permit.

Section 505.110. Procedure — Notification, Inspection.

[CC 1990 § 26-8; Ord. No. 1337 § 1, 11-3-1997]

- A. Notice To Public Works Director. No construction work shall commence in any public right-of-way, nor shall any curb on any public street be cut until at least forty-eight (48) hours' notice of intention to commence work is given to the Public Works Director by the owner, developer or contractor.
- B. Inspection. The Public Works Director may cause a qualified inspector to be present during the construction of such street, sidewalk, curb, way, alley or driveway entrance, and the Public Works Director or the inspector on the job shall have authority to condemn any material not meeting the standards specified by the Public Works Director or City Engineer. If any portion of the street fails to meet the minimum requirements, the Public Works Director or his/her designated inspector on the job shall cause all work on the right-of-way to be stopped until the unsatisfactory conditions are remedied.
- C. Removal Of Substandard Work. If any portion of any street, sidewalk, curb, way, alley or driveway entrance is constructed contrary to the provisions of this Section, in the absence of the Public Works Director or his/her designee, the latter may order the installed material removed unless the owner, contractor, builder or developer shall cause borings and other tests at his/her expense according to the requirements of the Public Works Director and satisfying him/her that the work done is in conformity with the applicable specifications.
- D. Liability. The owner, developer, builder and contractor shall be jointly and severally responsible for all notices required hereunder, for failure to have an inspector present or for failing to comply with any lawful order of the Public Works Director or his/her designee.

- E. Protection Of Watercourses. The permittee shall provide for the flow of all watercourses, sewers or drains intercepted during the work and shall replace the same in as good condition as it found them or shall make such provisions for them as the Public Works Director may direct. The permittee shall not obstruct the gutter of any street and shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to take care of all surplus water, muck, silt, slickings or other runoff pumped from the work site or resulting from sluicing or other operations and shall be responsible for any damage resulting from the failure to so provide.

Section 505.120. Backfilling And Restoration.

[CC 1990 § 26-9; Ord. No. 1337 § 1, 11-3-1997]

- A. All paving excavations restored shall meet the specifications established by the Public Works Director.
1. Backfilling. It shall be unlawful for any person to make any backfill in any such excavation unless a duly authorized inspector of the City is present to observe the work, and the backfill is made in accordance with the standards established by the Public Works Director. It shall be unlawful for any subdivider or any other person to install any paving on any public street in the City unless the provisions of this Section with respect to backfill have been complied with; failure to comply with these provisions on backfilling shall be grounds for refusal by the City to accept any street for maintenance.
 2. Breaking Through Pavement. Whenever it is necessary to break through existing pavement for excavation purposes, the pavement shall be removed to at least six (6) inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement, and a six (6) inch shoulder of undisturbed material shall be provided on each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. A power-driven concrete saw shall be used so as to permit complete pavement or base removal without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line.
 3. Restoration Of Surface. The Public Works Director shall prepare, and have available for persons making excavations in public streets and other places, a detailed set of specifications for backfilling and restoring paving.
 4. Safeguards To Public. No person shall make any street excavation without providing barricades around the same as a warning to the public, and between sunset and sunrise adequate lights shall be provided around the excavation. Traffic warning signs and devices shall be provided in accordance with the "Manual on Uniform Traffic Control Devices" (latest revision) and as required by the Public Works Director or his/her designee.
 5. Attractive Nuisance. It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation or opening any machinery, equipment or other device having the characteristics of any attractive nuisance likely to attract children and hazardous to their safety or health.

6. **City's Right To Restore Surface.** If the permittee shall have failed to restore the surface of the street to its original and proper condition or shall otherwise have failed to complete the excavation work covered by such permit, the Public Works Director, if he/she deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and twenty-five percent (25%) of such cost in addition thereto for general overhead and administrative expenses. The City shall have a cause of action for all fees, expenses and amounts paid out and due it for such work and shall apply in payment of the amount due if any funds of the permittee deposited as herein provided and the City shall also enforce its rights under the permittee's surety bond provided pursuant to this Article.
7. **Guarantee.** It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for a period of one (1) year after restoration to its original.

Section 505.130. Sidewalks — Curbs — Gutters — Driveway Entrances.

[CC 1990 § 26-10; Ord. No. 1337 § 1, 11-3-1997]

- A. **Construction — Grade — Width.** All sidewalks, curbs and gutters constructed, reconstructed or repaired in the City shall be of concrete and shall conform to the established grade of the street. All sidewalks shall be not less than four (4) feet in width.
- B. **Supervision Of Work.** All work of constructing, reconstructing or repair of sidewalks, curbs and gutters and driveway entrances shall be done under the supervision of the Public Works Director.

Section 505.140. Specifications Governing Building, Construction, Etc.

[CC 1990 § 26-11; Ord. No. 1337 § 1, 11-3-1997]

The Public Works Director is hereby authorized and directed to prepare general regulations governing the building, construction, reconstruction or repairing of sidewalks and shall prepare plans and specifications for sidewalks and parkways, parkways shall include all the space between the curb and the property line, or any space in the center of a street which may be set aside as a parkway, and prescribing and requiring certain materials to be used and the manner and form of doing said work, including the kind of shade trees and shrubbery to be planted and the manner of their care and preservation.

Section 505.150. Liability Of City.

[CC 1990 § 26-12; Ord. No. 1337 § 1, 11-3-1997]

This Article shall not be constructed as imposing upon the City or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which a special use permit is used hereunder; nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility

by reason of inspections authorized hereunder, the issuance of any permit or the approval of any work.

Section 505.160. Exception.

[CC 1990 § 26-13; Ord. No. 1337 § 1, 11-3-1997]

The requirements of this Article shall apply to the installation of sprinkler systems within the right-of-way of the City. In all other respects, this Article, where applicable, shall apply to the installation of sprinkler systems.

Section 505.170. Penalty For The Removal Of Barricades Or Warning Devices.

[CC 1990 § 26-14; Ord. No. 1337 § 1, 11-3-1997]

It shall be unlawful for any individual to remove, deface, obscure or in any other way alter warning devices erected around any opening or excavation or around any object placed in a public street, or any warning devices which are placed in any alley, sidewalk, parkway or other public place or thoroughfare either by the City or by any other individual or entity for the protection of the public.

Division 3

Signs And Objects Within The Rights-Of-Way

Section 505.180. Signs Placed In Rights-Of-Way Prohibited.

[CC 1990 § 26-15; Ord. No. 2596 § 1, 3-1-2010]

- A. Signs In The Rights-Of-Way. It shall be unlawful for any person to place, post, attach or in any way deposit or cause to be placed, posted or attached any sign, poster, handbill, attention-getting device, paper or other similar article or item at any time within the rights-of-way adjacent to any public street or upon any utility pole or official traffic control device or cause the same to be done by another within the public right-of-way.
- B. Any sign, poster, attention-getting device, paper or other similar article or item placed in the right-of-way in violation of Subsection (A) may be removed and confiscated by the City of Chesterfield.
- C. Traffic Control Devices. Nothing in this Section shall prevent the City of Chesterfield, its personnel, agents or contractors from placing, erecting or otherwise constructing appropriate traffic control devices or other devices necessary within the roadway for the safe and efficient flow of vehicular and pedestrian traffic.
- D. Rights Of The City. Nothing in This Section shall prevent the City of Chesterfield from implementing any traffic or roadway measures deemed necessary or prevent the City of Chesterfield or other public service agency serving Chesterfield from blocking streets, erecting barricades or using other means to protect life and/or property or preserve the peace.

- E. Continuing Violation. Each location, occurrence and day that such object shall be in place shall be a separate violation punishable as established by Subsection (G).
- F. Penalties. Any person who violates the provisions of this Section shall be subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment of not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.

ARTICLE II

Driveway Access Location And Design Standards

Section 505.190. Purpose.

[CC 1990 § 26-51; Ord. No. 2103 § 1(Att. A), 6-21-2004]

The purpose of the Chesterfield Driveway Access Location and Design Standards are to recognize the City's desire to minimize the number of permitted access points in an effort to improve traffic flow, minimize congestion and enhance the public safety. The number of access points may be restricted, even to the extent that all other criteria may be met.

Section 505.200. Scope Of Provision.

[CC 1990 § 26-52; Ord. No. 2103 § 1(Att. A), 6-21-2004]

The Chesterfield Driveway Access Location and Design Standards, which are on file in the City offices, are supplemented and qualified by additional general regulations as published by the Department of Planning, Public Works and Parks and are incorporated as part of these design standards by reference.

Section 505.210. General.

[CC 1990 § 26-53; Ord. No. 2103 § 1(Att. A), 6-21-2004]

- A. The specifications and guidelines set forth in this Article are to be applied to all roadways and properties that abut roadways within the City, unless otherwise indicated.
- B. This Article shall be deemed to be supplemental to other Sections regulating the use of public property, and in case of conflict, this Article shall govern.
- C. Adequate sight distance to observe roadway traffic shall be provided for a vehicle entering a roadway from a driveway.
- D. Upon the petitioner establishing unique and unusual circumstances that make it difficult to apply these standards, the petitioner's engineer, after establishing the unique and unusual circumstances, may apply for a variance to the recommended dimensions set forth in this Article if warranted by specific traffic conditions. The City Engineer may approve said deviation only upon the establishment that it is in the public interest, that same be approved.

- E. It shall be unlawful for any person to cut, break or remove any curb along a street except as granted by the issuance of a special use permit or the approval of improvement plans.
- F. It shall be unlawful for any person to construct, alter or extend or permit or cause to be constructed, altered or extended any driveway approach adjacent to a public street that can be used as a parking space on the area between the curb and private property. No parking behind the curb, within public right-of-way, is permitted.

Section 505.220. Location Of Driveway Access.**[CC 1990 § 26-54]**

- A. In making a determination as to the location of driveway access, the City Engineer shall consider:
 - 1. The characteristics of the proposed land use;
 - 2. The existing traffic flow conditions and the future traffic demand anticipated on the development and the adjacent street system;
 - 3. The location of the property;
 - 4. The size of the property;
 - 5. The orientation of structures on the site;
 - 6. The number of driveways needed to accommodate anticipated traffic;
 - 7. The number and location of driveways on existing adjacent and opposite properties;
 - 8. The location and carrying capacity of adjacent intersections;
 - 9. Proper geometric design of driveways;
 - 10. The spacing between opposite and adjacent driveways;
 - 11. Internal circulation between driveways;
 - 12. The speed of traffic on the adjacent roadway;
 - 13. Pedestrians, sidewalks, cyclists and other modes of transportation; and
 - 14. Surrounding terrain and vegetation, relative to sight distance.
- B. Non-residential developments shall not be permitted driveway access that require backing maneuvers in a public street right-of-way for parking or loading areas.
- C. Single-family housing unit's driveway access shall not be restricted relative to backing maneuvers; however, whenever possible, driveway access to arterial and collector streets for a single-family housing unit shall utilize turnouts or a circular type driveway.
- D. One (1) curb cut shall be allowed for access to single-family residential lots. More than one (1) curb cut may be allowed upon approval by the City Engineer.

- E. For corner tracts, access to residential lots shall be provided from the lesser (lowest classification) street. The determination as to the lesser (or greater) street shall be made by the City Engineer and based on the functional street classification and traffic.
- F. Driveway access to gated developments shall be as approved by the City Engineer. At a minimum, a stacking distance of sixty (60) feet shall be provided, and a turnaround for rejected vehicles, designed to accommodate a single unit truck, must be provided in advance of the gate.
- G. No cuts through a left-turn reservoir of a median shall be permitted in order to provide for left-turn movements to driveway approaches.
- H. Driveways in right-turn lane transition areas shall be as approved by the City Engineer.
- I. When a commercial, industrial or multi-family development abuts more than one (1) public street, access to each abutting street may be allowed only if the following criteria are met:
 - 1. It is demonstrated that such access is required to adequately serve driveway volumes and will not be detrimental or unsafe to traffic operations on public streets. The City Engineer may require the submittal of a traffic study which demonstrates that such access is required.
 - 2. The minimum requirements, as set forth in Figure A2, for corner clearance for commercial or multi-family driveways are met.
 - 3. The proposed access does not promote cut-through traffic.
 - 4. It is demonstrated that such access is required to adequately provide access for emergency responders.

Section 505.230. Spacing Of Driveway Access.**[CC 1990 § 26-55; Ord. No. 2103 § 1(Att. A), 6-21-2004]**

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

ARTERIAL STREET SYSTEM — This system, along with the State highway and interstate routes, must serve as the principal network for through traffic flows. Arterial streets should connect areas of principal traffic generation with the designated U.S. and State highways. The primary purpose of the arterial street system is to serve through traffic, local access should be kept to a minimum. A properly designed and developed major arterial street system should help define the residential neighborhoods, industrial sites and commercial areas and minimize the conflicts with school and park development.

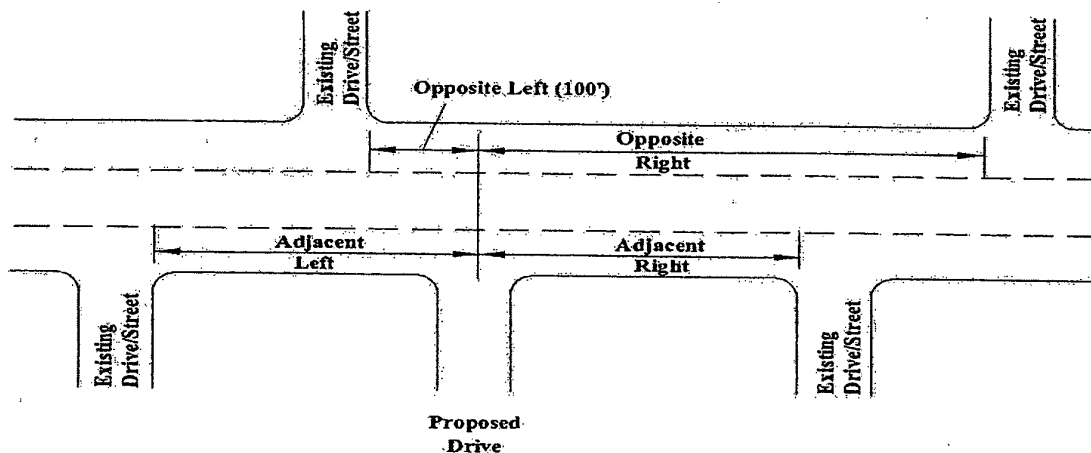
- a. Major arterials are streets and highways that provide service to traffic entering and exiting the City and between major activity centers.
- b. Minor arterials are streets that feed the major arterial system, support moderate trip lengths and serve activity centers.

COLLECTOR STREET SYSTEM — This system includes all distributor and collector streets serving traffic between arterial and local facilities. This type of roadway basically serves an equal function for providing for through traffic movements and for access for abutting properties. These roads may also serve to connect adjacent neighborhoods. To discourage through traffic, some discontinuity of the collector system through residential areas is often desirable. However, through commercial areas, the collector system should be more continuous.

LOCAL STREET SYSTEM — Included in this system are all streets used primarily for direct access to residential, commercial, industrial or other abutting properties. Continuity of the local street system in residential areas is necessary only to the extent required to provide easy and fairly direct access to adjacent properties and to connect with collector and arterial streets.

- B. Application of the Chesterfield Driveway Access Location and Design Standards requires identification of the functional classification of the street on which access is requested and then application of the appropriate spacing requirements.
- C. The functional classification of streets in the City are identified on street maps maintained by the Department of Planning, Public Works and Parks. The functional classification of any street in the City not indicated as an arterial or collector street on this plan shall be determined using the functional street classification defined by the American Association of State Highway and Transportation Officials (AASHTO) "green book" A Policy on Geometric Design of Highways and Streets.
- D. Driveway access spacing shall be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway pavement (paved shoulder or back of curb) of the adjacent or opposite driveway or street as indicated in Figure A1. The driveway spacing requirements shall not apply to single-family lots accessing local streets.

Figure A1 — Measuring Driveway Access



- E. Opposite right driveways shall be located no closer than the minimum requirements of Table A1.

Table A1 — Opposite Right (downstream) Drive Spacing		
Street Classification	Minimum Spacing (feet)	Desirable Minimum Spacing* (feet)
Major Arterial	300	400
Minor Arterial	225	350
Collector	175	300
Local Street**	125	225

* Desirable minimum spacing will be required except in existing developments with insufficient frontage. Drives with higher volumes may require greater offsets.

** The driveway spacing requirements shall not apply to single-family lots accessing local streets.

- F. Additional opposite right spacing over and above that set forth in Table A1 may be required if it is determined by the City Engineer that there is insufficient left turn storage or weave maneuver area between the opposite right and proposed driveway. This determination shall be made under peak traffic conditions.
- G. A minimum of one hundred (100) feet shall be required for opposite left drives for all street classifications where no centerline medians are constructed.
- H. If the centerline of an opposite drive is less than fifteen (15) feet from the centerline of the proposed drive, the drives form an intersection and the minimum spacing requirements shall apply for the closest adjacent drive.
- I. Adjacent drives shall be located no closer than the minimum requirements of Table A2.
- J. When necessary, and to maximize spacing and limit access points, the City Engineer may require shared access.

Table A2 — Adjacent Drive Spacing		
Street Classification	Minimum Spacing (feet)	Desirable Minimum Spacing* (feet)
Major Arterial	275	350
Minor Arterial	230	300
Collector	185	235
Local Street**	100	150

* Desirable minimum spacing will be required except in older developments with insufficient frontage. Driveways with higher volumes may require greater offset.

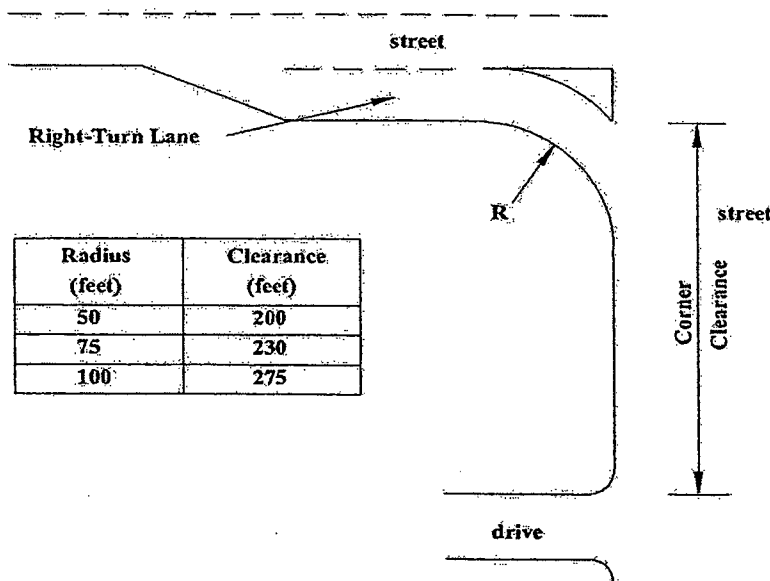
- ** The driveway spacing requirements shall not apply to single-family lots accessing local streets.

Section 505.240. Corner Clearance.

[CC 1990 § 26-56]

- A. Corner clearance for driveway access shall meet or exceed the minimum driveway spacing requirements for that roadway. When minimum spacing requirements cannot be met due to lack of frontage and all means to acquire shared access drives or cross access easements have been exhausted, the following requirements shall apply.
 - 1. At intersections of articles with channelized right-turn lanes with yield control, a corner clearance distance in accordance with those set forth in Figure A2 shall be required for the first (1st) downstream driveway. This distance shall be measured from the channelized median to the nearest edge of the proposed driveway as indicated in Figure A2.

Figure A2 — Downstream Corner Clearance



- 2. No driveway approach on a corner lot may be located closer than thirty (30) feet from local streets, seventy-five (75) feet from collector streets, one hundred (100) feet from minor arterials and one hundred twenty (120) feet from major arterials. This measurement shall be taken from the intersection of the prolonged property lines at the corner as shown on Figure A2. Where applicable, easement lines shall be substituted for property lines. When these requirements cannot be met due to lack of frontage, the driveway may be located such that the radius or flare will begin at the farthest property line.

Section 505.250. Shared Or Cross Access.

[CC 1990 § 26-57; Ord. No. 2103 § 1(Att. A), 6-21-2004]

- A. A joint private access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of said easement shall be determined by the City Engineer.
- B. Private cross-access easements may be required across any lot fronting on an arterial or collector street in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement shall be determined by the City Engineer.

Section 505.260. Maximum Number Of Non-Residential Entrances.

[CC 1990 § 26-58; Ord. No. 2103 § 1(Att. A), 6-21-2004]

The number of non-residential entrances for each property or site shall be restricted on the basis of traffic requirements as determined by the City Engineer. The maximum number allowed, if all traffic requirements are satisfied, shall be as indicated in Table A3.

Table A3 — Non-Residential Entrances	
Frontage (feet)	Maximum Number Non-Residential Entrances
Less than 200	1
200 — 500	2
500 — 1,000	3

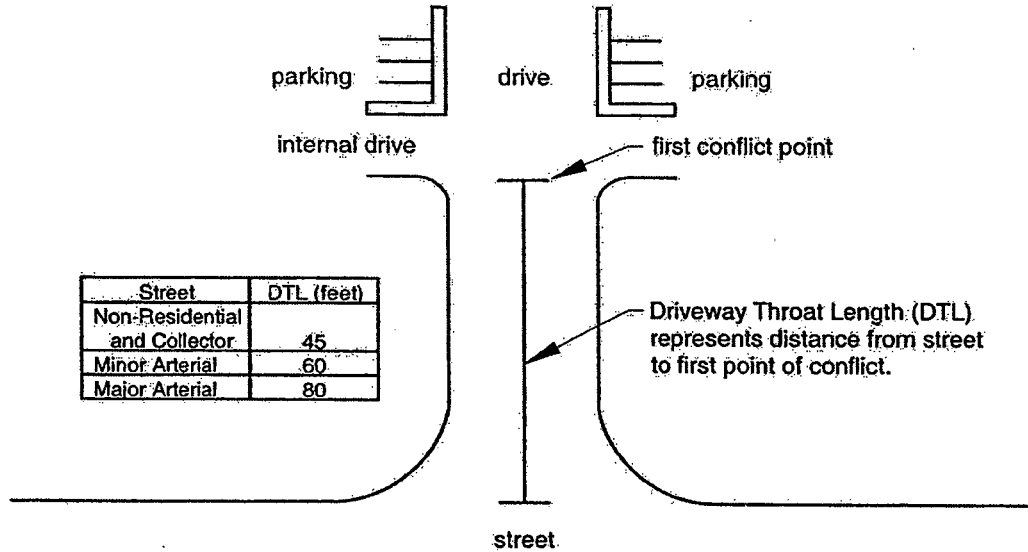
Section 505.270. Geometric Design Of Driveway Access.

[CC 1990 § 26-59; Ord. No. 2103 § 1(Att. A), 6-21-2004]

- A. Any driveway approach located within public right-of-way shall meet the City's standards.
- B. Edges of curb openings for driveways shall be a minimum of five (5) feet clear distance from the nearest edge of street storm water inlets and ten (10) feet clear distance from street corner radius point.
- C. In the case of corner lots, no parts of a driveway shall be constructed within the sight distance triangle area bounded by the property lines of a corner lot and a line connecting two (2) points on the property lines each measured thirty (30) feet from the intersection of the two (2) property lines at the intersection.
- D. The maximum width of residential driveway approaches measured at the property line shall not exceed twenty-six (26) feet in width, while the minimum width shall not be less than ten (10) feet.

- E. The maximum width of commercial, industrial and multi-family driveway approaches for two-way operation shall not exceed forty (40) feet except that the City Engineer may issue permits for driveway approaches greater than forty (40) feet in width on major streets to handle special traffic conditions. The minimum width of commercial and multi-family driveway approach for two-way operation shall not be less than twenty-four (24) feet.
- F. The combination of the width of two (2) driveways for residential circular drives shall not exceed thirty-two (32) feet, if two (2) curb cuts are approved per Section 500.220(D).
- G. The angle of driveway approach shall be between seventy degrees (70°) and ninety degrees (90°) for one-way drives.
- H. A minimum driveway throat length of forty-five (45) feet for non-residential local streets and collector streets, sixty (60) feet and eighty (80) feet for arterials, as shown in Figure A5, shall be required to allow free flow for traffic entering the site in order to avoid traffic into the development causing delays to the through traffic stream. A minimum driveway throat length of one hundred twenty-five (125) feet shall be required on signalized driveways, or longer as may be recommended by a traffic study; and a minimum driveway throat length of two hundred fifty (250) feet shall be required for commercial retail centers that have over two hundred thousand (200,000) gross feet of leasable floor area. The "driveway throat length" shall be defined as the distance from the street to the first (1st) point of conflict in the driveway.

Figure A5 — Access Points



- I. For the benefit of traffic safety and flow on collector and arterial streets, tapered or channelized deceleration lanes for vehicles turning right into high volume or intersection type driveways may be required if warranted. Design of right-turn deceleration lanes shall be in accordance with the AASHTO Green Book on auxiliary lanes.

1. The spacing requirements for driveways not meeting the specifications in Tables A1 and A2 may be lessened or waived if tapered or channelized deceleration lanes are used.
- J. Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is necessitated by the traffic generated from the development.

Section 505.280. Street Structures.

[CC 1990 § 26-60; Ord. No. 2103 § 1(Att. A), 6-21-2004]

No driveway shall interfere with public facilities such as street light or traffic signal poles, signs, fire hydrants, crosswalks, bus loading zones, utility poles, fire alarm supports, drainage structures or other necessary street structures. The City Engineer is authorized to order and effect the removal or reconstruction of any driveway constructed prior to the adoption of these standards which is found to be a non-conforming structure and when the driveway needs to be reconstructed or relocated due to the evident public need. (Public need includes, but is not limited to, changes required for: public safety, traffic flow, pedestrian concerns, maintenance requirements, changes in street structure in the area, flood control and/or street drainage, etc.) The cost of reconstructing or relocating such driveways shall be at the expense of those creating the reconstruction or relocation need and/or those receiving the benefit.

Section 505.290. Permits.

[CC 1990 § 26-61; Ord. No. 2103 § 1(Att. A), 6-21-2004]

- A. Any plans submitted for building approval which include or involve driveways shall be referred to the City Engineer for review and/or approval under one (1) of the two (2) following procedures before a building permit is issued:
1. New Property Development Under Improvement Plans. Approval of driveway location and design for new properties and/or developments included in the properties "improvement plan" shall be considered the "permit" for driveway installation as submitted.
 2. Special Use Permits. Any property owner desiring a new and different driveway or an improvement to an existing driveway at an existing residential or non-residential property shall make application for a special use permit, in writing, on such forms as are provided by the City, and designating the contractor who will do the work, to the City Engineer. The application shall be accompanied by a sketch or drawing clearly showing the driveway, parking area or driveway to be connected and the measured location of the nearest existing driveways on the same or opposite sides of the roadway. The City Engineer will prescribe the construction procedure to be followed.
- B. Special use permits are not required when an existing residential driveway is simply being removed or replaced in kind. (Note: Special use permits are required for any

significant structure change, land use change or property boundary change to any specific identifiable parcel of land.)

- C. All permits granted for the use of public property under the terms of this Section shall be revocable upon a due cause showing of public need.

Section 505.300. Penalties.

[CC 1990 § 26-62; Ord. No. 2103 § 1(Att. A), 6-21-2004]

- A. Any persons, firm, association, entity or corporation violating any provisions of this Article or any employee, assistant, agent or any other person participating or taking part in, joining or aiding in the violation of any provisions of this Article shall be guilty of an ordinance violation punishable as set out in Section 100.080 of this Code for each and every day that such violation continues at the discretion of the court. Each day will be considered a separate violation.
- B. In addition to the penalties hereinabove authorized and established, the City may issue stop work permits and the City Attorney shall take such other actions at law, or in equity, as may be required to halt, terminate, remove or otherwise eliminate any violation of this Article.

Chapter 600

ALCOHOLIC BEVERAGES

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- Section 600.010. Definitions.**
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- Section 600.180. Sale Of Individual Cans Or Bottles Of Beer And Malt Liquor In Excess Of Twelve Ounces In Any Other Manner Than By Packages Containing Three Or More Such Bottles Or Cans Prohibited.**
- Section 600.190. Minors.**

Section 600.195. Assisting Minor In Falsification Of Age.

Section 600.200. Burden Of Proof On Violator Concerning Manufacturer-Sealed Container.

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Section 600.220. Warning Sign Displayed — Liquor Licenses.

ARTICLE I Generally

Section 600.005. Purpose.

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Chapter establish vital regulation of the sale and distribution of alcoholic beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important policy goals such as maintaining an orderly marketplace composed of licensed alcohol producers, importers, distributors, and retailers.

Section 600.010. Definitions.

When used in this Chapter, the following words shall have the following meanings:

CLOSED PLACE — A place where all doors are locked and where no patrons are in the place or about the premises.

INTOXICATING LIQUOR — Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

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 — An intoxicating liquor containing alcohol not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops, or pure barley malt, or wholesome grains or cereals, and wholesome yeast, and pure water.

ORIGINAL PACKAGE — Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "Original package" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

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.

PREMISES — That portion of any building in which a licensee hereunder has his or her 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 buildings are situated, or which are used in connection with said buildings.

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.

Section 600.015. Sale By The Drink Defined.

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.

**ARTICLE II
License Provisions**

Division 1

License Regulations And Fees

Section 600.020. License Required — Classes Of Licenses.

- A. No person shall sell or offer for sale intoxicating liquor in the City of Chesterfield without a currently valid liquor license issued by the City.
- 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:

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 — 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 Subsection (B)(1) of this Section.
 3. 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 (4) of this Section.
 4. Malt Liquor By The Drink. Sales of malt liquor at retail by the drink for consumption on the premises. This license may include Sunday sales from 9:00 A.M. to Midnight.
 5. 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)(2) of this Section.
- 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 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 — Restaurant Bar. Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
 3. Liquor By The Drink — Amusement Place. Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
 4. Liquor By The Drink — Place Of Entertainment. Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
- 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(B) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
 2. Tasting Permit — Retailers. Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(2) 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.
 3. Tasting Permit — Winery, Distiller, Manufacturer, Etc.

- a. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subsection (D)(3), a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.
- b. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in Sections 311.218, 311.482, 311.485, 311.486, or 311.487, RSMo., or on any tax exempt organization's licensed premises as described in Section 311.090, RSMo.

Section 600.030. License Regulations.

- 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. **Temporary Permit For Sale By Drink — Certain Organizations.**
 1. The City Clerk may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
 2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.
 3. 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.
 4. 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.
- C. **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 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 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.

D. 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 Council. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

Section 600.040. Sales Of Liquor Prohibited Near Schools And Churches.

[CC 1990 § 4-36(b); Ord. No. 53 § 3(F), 6-1-1988; Ord. No. 1197 § 1, 7-15-1996; Ord. No. 1346 § 2, 11-17-1997]

- A. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the City Council, except that when a school, church or place of worship shall hereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within one hundred (100) feet of the proposed licensed premises.
- B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 311.218, RSMo., or to a license issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of federal taxes.
- C. Subsection (A) of this Section shall not apply to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety (90) days.
- D. The distance of one hundred (100) feet shall be measured from the closest edge of the property line on which the school, church or other building used as a place of religious worship is located on a direct line to the closest edge of the property line on which the proposed licensed establishment is to be located.

Section 600.050. Schedule Of License Fees.

- 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: seventy-five dollars (\$75.00).
 - b. Intoxicating liquor (all kinds) — original package: one hundred fifty dollars (\$150.00).
 - c. Malt liquor — by drink: seventy-five dollars (\$75.00).
 - d. Malt liquor and light wines — by drink: seventy-five dollars (\$75.00).
 - e. Intoxicating liquor (all kinds) — by drink: four hundred fifty dollars (\$450.00).
 2. Sunday Sales. (Additional fees).

- a. Intoxicating liquor — original package: three hundred dollars (\$300.00).
 - b. Restaurant bars: three hundred dollars (\$300.00).
 - c. Amusement places: three hundred dollars (\$300.00).
 - d. Liquor by the drink — charitable organizations: three hundred dollars (\$300.00).
3. Permits.
- a. Temporary permit — by the drink for certain organizations (seven (7) days max.): thirty seven dollars and fifty cents (\$37.50).
 - b. Tasting permit: thirty seven dollars and fifty cents (\$37.50) annually.
 - c. Caterers: fifteen dollars (\$15.00) per each calendar day.

Section 600.060. Temporary Location For Liquor By The Drink, Caterers — Permit — Fee Required.

- 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 316, 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 600.050(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 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 600.070. Fee Exemptions For Non-Profit Organizations.

[CC 1990 § 4-47; Ord. No. 450 § 1, 5-21-1990]

Notwithstanding any other provisions of this Article or any provisions of State law to the contrary, any non-profit (501)(C)(3) organization who possesses the qualifications required by this Article and who now or hereafter meets the requirements of and complies with the Sections of this Article may apply for and the City Council may issue a license to sell intoxicating liquor, as defined by this Chapter. Eligible non-profit (501)(C)(3) organizations shall be exempt from paying the annual scheduled fee for said liquor license.

Division 2

License Applications

Section 600.080. Applications.

[CC 1990 § 4-34; Ord. No. 53 § 3(D), 6-1-1988]

An application for a license to sell intoxicating liquors as required by this Chapter shall be filed with the City and shall be on forms to be furnished by the City Clerk and signed and sworn to by the applicant.

Section 600.085. Persons Ineligible For License Generally.

[CC 1990 § 4-35; Ord. No. 53 § 3(E), 6-1-1988]

No natural person shall be granted a liquor license unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the State of Missouri, no corporation shall be granted a liquor license unless the managing officer of the corporation is of good moral character and a qualified legal voter and taxpaying citizen of the State of Missouri. No person shall be granted a liquor license whose license as a liquor dealer has been revoked, or who has been convicted since the ratification of the 21st Amendment to the Constitution of the United States of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his/her business, as a liquor dealer or licensee, any person whose license has been revoked or who has been convicted of violating the provision of any such law since the date established.

Section 600.090. Approval Of Application — Issuance.

[CC 1990 § 4-37; Ord. No. 53 § 3(G), 6-1-1988; Ord. No. 749 § 1, 1-4-1993]

Upon the filing of an application for a license as required by this Chapter, it shall be presented to the City Council at its next meeting and upon approval by a majority of the City Council and upon payment of license tax herein provided for, the City Clerk shall issue a license to the applicant to conduct business in the City until the expiration of such license. An exception shall be granted whereby the City Administrator shall have the authority to

approve requests for temporary liquor licenses for the purpose of serving alcoholic beverages at special events for those who already hold or have previously been issued a liquor license as approved by the City of Chesterfield.

Section 600.100. Duration Of Licenses — Fees Payable In Advance — Proration.

[CC 1990 § 4-38; Ord. No. 53 § 3(H), 6-1-1988; Ord. No. 198 § 1, 10-17-1988; Ord. No. 800 §§ 5 — 6, 6-21-1993]

Licenses issued pursuant to this Chapter shall be issued to run for a period starting on July first (1st) of each year and to expire on June thirtieth (30th) of the following year. The fees for such licenses shall be paid annually, in advance. Licenses may be issued for part of any year for business commenced after June thirtieth (30th) of any year and proportioned fees shall be charged based upon the months, or fraction of a month, remaining until the next June thirtieth (30th) following the issuance of the license.

Section 600.110. Right Of City Council To Refuse To Issue Or Renew License.

[CC 1990 § 4-39; Ord. No. 53 § 3(I), 6-1-1988; Ord. No. 631 § 1, 11-18-1991; Ord. No. 2763, 10-7-2013]

- A. The City Council reserves the right to refuse to issue a license for any license established by Chesterfield Code Section 600.020, when in its judgment the location for which the license is sought to be obtained is not in the best interests of the community, taking into consideration the proximity of homes, schools, churches, playgrounds or other activities and conditions, or circumstances, the number of licenses previously issued, or when in the judgment of the City Council the person seeking the license is not a fit person to conduct such an establishment. If, in the judgment of the City Council, any person previously operating an establishment for the sale of intoxicating liquor has not conducted an orderly place or house, the City Council may refuse to renew the license upon its expiration.
- B. Provided, however, that the Council in its sole discretion may conditionally renew a license application for a term of less than one (1) year upon satisfaction of certain requirement as established by the Council and provided the license fee for a full year shall be paid and no portion shall be refunded in the event the license is not extended for a full year.

Section 600.120. Approval Of Application — Renewal.

[CC 1990 § 4-41.1; Ord. No. 1034 § 1, 6-19-1995]

- A. Upon the filing of an application for renewal of an existing liquor license, said application shall be forwarded to the City Administrator for review and action. The City Administrator shall have the authority to approve applications for renewal of liquor licenses previously approved and issued by the City Council of the City of Chesterfield. If, in the judgment of the City Administrator, any person previously operating an establishment for the sale of intoxicating liquor has not conducted an orderly place or house in accordance with the provisions of Section 600.130(A) of the Code of the City of Chesterfield, the City Administrator may refuse to approve the

applications for renewal of an existing liquor license and shall refer the application for renewal to the City Council.

- B. In the event that the City Administrator refuses to approve the application for renewal and at the time of the determination the license is about to expire, the City Administrator may issue a conditional liquor license under certain requirements as established by the City Administrator for a period not to exceed ninety (90) days during which the time the City Council shall act as set out in Section 600.130(D) of the Code of the City of Chesterfield.

Division 3

License Suspension/Revocation — Procedures

Section 600.130. Failure To Renew — Revocation Of Liquor License.

[CC 1990 § 4-42; Ord. No. 53 § 4, 6-1-1988; Ord. No. 631 § 2, 11-18-1991; Ord. No. 1034 § 2, 6-19-1995]

- A. The City Council may refuse to renew an application or revoke the license of any applicant who:
1. Does not continuously operate his/her place of business during the term of such license;
 2. Has not at all times kept an orderly place or house;
 3. Has violated any of the provisions of this Chapter or of the Liquor Control Act of the State;
 4. Has no license from the State Supervisor of Liquor Control;
 5. Has made a false affidavit in his/her application for a license.
- B. No license shall be revoked until notice in writing shall have been given and a hearing held by the City Council to determine whether or not such license should be revoked. The hearing shall be held not less than ten (10) days nor more than thirty (30) days after such licensee shall have been notified. "Continuously operated," as used in this Section, means open for business at least eight (8) hours per day, five (5) days a week during regular business hours.
- C. If the City makes an initial determination that a liquor license may be revoked and at the time of the initial determination the license is about to expire, the City Council, upon motion, may issue a conditional liquor license under certain requirements as established by the Council for a period not to exceed ninety (90) days during which time the proceedings as set out in Subsection (B) above shall be heard and the matter finally determined.
- D. In the event that City Council upholds the City Administrator's determination that an application shall not be renewed, notice in writing shall be given and a hearing held by the City Council to determine whether or not such application for license shall be renewed. The hearing shall be held not less than ten (10) days nor more than thirty (30) days after such licensee shall have been notified.

Section 600.140. Administration Of Law — License Suspension/Revocation.

- A. Suspension Or Revocation Of License — When — Manner. The Council may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Council 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 600.150 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, Chapter 311, 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 Council.
- 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, 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 Council shall sell or give away any intoxicating liquor 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 Council's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

Section 600.150. Hearings Upon Suspension Or Revocation Of Licenses.

- A. Hearing Officer. Hearings may be had before the City Council or before a Hearing Officer appointed by the Council who shall be an attorney licensed to practice law in the State of Missouri. If held before a Hearing Officer, he/she shall report to the Council findings of fact, conclusions of law and recommendations. The Council may accept, modify or refuse to accept the report of the Hearing Officer or any portion thereof.
- B. Witnesses — How Summoned. Subpoenas may be issued by the Council 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 Council 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 600.140 of this Chapter, the Council 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 Council may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the Council's decision. The Council may delay the implementation of its order pending appeal.

**ARTICLE III
Additional Regulations**

Section 600.160. Sale Of Intoxicating Liquor At Drive-Up Windows Unlawful.¹

[CC 1990 § 4-19; Ord. No. 232 §§ 1 — 2, 1-16-1989]

- A. As used in this Section, the following words and phrases shall have the meanings ascribed to them:

1. Cross Reference: As to motor vehicles and traffic, Title III.

DRIVE-UP WINDOW — Any facility, equipment, property, building, device or structure whereby a person (or persons) may purchase intoxicating liquor without departing, exiting or leaving his/her motor vehicle.

- B. It shall be unlawful for any person to sell or expose for sale on any premise in this City any intoxicating liquor, as herein defined, in any quantity, by the use of drive-up windows, facilities or the like or similar devices.

Section 600.170. Use, Distribution Or Possession Of Alcoholic Beverages At Civic Festivals.

[CC 1990 § 4-20; Ord. No. 451 §§ 1 — 4, 5-21-1990]

- A. Definitions. The following words and phrases, as used in this Section, shall have the following meanings, unless the context otherwise requires:

ALCOHOLIC BEVERAGE — As defined in Section 600.010 of this Chapter.

BEVERAGE CONTAINER — Any metal, glass, bota, plastic, leather or animal skin container, can, bottle, jug or barrel, sealed or unsealed, designed or used for containing liquids intended for human consumption.

CIVIC FESTIVAL — Any picnic, fair, festival, carnival, flea market or other event to which the general public is invited and for which a permit has been issued for use of the public streets, parks or other public property consisting of more than three (3) City blocks, or one (1) acre or more in the case of a park or other public place.

- B. Offense. No person shall use, distribute or possess a beverage container containing alcoholic beverages on a public street, park or other public place within the boundaries of a civic festival.
- C. Exceptions. The provisions of this Section shall not apply to:
1. Any person with concession privileges granted for said "civic festival."
 2. Any person possessing a beverage container containing alcoholic beverages for immediate consumption on the premises which was obtained from an authorized concessionaire.
 3. Persons possessing or consuming intoxicating liquor within the parks facilities and/or trails except where specifically prohibited by the Parks and Recreation Director.

Section 600.180. Sale Of Individual Cans Or Bottles Of Beer And Malt Liquor In Excess Of Twelve Ounces In Any Other Manner Than By Packages Containing Three Or More Such Bottles Or Cans Prohibited.

[CC 1990 § 4-22; Ord. No. 1375 § 1, 2-18-1998; Ord. No. 1448 §§ 1 — 2, 9-9-1998; Ord. No. 2763 §§ 5 — 6, 10-7-2013]

It shall be illegal in the City of Chesterfield for anyone with a license to sell liquor "by the package," to sell malt liquor or beer by an individual can or bottle, twelve (12) ounces in size

or less, other than as a package containing three (3) or more bottles or cans of malt liquor or beer.

Section 600.190. Minors.

- A. Persons Eighteen Years Of Age Or Older May Sell Or Handle Intoxicating Liquor, When.
1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
 2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
 3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.
 4. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar, intoxicating beverages.
- B. Sales To Minor — Exceptions.
1. No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.
 3. It shall be a defense to prosecution under this Subsection if:
 - a. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;
 - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
 - c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.
- C. Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.
1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
 2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.
- D. Minors In Possession Of Intoxicating Liquor.
1. No person under the age of twenty-one (21) years, shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor as defined in Section 600.010 or, shall be visibly in an intoxicated condition as defined in Section 577.001, RSMo., or shall have a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) or more by weight of alcohol in such person's blood.
 2. _____
 - a. The provisions of this Subsection shall not apply to a student who:
 - (1) Is eighteen (18) years of age or older;

- (2) Is enrolled in an accredited college or university and is a student in a culinary course;
 - (3) 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
 - (4) 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.
 - b. The beverage must at all times remain in the possession and control of any authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection, may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.
3. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be performed according to methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose. The State Department of Health and Senior Services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health and Senior Services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person.
 - a. "Full information" is limited to the following:
 - (1) The type of test administered and the procedures followed;
 - (2) The time of the collection of the blood or breath sample or urine analyzed;

- (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;
 - (4) The type and status of any permit which was held by the person who performed the test;
 - (5) If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.
- b. "Full information" does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, "full information" does not include information in the possession of the manufacturer of the test instrument.

Section 600.195. Assisting Minor In Falsification Of Age.²

[CC 1990 § 4-16; Ord. No. 53 § 20, 6-1-1988]

It shall be unlawful for any person to give, lend, sell or otherwise provide any person between the ages of seventeen (17) years and twenty-one (21) years any falsified identification or the identification of another person for the purpose of establishing the age of the minor as being twenty-one (21) years of age or older.

Section 600.200. Burden Of Proof On Violator Concerning Manufacturer-Sealed Container.

For purposes of determining violations and prosecution under this Chapter, or any rule or regulation of the Supervisor of Alcohol and Tobacco Control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

Section 600.210. Miscellaneous Offenses.³

[CC 1990 § 4-10; Ord. No. 53 § 14, 6-1-1988; Ord. No. 58 § 1, 6-1-1988; Ord. No. 327 § 2, 8-7-1989; Ord. No. 355 §§ 1 — 2, 10-2-1989]

- 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.

2. Cross References: As to minors, §§ 210.170 et seq.

3. Cross References: As to motor vehicles and traffic, Title III; as to streets and sidewalks, ch. 505.

- B. Packaging, Labeling. Any retailer licensed pursuant to this Chapter shall not:
1. Sell intoxicating liquor 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 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 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 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. It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor, 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. Notwithstanding any other provision of this Code to the contrary:
 - a. No person shall drink or ingest any intoxicating liquor in or on any public place.

- b. 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 while in or upon any public place.
2. Sale Of Intoxicating Liquor Near Public Streets. No person shall sell, either from a vehicle or otherwise, any intoxicating liquors, as defined herein, upon any public street, highway or thoroughfare, sidewalk or alley, or within fifteen (15) feet from either side thereof, within the City.

Section 600.220. Warning Sign Displayed — Liquor Licenses.

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.

Chapter 600A

ALCOHOLIC BEVERAGES (UPDATED MODEL)

Section 600A.005. Purpose.	Consumption Off Premises — Requirements.
Section 600A.010. Definitions.	
Section 600A.015. Sale By The Drink Defined.	Section 600A.055. Application For License And Renewal.
Section 600A.020. License Required — Classes Of Licenses.	Section 600A.060. Minors.
Section 600A.030. License Regulations.	Section 600A.065. Burden Of Proof On Violator Concerning Manufacturer-Sealed Container.
Section 600A.035. Sales Of Liquor Prohibited Near Schools And Churches.	Section 600A.070. Miscellaneous Offenses.
Section 600A.040. Schedule Of License Fees.	Section 600A.075. Manufacturing A False Identification.
Section 600A.045. Temporary Location For Liquor By The Drink, Caterers — Permit — Fee Required.	Section 600A.080. Warning Sign Displayed — Liquor Licenses.
Section 600A.047. Special Permit For Festivals — Limit On Shipment In State — Excise Taxes — Duration Of Permit.	Section 600A.085. Entertainment Facilities, Purchase Through Mobile Applications — Identification Required.
Section 600A.050. Self-Dispensing Of Beer Or Wine Permitted, When.	Section 600A.090. Administration Of Law — License Suspension/Revocation.
Section 600A.053. Draft Beer, Sale Of 32 To 128 Fluid Ounces Dispensed On Premises For	Section 600A.100. Hearings Upon Suspension Or Revocation Of Licenses.

Section 600A.005. Purpose.

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Chapter establish vital regulation of the sale and distribution of alcoholic beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important policy goals such as maintaining an orderly marketplace composed of licensed alcohol producers, importers, distributors, and retailers. (RSMo. §311.015, 2007)

Section 600A.010. Definitions.

When used in this Chapter, the following words shall have the following meanings:

CLOSED PLACE — A place where all doors are locked and where no patrons are in the place or about the premises.

INTOXICATING LIQUOR — Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

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 — An intoxicating liquor containing alcohol not in excess of five percent (5%) and using the ingredients set out in Section 311.490, RSMo.

ORIGINAL PACKAGE — Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "Original package" shall also be construed and held to refer to any package containing one (1) or more standard bottles, cans or pouches of beer.

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.

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. (RSMo. §§311.020, 311.030, 311.095, 311.096, 311.200, 2014, 2016, 311.290, 2012)

Section 600A.015. Sale By The Drink Defined.

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. (RSMo. §311.100)

Section 600A.020. License Required — Classes Of Licenses.

- A. No person shall sell or offer for sale intoxicating liquor in the City of Chesterfield 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:
1. Package Liquor — Malt Liquor Only. Sales of malt liquor at retail by grocers and other merchants and dealers for sale in the original package direct to consumers but not for resale and not for consumption on the premises where sold. This license may include Sunday sales from 9:00 A.M. to 12:00 Midnight.
 2. 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 Subsection (B)(1) of this Section.
 3. Liquor By The Drink — Malt Liquor/Light Wine Only (Resort License 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 (4) of this Section.
 4. Malt Liquor By The Drink (Resort License Only). Sales of malt liquor at retail by the drink for consumption on the premises. This license may include Sunday sales from 9:00 A.M. to 12:00 Midnight.
 5. Liquor By The Drink — All Kinds (Resort License Only). 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)(2) of this Section.
- C. Sunday Sales. Except for any establishment that may apply for a license under Section 311.089, RSMo., any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor at retail may apply to the City for a special license to sell intoxicating liquor at retail between the hours of 9:00 A.M. and 12:00 Midnight on Sundays.
- 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(B) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
 2. Tasting Permit — Retailers. Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(2) 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.

3. Tasting Permit — Winery, Distiller, Manufacturer, Etc.
 - a. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subsection (D)(3), a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.
 - b. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in Sections 311.218, 311.482, 311.485, 311.486, or 311.487, RSMo., or on any tax-exempt organization's licensed premises as described in Section 311.090, RSMo.
 - c. Any Winery, Distiller, Etc., May Provide Or Furnish Distilled Spirits, Wine Or Malt Beverage Samples On A Licensed Retail Premises — When.
 - (1) Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with Section 311.294, RSMo., or hold a by the drink for consumption on the premises where sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.
 - (2) Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer or brewer or by a sampling retained by the retailer, winery, distiller, manufacturer or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Division of Alcohol and Tobacco Control.
 - (3) Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer. (RSMo. §§311.090, 311.095, 311.096, 311.293, 2003, 2012; 311.297, 2007, 2011, 2012)

Section 600A.030. License Regulations.

- 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 drugstore, 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. **Temporary Permit For Sale By Drink — Certain Organizations.**
1. Notwithstanding any other provision of this Chapter, a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on the premises of the licensee may be issued to any 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. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
 2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.
 3. 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.
 4. 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.
- C. **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 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 except as otherwise authorized and licensed for Sunday sales, and if said person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in Section 600.010 of this Chapter and between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and 1:30 A.M. on Sunday and 6:00 A.M. on Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs, hotels, or bowling alleys, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants or bowling alleys whose business is conducted in one room only, then the licensee shall keep

securely locked during the hours and on the days herein specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.

2. When January 1, March 17, July 4 or December 31 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.

D. Number Of Licenses Limited.

1. No license for the sale of any and all kinds of intoxicating liquor by the drink for consumption on the premises shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each ___ inhabitants, or fraction thereof, residing within the City as shown by the last decennial census of the United States.
2. No license for the sale at retail of any and all kinds of intoxicating liquor in the original package shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each ___ inhabitants, or fraction thereof, residing within the City as shown by the last decennial census of the United States.
3. Determining The Number Of Licenses Allowed. For purposes of determining the number of licenses allowed by this Section, the issuance of licenses shall be counted as follows:
 - a. The issuance of a license as provided in Section 600.020(B)(2) of this Chapter (Package liquor — all kinds) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of package liquor provided in Section 600.020(B)(1).
 - b. The issuance of a license as provided in Section 600.020(B)(5) of this Chapter (Liquor by the drink — all kinds) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of liquor by the drink provided in Sections 600.020(B)(3) and (B)(4).

E. 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 City Council. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.
5. Every licensee shall keep displayed prominently at all times on its licensed premises any City license designating the premises as a place licensed by the City to sell intoxicating liquors. Nonetheless, no application shall be disapproved by the Supervisor of Alcohol and Tobacco Control for failure to possess a City license when making application for a license. Within ten (10) days from the issuance of said City license, the licensee shall file with the Supervisor of Alcohol and Tobacco Control a copy of such City license. (RSMo. §§311.200, 311.220, 2016, 311.290, 2013, 311.298, 311.482, 2003, 2011, 2012, 2016)

Section 600A.035. Sales Of Liquor Prohibited Near Schools And Churches.

- A. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within ___ feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the City Council, except that when a school, church or place of worship shall hereafter be established within ___ feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within ___ feet of the proposed licensed premises.
- B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 311.218, RSMo., or to a license issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of Federal taxes.
- C. Subsection (A) of this Section shall not apply to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety (90) days. (RSMo. §311.080, 2005)

Section 600A.040. Schedule Of License Fees.

- 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: \$75.00.
 - b. Intoxicating liquor (all kinds) — original package: \$150.00.
 - c. Malt liquor — by drink (resort license only): \$75.00.
 - d. Malt liquor and light wines — by drink (resort license only): \$75.00.
 - e. Intoxicating liquor (all kinds) — by drink (resort license only): \$450.00.
 2. Sunday Sales (Additional Fee).
 - a. Intoxicating liquor at retail: \$300.00.
 3. Permits.
 - a. Temporary permit — by the drink for certain organizations [seven (7) days maximum]: \$37.50.
 - b. Tasting permit: \$37.50.
 - c. Caterers: \$15.00 per each calendar day.
- B. Of the license fee to be paid for any such license, the applicant shall pay as many 12ths as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July 1. (RSMo. §§311.180, 311.200, 311.220, 2003, 2016, 311.293, 2012)

Section 600A.045. Temporary Location For Liquor By The Drink, Caterers — Permit — Fee Required.

- 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 316, 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. This temporary permit shall allow the sale of intoxicating liquor in the original package.

- 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 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. (RSMo. §311.485, 2005, 2011, 2012)

Section 600A.047. Special Permit For Festivals — Limit On Shipment In State — Excise Taxes — Duration Of Permit.

A special permit shall be issued to an out-of-state manufacturer of intoxicating liquor who is not licensed in the state of Missouri for participation in festivals, bazaars, or similar events. Registration requirements under Section 311.275, RSMo., shall be waived for such event. The amount of intoxicating liquor shipped in the State under this permit shall not exceed two hundred (200) gallons. Excise taxes shall be paid by the licensed manufacturer that holds a retail license organizing the event in the same manner as if it were produced or purchased by the manufacturer. A permit issued under this Section by the City shall be valid for no more than seventy-two (72) hours. An applicant shall complete a form provided by the City and the Supervisor of Alcohol and Tobacco Control and pay a fee of thirty-seven dollars and fifty cents (\$37.50) before a special permit shall be issued. (RSMo. §311.915, 2016)

Section 600A.050. Self-Dispensing Of Beer Or Wine Permitted, When.

- A. 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.
- B. No provision of law or rule or regulation of the City shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish self-dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of self-dispensing systems. (RSMo. §311.205, 2012, 2016)

Section 600A.053. Draft Beer, Sale Of 32 To 128 Fluid Ounces Dispensed On Premises For Consumption Off Premises — Requirements.

- A. Any person who is licensed to sell intoxicating liquor in the original package at retail as provided in Subsection 1 of Section 311.200, RSMo., may sell from thirty-two (32) to one hundred twenty-eight (128) fluid ounces of draft beer to customers in containers filled by any employee of the retailer on the premises for consumption off such premises. Any employee of the licensee shall be at least twenty-one (21) years of age to fill containers with draft beer.
- B. No provision of law, rule, or regulation shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish dispensing or cooling equipment, or containers that are filled or refilled under Subsection (A) of this Section, to any person who is licensed to sell intoxicating liquor in the original package at retail as provided in Subsection 1 of Section 311.200, RSMo.
- C. Requirements Regarding Containers.
1. Containers that are filled or refilled under Subsection (A) of this Section shall be affixed with a label or a tag that shall contain the following information in type not smaller than three (3) millimeters in height and not more than twelve (12) characters per inch:
 - a. Brand name of the product dispensed;
 - b. Name of brewer or bottler;
 - c. Class of product, such as beer, ale, lager, bock, stout, or other brewed or fermented beverage;
 - d. Net contents;
 - e. Name and address of the business that filled or refilled the container;
 - f. Date of fill or refill;
 - g. The following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."
 2. Containers that are filled or refilled under Subsection (A) of this Section shall be affixed with the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 CFR 16.20 to 16.22.
- D. Additional Regulations.
1. The filling and refilling of containers shall only occur on demand by a customer and containers shall not be pre-filled by the retailer or its employee.
 2. Containers shall only be filled or refilled by an employee of the retailer.
 3. Containers shall be filled or refilled as follows:
 - a. Containers shall be filled or refilled with a tube as described in Subsection (D)(4) below and:

- (1) Food-grade sanitizer shall be used in accordance with the Environmental Protection Agency registered label use instructions;
 - (2) A container of liquid food-grade sanitizer shall be maintained for no more than ten (10) malt beverage taps that will be used for filling and refilling containers;
 - (3) Each container shall contain no fewer than five (5) tubes that will be used only for filling and refilling containers;
 - (4) The container shall be inspected visually for contamination;
 - (5) After each filling or refilling of a container, the tube shall be immersed in the container with the liquid food-grade sanitizer; and
 - (6) A different tube from the container shall be used for each filling or refilling of a container; or
- b. Containers shall be filled or refilled with a contamination-free process and:
- (1) The container shall be inspected visually for contamination;
 - (2) The container shall only be filled or refilled by the retailer's employee; and
 - (3) The filling or refilling shall be in compliance with the Food and Drug Administration Code 2009, Section 3-304.17(c).
4. Containers shall be filled or refilled from the bottom of the container to the top with a tube that is attached to the malt beverage faucet and extends to the bottom of the container or with a commercial filling machine.
 5. When not in use, tubes to fill or refill shall be immersed and stored in a container with liquid food-grade sanitizer.
 6. After filling or refilling a container, the container shall be sealed as set forth in Subsection (A) of this Section. (RSMo. §311.201, 2016)

Section 600A.055. Application For License And Renewal.¹

- 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. Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a

1. Editor's Note: As regards certain exceptions to issuance or renewal of licenses, see § 311.060(6) and (7), RSMo.

liquor license, covering the property for which a liquor license is requested. 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. The City Council 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 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 day of May of each calendar year. Such renewal application shall be reviewed by the City Council at its next meeting. Upon approval of the majority of the City Council 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 City Council shall conduct a hearing on the application for license renewal as provided in this Subsection. (RSMo. §311.060)

Section 600A.060. Minors.

- A. Persons 18 Years Of Age Or Older May Sell Or Handle Intoxicating Liquor, When.
 - 1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
 - 2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
 - 3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell

intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.

4. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix, or serve across the bar, intoxicating beverages.

B. Sales To Minor — Exceptions.

1. No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.
2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.
3. It shall be a defense to prosecution under this Subsection if:
 - a. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;
 - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
 - c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C. Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. Minors In Possession Of Intoxicating Liquor.

1. No person under the age of twenty-one (21) years shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor as defined in Section 600.010, or shall be visibly in an intoxicated condition as defined in Section 577.001, RSMo., or shall have a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood.
2. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be performed according to methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose. The State Department of Health and Senior Services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health and Senior Services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person.
 - a. "Full information" is limited to the following:
 - (1) The type of test administered and the procedures followed;

- (2) The time of the collection of the blood or breath sample or urine analyzed;
 - (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;
 - (4) The type and status of any permit which was held by the person who performed the test;
 - (5) If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.
- b. "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.
3. Exception.
 - a. The provisions of this Subsection shall not apply to a student who:
 - (1) Is eighteen (18) years of age or older;
 - (2) Is enrolled in an accredited college or university and is a student in a culinary course;
 - (3) 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
 - (4) Tastes a beverage under Subsection(D)(3)(a)(3) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.
 - b. 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. (RSMo. §§311.300, 2009, 311.310, 2009, 311.320, 311.325, 2009)

Section 600A.065. Burden Of Proof On Violator Concerning Manufacturer-Sealed Container.

For purposes of determining violations and prosecution under this Chapter, or any rule or regulation of the Supervisor of Alcohol and Tobacco Control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the

contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor. (RSMo. §311.325.2)

Section 600A.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. **Packaging, Labeling, Repackaging Prohibited, When.** Any retailer licensed pursuant to this Chapter shall not:
 - 1. Sell intoxicating liquor 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 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.** 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.
- F. **Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor.** It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor, 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 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 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 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. (RSMo. §§311.280, 311.310, 311.330, 311.340, 311.600)

Section 600A.075. Manufacturing A False Identification.

- A. A person commits the offense of manufacturing a false identification if he or she possesses any means of identification for the purpose of manufacturing and providing or selling a false identification card to a person under the age of twenty-one (21) for the purpose of purchasing or obtaining alcohol.
- B. The offense of manufacturing a false identification is an ordinance violation. (RSMo. §311.315, 2014 effective 1-1-2017)

Section 600A.080. Warning Sign Displayed — Liquor Licenses.

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 by fourteen (11 x 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. (RSMo. §311.299)

Section 600A.085. Entertainment Facilities, Purchase Through Mobile Applications — Identification Required.

- A. Notwithstanding any provision of law to the contrary, entertainment facilities including, but not limited to, arenas and stadiums used primarily for concerts, shows, and sporting events of any kind and entities selling concessions at such facilities that possess all necessary and valid licenses and permits to allow for the sale of alcoholic beverages shall not be prohibited from selling and delivering alcoholic beverages purchased through the use of mobile applications to individuals attending events on the premises of such facilities if the facilities are in compliance with all applicable State laws and regulations regarding the sale of alcoholic beverages.

- B. For purposes of this Section, the term "mobile application" shall mean a computer program or software designed to be used on hand-held mobile devices such as cellular phones and tablet computers.
- C. Any employee of a facility or entity selling concessions at a facility who delivers an alcoholic beverage purchased through a mobile application to an individual shall require the individual to show a valid, government-issued identification document that includes the photograph and birth date of the individual, such as a driver's license, and shall verify that the individual is twenty-one (21) years of age or older before the individual is allowed possession of the alcoholic beverage. (RSMo. §311.950, 2016)

Section 600A.090. Administration Of Law — License Suspension/Revocation.

- A. Suspension Or Revocation Of License — When — Manner. The City Council may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the City Council or a hearing officer 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 600.100 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, Chapter 311, RSMo., or any ordinance of the City; or
 - 2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control; or
 - 3. Making a false affidavit in an application for a license under this Chapter; or
 - 4. Failing to keep an orderly place or house; or
 - 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; or
 - 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, or
 - b. Any person during unauthorized hours on the licensed premises, or

- 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 City Council.
- 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 this Chapter or Chapter 311, RSMo., or of any felony violation of Chapter 195 or 579, 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 City Council shall sell or give away any intoxicating liquor 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 City Council's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

Section 600A.100. Hearings Upon Suspension Or Revocation Of Licenses.

- A. Testimony — Evidence. Hearings before the City Council 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.
 - A. (ALTERNATE) Hearing Officer. Hearings may be had before the City Council or before a Hearing Officer appointed by the City Council who shall be an attorney licensed to practice law in the State of Missouri. If held before a Hearing Officer, he/she shall report to the City Council findings of fact, conclusions of law and recommendations. The City Council may accept, modify or refuse to accept the report of the Hearing Officer or any portion thereof.
- B. Witnesses — How Summoned. Subpoenas may be issued by the City Council 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 City Council 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 600.090 of this Chapter, the City Council 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 City Council may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the City Council's decision. The City Council may delay the implementation of its order pending appeal.

Chapter 605

LICENSES AND BUSINESS REGULATIONS

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ARTICLE I
In General

Section 605.010. Purpose.

[CC 1990 § 17-1; Ord. No. 433 § 1, 4-2-1990]

The City shall collect a fee for business/merchant licenses from all persons, partnerships, corporations or businesses as authorized in Section 94.110, RSMo., which are doing business within the City as set out below in Sections 605.020 through 605.230.

Section 605.020. Definitions.

[CC 1990 § 17-2; Ord. No. 433 § 2, 4-2-1990; Ord. No. 1078 § 4, 9-5-1995; Ord. No. 1103 § 1, 11-6-1995]

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

BUSINESS OR OCCUPATION — Any business, service, occupation, pursuit, profession or trade, or the keeping or maintaining of any institution, establishment, article, utility or commodity within the City, except as may be otherwise provided by these provisions (Sections 605.010 through 605.230).

FEE — License fees and taxes levied on or required by any merchant, business or occupation.

LICENSE — Any license required to be secured under these provisions (Sections 605.010 through 605.230).

LICENSE YEAR — Unless otherwise provided, shall mean the year beginning July first (1st) or, in the case of businesses newly established, at the beginning of doing business and ending on the following June thirtieth (30th).

MANUFACTURER — Any person engaged in the production of some article, thing or object by skill or labor out of raw materials or from matter that has already been subject to artificial forces or to which something has been added to change its natural condition.

OFFICE — Any person engaged in any business or occupation not specifically classified as manufacturing or retail merchant.

PERSON — Any natural individual, partnership, firm, corporation or association. As applied to partnerships, firms or associations, the term includes the individual partners or members thereof and the singular includes the plural.

RETAIL MERCHANT — Any person engaged in the selling of goods, wares or merchandise at any store, stand or place occupied for that purpose within the City except as may be otherwise provided by these provisions (Sections 605.010 through 605.230).

SERVICE — Any person engaged in any business or occupation which is not specifically defined as manufacturer, retail or warehouse.

Section 605.030. Business Category.

[CC 1990 § 17-3; Ord. No. 433 § 3, 4-2-1990; Ord. No. 701 § 1, 9-21-1992]

- A. The City shall initially establish and identify each business within the categories as proposed above. Any business which objects to the category upon which it is originally placed or the square footage determination shall have the opportunity to file a written appeal to the Department of Finance and Administration of the City for designation to a category other than the category to which they are originally assigned or to change the square footage. Said appeal must be filed with the Director of Finance and Administration within sixty (60) days after the business is assigned its original category or after the square footage determination is made, for an appeal to be taken.
- B. For the purpose of business categorization, nursing homes, senior citizen complexes and/or apartment complexes are to be categorized solely on the square footage of the office area of said complexes. This change shall take effect as of the issuance of business licenses in 1993.

Section 605.035. 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 Chesterfield.

Section 605.040. License Requirement.

[CC 1990 § 17-4; Ord. No. 433 § 4, 4-2-1990]

- A. No person shall engage in any of the businesses, trades or avocations described in this Article within the City without first having obtained a license therefor from the Director of Finance and Administration and paying to the Director of Finance and Administration the designated fee or tax. The license shall be for the annual license year.
- B. Each applicant for a business license under this Chapter shall submit a statement from the Missouri Department of Revenue pursuant to Section 144.083.4, RSMo., stating no tax is due, which statement is a prerequisite to the issuance or renewal of a City business license. The statement required by this Section shall be dated within ninety (90) days of submission of the business license application or renewal application.

Section 605.050. Fee Schedule.

[CC 1990 § 17-5; Ord. No. 433 § 5, 4-2-1990; Ord. No. 1078 § 4, 9-5-1995; Ord. No. 1103 § 1, 11-6-1995]

- A. The following fee schedule shall apply to all merchants, businesses and occupations, manufactures and warehouses:
1. Retail Merchants. The annual license fee per location for businesses defined as retail merchants in Section 605.020 above shall be twenty-five dollars (\$25.00) for businesses occupying zero (0) to three hundred twelve and one-half (312.5) square feet and an additional eight cents (\$0.08) per square foot for businesses occupying buildings in addition to three hundred twelve and one-half (312.5) square feet, except that no license fee shall exceed ten thousand dollars (\$10,000.00).

2. Services/Offices. The annual license fee per location for businesses defined as services or offices in Section 605.020 above shall be twenty-five dollars (\$25.00) for businesses occupying zero (0) to six hundred twenty-five (625) square feet and an additional four cents (\$0.04) per square foot for businesses occupying buildings in addition to six hundred twenty-five (625) square feet, except that no license fee shall exceed ten thousand dollars (\$10,000.00).
3. Manufacturers/Warehouses. The annual license fee per location for businesses defined as manufacturer or warehouses in Section 605.020 above shall be twenty-five dollars (\$25.00) for businesses occupying zero (0) to one thousand two hundred fifty (1,250) square feet and an additional two cents (\$0.02) per square foot for businesses occupying buildings in addition to one thousand two hundred fifty (1,250) square feet, except that no license fee shall exceed ten thousand dollars (\$10,000.00).
4. Outdoor Advertising Billboards. The tax for operating each outdoor advertising billboard within the City of Chesterfield shall be one hundred dollars (\$100.00) or five percent (5%) of the annual gross revenue of the billboard, whichever is greater. The Director of Finance and Administration may prescribe all necessary regulations and application and reporting forms in conformity herewith to determine the annual gross revenue and the license tax for each license year, billboard licenses consistently with the provisions of Section 605.060 of this Chapter and may also prescribe appropriate means for the operator to display the license in substantial compliance with the requirements of Section 605.150 of this Chapter.

Section 605.060. Prorated Fees.**[CC 1990 § 17-6; Ord. No. 433 § 6, 4-2-1990]**

- A. The applicant for a license for a new place of business or to engage in a new occupation shall be required to pay the full annual license fee if at the time of the application for a license less than three (3) months of the current license year have expired.
- B. If three (3) months or more but less than six (6) months have expired, the applicant shall be required to pay three-fourths (3/4) of the annual license fee.
- C. If six (6) months or more but less than nine (9) months have expired, the applicant shall be required to pay one-half (1/2) of the annual license fee.
- D. If nine (9) months or more have expired, the applicant shall be required to pay one-fourth (1/4) of the annual license fee.
- E. Provided however, that no license fee shall be issued for less than twenty-five dollars (\$25.00).

Section 605.070. License Applications — Issuance.**[CC 1990 § 17-7; Ord. No. 433 § 7, 4-2-1990; Ord. No. 828 § 1, 9-7-1993]**

- A. Applications. Application for a license shall be made in writing on a form provided by the City and submitted to the Director of Finance and Administration. An application shall be made to renew any license at its expiration. All holders of licenses or permits shall be responsible for reporting changes in initial application data immediately as the same occur. The form of licenses shall be prescribed and furnished by the Director of Finance and Administration.
- B. Issuance. All licenses shall be granted and signed by the Director of Finance and Administration. Contracting businesses located in Chesterfield shall furnish proof of a certificate of insurance for Workers' Compensation coverage if said applicant for license is required to cover his/her liability under Chapter 287, RSMo., as amended.
- C. Denial. The City may refuse to grant or renew any license for any of the following reasons:
1. Failure to have or to provide proof of Workers' Compensation coverage as required under Subsection (B) of this Section;
 2. Providing fraudulent information regarding Workers' Compensation coverage on an application for business license;
 3. The business or activity sought to be licensed is deemed to be one that would constitute a breach of the peace, a detriment, a menace to the health, safety or welfare of the public or a disturbance of the peace or comfort of the residents of the City if it were licensed;
 4. The business or activity sought to be licensed would be conducted in violation of any law of the United States or of the State or ordinance of the City;
 5. Any other basis for revocation as set out herein.
- D. Liability. Nothing in this Section shall be construed to create or constitute a liability to or a cause of action against the City to the issuance of any license pursuant to this Section.

Section 605.080. Investigations.**[CC 1990 § 17-8; Ord. No. 433 § 8, 4-2-1990]**

Upon receipt of an application for a license which requires an investigation or an inspection by any department of the City or other government unit and the approval thereof as to the character or fitness of any applicant for a license, or as to the proper location or condition of the premises in which the business for which a license is applied is to be managed, conducted, operated or carried on, the City Administrator shall transmit to each department or governmental unit charged with the investigation and approval of any such application, such information as may be necessary in order that the required investigation or inspection may be made. Each department head so charged with such investigation or inspection shall, upon receipt of such information, cause an investigation or inspection to be made and shall, within

ten (10) days after the receipt of such information, either approve or disapprove the issuance of such license and shall notify the Director of Finance and Administration.

Section 605.090. Establishment Of Square Footage.

[CC 1990 § 17-9; Ord. No. 433 § 9, 4-2-1990]

The City, through the Director of Finance and Administration, working in conjunction with the Division of Planning and Development Services, is empowered to set and determine the square footage for each business based upon an independent evaluation and information contained in public records. In each case, the decision of the Director of Finance and Administration shall be final as to the square footage.

Section 605.100. Use Determination.

[CC 1990 § 17-10; Ord. No. 433 § 10, 4-2-1990]

The square footage for each business license shall be based upon the business' predominant use at their business location. All licenses shall be calculated based upon a single use as opposed to being a varied use and that use which has the largest percentage of space shall be the overriding use which shall be used in determining the rate to be set.

Section 605.110. Transfer Of License.

[CC 1990 § 17-11; Ord. No. 433 § 11, 4-2-1990; Ord. No. 1033 § 1, 6-19-1995]

No license shall be assignable or transferable, except that in the case of the sale of a business during the annual license year, the seller and purchaser may request of the City Administrator, in writing, authority to transfer the license to the purchaser for the remainder of the annual license year.

Section 605.120. Separate License For Each Place Of Business.

[CC 1990 § 17-12; Ord. No. 433 § 12, 4-2-1990]

A separate license shall be obtained for each stand, store or place of business conducted, operated or maintained by every merchant, business or occupation or manufacturer or warehouse for which a license is required and the Director of Finance and Administration shall be notified of any change of address within seven (7) days after such change.

Section 605.130. Additional Businesses At Same Address.

[CC 1990 § 17-13; Ord. No. 433 § 13, 4-2-1990]

Whenever any applicant for a license is engaged in more than one (1) occupation or business at the same address, such applicant may at his/her option, in lieu of making application and paying for a separate license for each such occupation or business, make application and pay for the occupation or business license for only the major or principal business or occupation of the applicant at such address, but he/she shall report the square footage of each such occupation or business separately as part of the total square footage of the licensed business.

Section 605.140. Change Of Location Or Operation.**[CC 1990 § 17-14; Ord. No. 433 § 14, 4-2-1990]**

If any person licensed to engage in a business or occupation at a particular place desires, before the expiration of the license period, to change the location of such place of business, he/she shall forthwith notify the Director of Finance and Administration of such fact. No business or occupation shall be engaged in under the authority of such license at such new location until the notice of such change has been given as herein provided and until such licensee has complied with all the provisions of this Article relating to the engaging in of such business or occupation at such new location, including the approval of the head of the departments or governmental units which originally approved the application for such license.

Section 605.150. Display Of License.**[CC 1990 § 17-15; Ord. No. 433 § 15, 4-2-1990]**

Each license granted by the City shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by such license.

Section 605.160. Sale, Rent Or Lease Of A Portion Of Premises.**[CC 1990 § 17-16; Ord. No. 433 § 16, 4-2-1990]**

Any merchant, business or occupation or manufacturer which sells, rents or leases any portion of its stand, store or place of business or premises to another whose square footage will not be included in the return of the lessor shall report the fact of such sale, rent or leasing together with the name and address of the purchaser, renter or lessee in writing to the Director of Finance and Administration. Such report shall be made within five (5) days after such purchaser, renter or lessee has taken possession and shall include a general description of all the goods, commodities or waredispensing devices installed in the premises by such purchaser, renter or lessee.

Section 605.170. Examination Of Premises.**[CC 1990 § 17-17; Ord. No. 433 § 17, 4-2-1990]**

The Director of Finance and Administration shall have the right at all reasonable times during regular business hours to examine the premises for the purpose of determining the truthfulness and accuracy of any statements made by the applicant in his/her application for license or in the payment of his/her license tax.

Section 605.180. Condition Of Premises.**[CC 1990 § 17-18; Ord. No. 433 § 18, 4-2-1990]**

No license shall be issued for the conduct of any business, nor shall any license be renewed, if the premises and building to be used for such a purpose do not fully comply with the requirements of the building, maintenance, fire and health codes. No such license shall be issued for the conduct of a business or the performance of an act which would constitute a violation of the Zoning Code.

Section 605.190. Waiver Of Fee.**[CC 1990 § 17-19; Ord. No. 433 § 19, 4-2-1990]**

When, in the opinion of the City Council, it is in the best interest of the public welfare and when the license sought is for charitable purposes or for the City or a department of the City or is sponsored by a charitable, religious or non-profit association or group of persons, the license fee provided for may be waived. In no case shall the filing of an application be waived.

Section 605.200. Records.**[CC 1990 § 17-20; Ord. No. 433 § 20, 4-2-1990]**

The Director of Finance and Administration shall cause to be kept a record of every license issued, the amount of the fee paid, the purpose for which such license was issued, the location where the licensed privilege is to be exercised and the name of the licensee.

Section 605.210. License Revocation Or Suspension.**[CC 1990 § 17-21; Ord. No. 433 § 21, 4-2-1990]**

- A. Any license may be revoked by the City Administrator at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; or for violation of any provision of the business or enterprise for which the license has been issued. Such revocation shall become effective upon notice to such licensee. Such notice shall specify the reasons for suspension and may provide the conditions under which reinstatement of the license may be obtained. Upon compliance with such conditions within the time specified, such license may be restored.
- B. No licenses shall be suspended or revoked, except as provided in Subsection (C) hereof, until notice has been given to the licensee as hereinafter provided, until a reasonable time, not to exceed seven (7) days, has elapsed to enable the licensee to comply with the provisions of this Article and applicable State Statutes and until the licensee has been given an opportunity to appear at a hearing as provided in this Section. Such suspension or revocation of a license may be in addition to any fine imposed by this Article. No licensee whose license has been revoked, as provided in this Section, shall be eligible for a new license during the period for which the revoked license was originally issued.
- C. Anything herein or hereafter notwithstanding, the City Administrator may suspend, for a period not exceeding thirty (30) days, without prior warning, notice or hearing, any license issued under this Article during the term of such license for the failure of any licensee to comply with any provision of this Article, a Statute of the State or the license relating to the business, occupation or activity for which such license was issued if, in the judgment of the City Administrator, such failure constitutes a clear and present danger to the public safety.

- D. A license holder whose license is suspended or revoked shall immediately discontinue the business, occupation or activity for which the license was issued. A separate offense shall be deemed committed each day the license holder continues to do business after a license suspension or revocation.
- E. A licensee whose license is suspended may, at any time, petition, in writing, the City Administrator for a hearing or make a written application to the City Administrator for reinspection for the purpose of re-instatement of the license. Any such hearing shall be held as soon as possible and shall be conducted at a time and place designated by the Administrator. Based upon the record of such hearing, the Administrator, as the case may be, shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the licensee within seven (7) days after the hearing is concluded.
- F. The licensee may appeal any decision of the Administrator at such a hearing to the Finance and Administration Committee of the Council by giving written notice of a request for consideration by the Council of the Administrator's decision. Such notice must be received by the City Clerk within seven (7) working days from the receipt by the licensee of the written decision of the hearing.
- G. When the Council or the Administrator is aware of conditions which may justify the suspension or revocation of a license and schedules a hearing in that regard, written notice of that hearing shall be given to the licensee. Any such notice shall be deemed to have been properly served when it has been delivered personally to the licensee or when it has been sent by registered or certified mail, return receipt requested, to the last known residence or business address of the licensee.

Section 605.220. Violations — Penalties.**[CC 1990 § 17-22; Ord. No. 433 § 22, 4-2-1990]**

- A. **Delay In Payment.** All license fees provided for in this Article shall be deemed delinquent if not paid by July thirty-first (31st) of each year and any person so delinquent shall pay to the Director of Finance and Administration an additional ten percent (10%) of the amount due for the first (1st) month of such delinquency and one percent (1%) of the amount due for each month or part thereof that such delinquency thereafter continues, in addition to any other penalty described in this Article.
- B. **False Statement Causing Reduction In Payment.** Any person who makes a false statement which causes a reduction in any license fee shall be required to pay to the Director of Finance and Administration the additional amount due, plus a penalty of twenty-five percent (25%) of such additional amount, plus one percent (1%) interest per month or fraction thereof on such additional amount from the date originally due, in addition to any other penalties prescribed in this Article.
- C. **Non-Compliance Or Violation.** Any failure to comply with or any violation of any provision of this Article shall be guilty, upon conviction thereof, of an offense. Any fine assessed for such an offense shall be in addition to any other penalties assessed for delinquency or false statements causing a reduction in payment.

- D. Revocation. Any failure to comply with or any violation of any provisions of this Article by any licensee under this Article shall be cause for revocation or suspension of such license by the City Council upon recommendation of the City Administrator and such revocation or suspension shall be in addition to any other penalties prescribed in this Article.
- E. Penalty. Whoever violates or fails to comply with any of the provisions of this Article shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

Section 605.230. Disposition Of Funds.

[CC 1990 § 17-23; Ord. No. 433 § 23, 4-2-1990; Ord. No. 468 §§ 1 — 2, 7-16-1990]

- A. The funds derived from the collection of business license fees shall be general revenues of the City; however, they shall be expended only as approved by a majority of City Council. Funds so derived are to be directed for specific purposes such as, but not limited to:
1. Funding the establishment and operation of a Chesterfield Economic Development Council, should same be proposed in a form acceptable to the City;
 2. Capital improvement projects and the planning and/or engineering for such projects, which will enhance the development capability of the City and/or help to attract residential or commercial -development;
 3. Feasibility studies for bond issues, capital improvement projects, tax increment or "353" redevelopment projects;
 4. Funding projects which will enhance the overall quality of life within the City;
 5. Informational materials related to any of the above.

Section 605.240. Itinerant Merchants, Peddlers, Solicitors, Temporary Occupations And Businesses — Fee.¹

[CC 1990 § 17-24; Ord. No. 113 § 1, 6-6-1988]

The City shall collect a fee of twenty-five dollars (\$25.00) for itinerant merchants, peddlers, solicitors, temporary occupations and businesses.

Section 605.250. (Reserved)

1. Cross Reference: As to applicants for certificate of registration for soliciting to pay fee, § 605.280(B).

ARTICLE II

Solicitors²**Section 605.260. Definitions.**

[CC 1990 § 17-26; Ord. No. 91 § 1, 6-1-1988]

For purposes of this Article, the following terms shall have the meanings herein ascribed:

REGISTERED SOLICITOR — Any person who has obtained a valid certificate of registration, as hereinafter provided and who has such certificate in his/her possession and on his/her person while engaged in soliciting.

RESIDENCE — Every separate living unit occupied for residential purposes by one (1) or more persons and contained within any type of building or structure.

SOLICITING — Any one (1) or more of the following activities: seeking to obtain orders for purchase of goods, wares, merchandise, foodstuffs or services of any kind of description whatsoever; seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or seeking to obtain contributions or donations of money or any other thing of value, for the use or benefit of any benevolent, charitable, philanthropic, patriotic or eleemosynary association, organization or not-for-profit corporation.

Section 605.270. Certificate Of Registration Required.

[CC 1990 § 17-27; Ord. No. 91 § 2, 6-1-1988; Ord. No. 697 § 1, 8-17-1992]

It shall be unlawful for any person, firm or corporation not designated as a 501(c)(3) organization to go in or upon any private residence in the City for the purpose of soliciting from the occupants without having first applied for and received a certificate of registration as hereinafter provided. Members of an approved 26 U.S.C. 501(c)(3) (hereinafter 501(c)(3)) organization desiring to solicit may do so without obtaining certificates of registration and 501(c)(3) organizations are exempt from Sections 605.270 through 605.310 of this Article.

Section 605.280. Application.

[CC 1990 § 17-28; Ord. No. 91 § 3, 6-1-1988; Ord. No. 697 §§ 2 — 3, 8-17-1992]

- A. The applicant shall truthfully state in full the information requested on the application, which shall include at least the following:
1. Name and address of present place of residence and length of residence at such address; also business address if other than residence address and Social Security number.
 2. Physical description of applicant.

2. Cross Reference: As to definitions and rules of construction, § 100.020.

State Law References: Itinerant vendors, §§ 150.380 — 150.460, RSMo.; peddlers, §§ 150.470 — 150.540, RSMo.

3. Name and address of person, firm, corporation or association whom the applicant is employed by or represents and length of time of such employment or representation.
4. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in.
5. Period of time for which the certificate is applied for.
6. Date, or approximate date, of latest previous application for a certificate of registration under this Article, if any.
7. Whether a certificate of registration issued to the applicant under this Article has ever been revoked.
8. Whether the applicant has ever been convicted of a violation or any of the provisions of this Article or any ordinance of any other municipality regulating soliciting.
9. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Missouri or any other State or the Federal law of the United States.
10. Such additional information as the Chief of Police may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

- B. Each applicant shall pay an application fee as provided by the City Council.
- C. The City Administrator shall cause to be kept an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this Article and of the denial of applications.
- D. No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Missouri or any other State or the Federal law of the United States within five (5) years of the date of the application; nor to any person who has been convicted of a violation or any of the provisions of this Article; nor to any person whose certificate of registration issued hereunder had previously been revoked, as herein provided.
- E. No certificate of registration shall be issued to an applicant until:
 1. He/she demonstrates that he/she or his/her employer has a valid retail sales license issued by the State Director of Revenue as required by Section 144.083, RSMo.; or
 2. He/she demonstrates that the organization for which he/she wishes to solicit has as its primary purpose the influence of public policy.

Section 605.290. Issuance, Denial And Revocation Of Certificates.**[CC 1990 § 17-29; Ord. No. 91 § 4, 6-1-1988]**

The City Administrator, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required. Endorsement shall be made by the Chief of Police upon the application of the denial of an application.

Section 605.300. Duration — Renewal — Maximum Number.**[CC 1990 § 17-30; Ord. No. 91 § 5, 6-1-1988; Ord. No. 697 § 4, 8-17-1992]**

A certificate of registration shall be issued for a specific period of time not to exceed twenty-eight (28) calendar days. Renewal of certificates shall require an additional application fee. A maximum of three (3) certificates per year shall be issued to any person, firm or organization.

Section 605.310. Exhibition Of Certificate.**[CC 1990 § 17-31; Ord. No. 91 § 6, 6-1-1988]**

A certificate of registration issued pursuant to this Article shall be carried at all times by the solicitor to whom issued when soliciting or canvassing in the City and shall be exhibited by such solicitor whenever he/she shall be requested to do so by any officer of the City or by any person being solicited.

Section 605.320. Duty To Observe Notice.**[CC 1990 § 17-32; Ord. No. 91 § 7, 6-1-1988]**

- A. It shall be the duty of every solicitor upon going onto premises in the City to first examine any notice which may have been placed on such premises and to be governed by any statement contained in such notice.
- B. If the notice states "NO TRESPASSING OR SOLICITING ALLOWED", then the solicitor shall immediately and peacefully depart from the premises. Any such solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

Section 605.330. Soliciting In Violation Of Notice.³**[CC 1990 § 17-33; Ord. No. 91 § 8, 6-1-1988]**

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any manner calculated to attract the attention of the occupant to such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting either as herein defined or otherwise in defiance of the notice exhibited at the residence.

3. Cross Reference: As to nuisances, ch. 215.

Section 605.340. Hours Of Solicitation.⁴**[CC 1990 § 17-34; Ord. No. 91 § 9, 6-1-1988; Ord. No. 697 § 5, 8-17-1992]**

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Article or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon or rap or knock upon any door or create any sound in any other manner calculated for the purpose of securing an audience with the occupant thereof and to engage in soliciting, as herein defined, prior to 9:00 A.M. and after 7:00 P.M. during the fall and winter months of November, December, January, February and March and after 8:00 P.M. during the spring and summer months of April, May, June, July, August, September and October.

Section 605.350. Sale Of Goods Or Services Prohibited In Public Rights-Of-Way.⁵**[CC 1990 § 17-35; Ord. No. 91 § 10, 6-1-1988; Ord. No. 1150 § 1, 3-18-1996]**

- A. Notwithstanding the other terms and conditions of Ordinance No. 91 of the City of Chesterfield, the sale of goods and services for profit within the rights-of-way is prohibited except that solicitations of contributions from the occupant of any vehicle by a person standing on or in proximity to a street or highway will be permitted only at an intersection which is controlled by an electric signal and which meet the following conditions:
1. A permit is obtained from the City Clerk of the City of Chesterfield;
 2. The soliciting organization is a bona fide charitable organization as documented by having obtained tax exempt status under Section 501(C)3 from the Internal Revenue Service;
 3. All solicitors must be twenty-one (21) years of age or older;
 4. Only one (1) solicitation per organization annually will be approved and must be in conjunction with an area wide fundraising activity, area wide fundraising activity being designated as the Greater Metropolitan St. Louis area;
 5. The soliciting organization shall submit a written agreement wherein it will hold harmless the City of Chesterfield from any and all liability arising out of the solicitation by its members in the City of Chesterfield;
 6. All locations of such solicitations must be approved by the Chief of Police based on proper traffic and safety conditions;
 7. Solicitors must remain on the concrete median at all times during solicitation.

4. Cross Reference: As to nuisances, ch. 215.

5. Cross References: As to motor vehicles and traffic, Title III; as to streets and sidewalks, ch. 505.

Section 605.360. Vending Or Sale Of Merchandise Along Portions Of Certain State Highways Prohibited.

[CC 1990 § 17-35.1; Ord. No. 292 § 1, 5-15-1989; Ord. No. 515 § 1, 11-5-1990]

- A. In accordance with the authority granted to the City and in compliance with the contractual agreements entered into between the City of Chesterfield and the Missouri Highway and Transportation Department, the City hereby prohibits vending or sale of merchandise within the right-of-way limits as currently exist or as hereinafter obtained on the following;
1. State Highway 40, as it traverses through the City, between the intersection of Route 340 and Route 141.
 2. State Highway 340, as it traverses through the City.

Section 605.370. Restriction On Manner Of Solicitation.

[CC 1990 § 17-37; Ord. No. 697 § 6, 8-17-1992]

It is hereby declared to be unlawful and shall constitute a nuisance and an invitation of privacy for any person to go upon any premises and ring the doorbell upon or near any door other than the front door of a residence located thereon or rap or knock upon any door other than the front door or create any sound in any manner from a place other than the front door calculated for the purpose of securing an audience with the occupant thereof and to engage in soliciting as herein defined. For the purpose of this Section, a "front door" is defined as the main entrance to a residence.

Section 605.380. Time Limits For Solicitation Applications.

[CC 1990 § 17-38; Ord. No. 1436 § 1, 8-17-1998]

No new names may be submitted to the City Clerk for processing with the applications any later than the seventh (7th) day after the permit is issued.

Section 605.390. through Section 605.450. (Reserved)

ARTICLE III
Vending Machines

Section 605.460. Definitions.⁶

[CC 1990 § 17-46; Ord. No. 90 § 1, 6-1-1988; Ord. No. 2012 § 1, 8-19-1996]

For the purposes of this Article, the following words and terms shall have the meanings ascribed to them:

6. Cross Reference: As to definitions and rules of construction, § 100.020.

AMUSEMENT DEVICE — Any amusement machine or device operated by means of the insertion of a coin, token or similar object for the purpose of amusement or skill and for the playing of which a fee is charged including, but not limited to, any such machine or device capable of reproducing musical sounds.

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

Section 605.470. License Required.

[CC 1990 § 17-47; Ord. No. 90 § 2, 6-1-1988]

No person shall exhibit or make available for use, for a consideration, any automatic vending machine defined herein as an amusement, beverage, cigarette, food or any similar machine in any location that does not possess and prominently display a license sticker specifically issued to that machine to which is affixed a stamp for each of every type of vending machine located on the premises.

Section 605.480. License Fees.

[CC 1990 § 17-48; Ord. No. 90 § 3, 6-1-1988; Ord. No. 248 § 1, 2-22-1989; Ord. No. 311 § 1, 6-19-1989; Ord. No. 929 § 1, 7-18-1994]

Before any license shall be issued under this Article, the applicant shall pay to the Director of Finance and Administration of the City the sum of twenty-five dollars (\$25.00) per vending machine as an annual license tax for each vending machine placed in the City of Chesterfield. When any vending machine license is issued after the thirty-first (31st) day of December of any year, the fee for the remaining part of the year shall be twelve dollars fifty cents (\$12.50) per machine. Upon payment of the fee as required above, the Director of Finance and Administration shall issue an annual license sticker. The sticker shall not be transferable or assignable and shall be applied to the front of the vending machine on the upper right-hand corner.

Section 605.490. through Section 605.590. (Reserved)

ARTICLE IV

Tourist Camps

Section 605.600. Defined.

[CC 1990 § 17-61; Ord. No. 1003 § 1, 3-6-1995]

Every campsite, building, group of buildings or other structure or other structures, kept, used, maintained or advertised or held out to the public to be a place where sleeping accommodations are furnished for pay for any form of consideration or at no charge to transients, tourists or persons traveling by automobile or other mode in which one (1) or more campsites, rooms, cottages, cabins or buildings are supplied for the accommodation of such guests, whether furnished or unfurnished, with or without meals, shall for the purpose of this Article be deemed a tourist camp.

Section 605.610. License Required.**[CC 1990 § 17-62; Ord. No. 1003 § 2, 3-6-1995]**

No tourist camp shall be operated, maintained or conducted in this City after the taking of the effect of this Article without a license issued pursuant to the license ordinance of the City without obtaining a permit from the Public Works Director for the operation or conducting of said camp in conformance with the requirements set forth in this Article, whether said camp be for a short period, a specific incident or for an indefinite duration.

Section 605.620. Inspection Required.**[CC 1990 § 17-63; Ord. No. 1003 § 3, 3-6-1995]**

No owner of any campsite building, group of buildings, structure or structures shall lease or let the same to be used as a tourist camp until the same has been inspected and approved for such purpose by the Department of Planning, Public Works and Parks.

Section 605.630. Rules And Regulations.**[CC 1990 § 17-64; Ord. No. 1003 § 4, 3-6-1995]**

- A. Rules and regulations respecting campsites, rooms, beddings and sanitary conditions are as follows: The permit shall contain such conditions as are necessary for the protection of the public health and safety and traffic and shall include, but is not limited to:
1. Assurance or guarantee of the owner of said property of compliance with the ordinance of the City.
 2. Liability policy naming the City as a loss payee in the sum of one million dollars (\$1,000,000.00).
 3. Adequate health facilities to maintain sanitary conditions.
 4. An adequate traffic control plan.
 5. Adequate security measures.

Section 605.640. Additional Regulations.**[CC 1990 § 17-65; Ord. No. 1003 § 5, 3-6-1995]**

Proprietors in addition to complying with this Article must comply with any other applicable rules, regulations or permit requirements from any other applicable government entity to include, but not limited to, State, County, DNR, etc.

Section 605.650. Copies Of Article — Posting Requirements.**[CC 1990 § 17-66; Ord. No. 1003 § 6, 3-6-1995]**

The City Clerk is required to furnish to every tourist camp proprietor copies of this Article which the proprietor is required to post in a place where all tourists can read it.

Section 605.660. Inspections To Ensure Compliance.**[CC 1990 § 17-67; Ord. No. 1003 § 7, 3-6-1995]**

The City Police shall make inspections as may be necessary to ensure compliance with this Article.

Section 605.670. Penalty For Violation.**[CC 1990 § 17-68; Ord. No. 1003 § 8, 3-6-1995]**

Violation of this Article shall be punishable by fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) for each and every occurrence or by imprisonment for a period not to exceed three (3) months, or by both fine and imprisonment.

Section 605.680. Exemptions.**[CC 1990 § 17-69; Ord. No. 1003 § 9, 3-6-1995]**

The provisions of this Article shall not apply to any "tourist camp" as defined herein that holds a license under Chapter 315, RSMo.

Section 605.690. through Section 605.730. (Reserved)**ARTICLE V
Pawnbrokers****Section 605.740. Definitions.****[CC 1990 § 17-81; Ord. No. 1452 § 1, 9-23-1998]**

For the purposes of this Chapter, the following terms shall have the meanings assigned to them by this Section, unless the context of their use in this Chapter clearly requires otherwise:

ARTICLE — Any used item acquired for resale, which is of a class of merchandise or commodity that includes, but is not limited to, automobile parts and accessories, wearing apparel, furniture, plumbing and construction materials, household appliances, musical instruments, sporting equipment, glassware, poles, wire and scrap metal.

MANAGER — Any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of a pawnshop.

MONTH — That period of time from one (1) date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last day of such following month and when computations are made for a fraction of a month, a day shall be one-thirtieth (1/30th) of a month.

NET ASSETS — The book value of the current assets of a person or pawnbroker less its applicable liabilities as stated herein. Current assets include the investment made in cash, deposits, merchandise inventory and loans due from customers excluding the pawn service

charge. Current assets do not include the investments made in fixed assets of real estate, furniture, fixtures or equipment; investments made in stocks, bonds or other securities; or investments made in prepaid expenses or other general intangibles. Applicable liabilities include trade or other accounts payable, accrued sales, income or other taxes; accrued expenses; and notes or other payables that are unsecured or secured in whole or in part by current assets. Applicable liabilities to do not include liabilities secured by assets other than current assets. Net assets must be represented by a capital investment unencumbered by any liens or other encumbrances or be subject to the claims of general creditors.

OWNER OR OWNERS — The proprietor, if a sole proprietorship; all partners (general and limited), if a partnership; or all City Officers, directors and persons holding ten percent (10%) or more of the outstanding shares of a corporation.

PAWNBROKER — Any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PAWNSHOP — This word shall have the same meaning as set out in Section 405.030.

PERSON — An individual, partnership, corporation, joint venture, trust, association or any other legal entity, however organized.

PERSON OF GOOD MORAL CHARACTER — In addition to other factors making a person of good moral character, a person who has not been convicted of a felony or released from confinement for conviction of a felony, whichever event is later, within five (5) years immediately preceding the date of application for pawnbroker license, or has not been convicted of a misdemeanor or released from confinement for conviction of a misdemeanor, whichever event is later, within two (2) years immediately preceding the date of application for pawnbroker license, where such felony or misdemeanor involved the operation of a pawnshop, theft, stealing, robbery, burglary or receipt of stolen property and related offenses as defined in the Missouri Criminal Code or similar Statutes, or has not been convicted of municipal ordinance violation or released from confinement for conviction of a municipal ordinance violation, whichever event is later, within two (2) years immediately preceding the date of application for pawnbroker license, where such municipal ordinance violation involved the operation of a pawnshop, theft, stealing, robbery, burglary or receipt of stolen property.

PLEGGED GOODS — Tangible personal property other than choses in action, securities or printed evidences of indebtedness which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his/her business in connection with a pawn transaction.

SECURED PERSONAL CREDIT LOAN — Every loan of money made in this State, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan is a subsisting obligation.

VALUE — The fair market retail value of the article at the time and place of the acquisition of the article by the dealer or, where no reasonable monetary value can be ascertained, the cost of replacement of the article. It is expressly provided that value, as used in this Chapter, shall not be determined by the cost of the article as paid by the dealer.

Section 605.750. Daily Report To Chief Of Police By Pawnbrokers.**[CC 1990 § 17-82; Ord. No. 1452 § 2, 9-23-1998]**

It shall be the duty of every person licensed as a pawnbroker under the provisions of this Chapter to make out and deliver to the Chief of Police each day, a report as to all personal property or other valuable things received, deposited or purchased during the preceding day, together with the time when received or purchased and a description of the person by whom left in pledge or from whom such property or things were purchased, provided that no person shall be required to furnish such description of any property purchased from manufacturers or wholesale dealers having an established place of business or of any goods purchased in open sale from any bankrupt stock or from any other person having an established place of business, but such purchased goods must be accompanied by a bill of sale or other evidence of open and legitimate purchase and must be verified as such to any member of the Police Department when demanded.

Section 605.760. Reports Maintained A Public Record.**[CC 1990 § 17-83; Ord. No. 1452 § 3, 9-23-1998]**

Reports received by the Chief of Police shall be maintained by the Police Department for a minimum of one (1) year and shall be and remain a public record. The database shall also contain such security features and protections as may be necessary to ensure that the reportable data maintained in the database can only be accessed by permitted users in accordance with the provisions of this Section.

Section 605.770. License Required.**[CC 1990 § 17-84; Ord. No. 1452 § 4, 9-23-1998]**

- A. It shall be unlawful for any person to operate a pawnshop unless said pawnshop is currently licensed as a pawnshop issued pursuant to this Section as authorized by the Revised Statutes of Missouri. To be eligible for a pawnshop license, an applicant shall:
1. Be a person of good moral character;
 2. Have net assets of at least fifty thousand dollars (\$50,000.00) readily available for use in conducting business for each licensed pawnshop;
 3. Show that the pawnshop will be operated lawfully and fairly under State law and City ordinance; and
 4. Possess a "Certificate of Registration" from the Missouri Division of Finance to conduct a pawnbrokering business.
- B. Every pawnbroker must obtain a license for each place where such pawnbrokering business is transacted and no one shall act as an agent, employee or solicitor for any pawnbroker while such pawnbroker is engaged in such business at a place other than that specified in the license.
- C. An application for a new pawnshop license, the transfer of an existing pawnshop license or the approval of a change in the ownership of a licensed pawnshop shall be

under oath and shall state the full name and place of residence of the applicant, the place where the business is to be conducted, and other relevant information required by the City. If the applicant is a partnership, the City may require that the application state the full name and address of each member. If the applicant is a corporation, the application shall state the full name and address of each officer, shareholder, and director. The application shall be accompanied by:

1. An investigation fee of five hundred dollars (\$500.00) if the applicant is unlicensed at the time of applying for the pawnshop license or two hundred fifty dollars (\$250.00) if the application involves a second (2nd) or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location; and
 2. Proof of general liability if required by the City, and an annual fee of five hundred dollars (\$500.00).
- D. Each applicant for a pawnshop license at the time of filing application shall file with the City, if the City so requires, a bond satisfactory to him/her and in an amount not to exceed five thousand dollars (\$5,000.00) for each license with a surety company qualified to do business in this City. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the City for the use of the City and of any person or persons who may have a cause of action against the obligor of such bond under the provisions of Sections 367.011 to 367.060, RSMo. Such bond shall be conditioned that the obligor will comply with the provisions of Sections 367.011 to 367.060, RSMo., and of all rules and regulations lawfully made by the City, and will pay to the City and to any such person or persons any and all amounts of money that may become due or owing to the City or to such person or persons from such obligor under and by virtue of the provisions of Sections 367.011 to 367.060, RSMo., during the time such bond is in effect.
- E. Each applicant for a pawnshop license at the time of filing application shall file with the City of Chesterfield a bond satisfactory to it and in the amount of ten thousand dollars (\$10,000.00) for each license with a surety company qualified to do business in this State. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the City for the use of the City and of any person or persons who may have a cause of action against the obligor of such bond under the provisions of Sections 367.011 to 367.060, RSMo., or this Article. Such bond shall be conditioned that the obligor will comply with the provisions of Sections 367.011 to 367.060, RSMo., and of all rules and regulations lawfully made by the City of Chesterfield and will pay to the City and to any such person or persons any and all amounts of money that may become due or owing to the City or to such person or persons from such obligor under and by virtue of the provisions of Sections 367.011 to 367.060, RSMo., or provisions of this Article during the time such bond is in effect. Each applicant will pay all costs, fines and penalties incurred on account of their failure or neglect in this regard and will pay all damages resulting to the City, the State, or to any person by reason of their violations of the Revised Statutes of Missouri or this Article or their failure to maintain adequate net assets as defined herein.

- F. If the City of Chesterfield is unable to verify that the applicant meets the net assets requirement for a licensed pawnshop, the City of Chesterfield may require a finding, including the presentation of a current balance sheet, by an independent certified public accountant that the accountant has reviewed the books and records of the applicant and that the applicant meets the net assets requirement of this Section.
- G. A satisfactory public liability insurance policy shall be filed with the City by the applicant covering all operations of said applicant. The sum of at least one hundred thousand dollars (\$100,000.00) for each person injured and the sum of at least three hundred thousand dollars (\$300,000.00) in the case of injury to two (2) or more persons in any one (1) occurrence and the sum of at least one hundred thousand dollars (\$100,000.00) for damage to property shall be provided. Such policy shall provide that the City shall be notified of any cancellation or alteration by the insurance carrier within ten (10) days before such cancellation or alteration becomes effective.
- H. A pawnshop license shall expire on June thirtieth (30th) of each year.
- I. Investigation Fee. Each application for a license shall be accompanied by an investigation fee of five hundred dollars (\$500.00) if the applicant is not licensed at the time of applying for a pawnshop license or two hundred fifty dollars (\$250.00) if the application involves a second (2nd) or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separation location.

Section 605.780. Display Of License.**[CC 1990 § 17-85; Ord. No. 1452 § 5, 9-23-1998]**

The license provided for in this Chapter shall designate the licensed location and shall be posted conspicuously on the premises.

Section 605.790. Annual Fee.**[CC 1990 § 17-86; Ord. No. 1452 § 6, 9-23-1998]**

Licensee shall pay an annual license fee of five hundred dollars (\$500.00) for each license due as any other license fee under the provisions of the City.

Section 605.800. Revocation Of License.**[CC 1990 § 17-87; Ord. No. 1452 § 7, 9-23-1998]**

If any pawnbroker or his/her agents, servants or employees shall violate any of the provisions of this Chapter or Chapter 367, RSMo., and is finally convicted in any court of the City or State; fails to comply with the provisions of this Chapter; or fails to remain a person of good moral character, the license or license issued under this Chapter to said pawnbroker may be suspended or revoked by the City Council after a hearing before the City Council. Ten (10) days' written notice of the hearing to suspend or revoke stating the grounds thereof shall be delivered to said pawnbroker at his/her place of business as set forth in any license of said pawnbroker or by leaving or posting said notice at said address. The pawnbroker shall have

the right at the hearing to be represented by an attorney, to cross-examine witnesses, to present evidence and to testify on his/her own behalf. The hearing shall be held in public at a regular or specially called meeting of the City Council. Upon suspension or revocation of any license, no license fee paid shall be refunded to the licensee.

Section 605.810. Validity Of Existing Licenses.

[CC 1990 § 17-88; Ord. No. 1452 § 8, 9-23-1998]

- A. The City shall allow any person lawfully operating a pawnshop on the effective date of this Article to continue operating such business without obtaining a license required by this Chapter so long as such person does not violate any of the provisions of this Chapter, except that such person shall be required to apply for a pawnbroker's license pursuant to this Chapter when said person's occupational license is next due and he/she shall be required to pay the five hundred dollar (\$500.00) annual fee prescribed, but shall not be required to pay an investigation fee.
- B. Subject to the provisions of Section 605.810(A), no license for engaging in the business of pawnbrokers shall be issued when the issuance thereof would increase the number of such licenses outstanding and in force at the time to more than one (1) per fifty thousand (50,000) inhabitants.

Section 605.820. Pawnshop Dealer Manager's Permit.

[CC 1990 § 17-89; Ord. No. 1452 § 9, 9-23-1998]

- A. It shall be unlawful for any person, other than an owner, who works as a manager at a pawnshop to do so without having first obtained from the City a manager permit, to be designated as a "pawnshop dealer manager's permit", or to work as a manager at such business after such person's manager's permit has been revoked, or while such person's permit is suspended.
- B. All application for a pawnshop manager's permit (manager's permit) shall be signed by the applicant and be notarized. All applications shall be submitted on a form supplied by the City and shall require the following information:
 1. The applicant's name, home address, home telephone number, date and place of birth and Social Security number;
 2. The name and address of the business at which the applicant intends to work as a manager and an "intent to hire" statement from the business that is licensed, or that has applied for a license, under the provisions of this Chapter;
 3. A statement from the applicant that he/she is a person of good moral character and that the applicant has not been convicted of any felony, misdemeanor or municipal ordinance which makes the applicant presently unfit for a pawnshop dealer manager's permit; and
 4. Any other information deemed relevant by the City for the efficient administration of this provision.

- C. Pawnshop dealer manager's permits shall be valid for a period of three (3) years from the date of issuance. A fee of fifteen dollars (\$15.00) shall be payable at the time the application for the permit or renewal is submitted for approval. Renewals shall be made in the same manner as provided for above.
- D. Failure to provide information required by this Section shall constitute an incomplete application and the incomplete application shall not be processed.

Section 605.830. Issuance Of License Or Permit — Findings.

[CC 1990 § 17-90; Ord. No. 1452 § 10, 9-23-1998]

- A. After an investigation, the City shall issue the applicable license required authorized by this Chapter if the City finds:
 - 1. That the business for which a license is required herein will be conducted in a building, structure and location which complies with the requirements of and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the City, as well as the requirements of this Chapter;
 - 2. That the applicant has not made any false, misleading or fraudulent statement of material fact in the application for a license or in any report or record required to be filed with the City (as part of the original license application for renewal thereof);
 - 3. That the applicant is a person of good moral character; and
 - 4. That the applicant has not had a license or permit issued under the provisions of this Chapter revoked within five (5) years immediately preceding the application.
- B. After an investigation, the City shall issue or renew any applicable pawnbroker dealer manager's permit authorized by this Chapter if the City finds:
 - 1. That the applicant has not made any false, misleading or fraudulent statement of material fact in the application for a permit or the renewal thereof;
 - 2. That the applicant is person of good moral character; and
 - 3. That the applicant has not had a license or manager's permit issued under the provisions of the Chapter revoked within five (5) years immediately preceding the application.

Section 605.840. Compliance With Other City Ordinances Required.

[CC 1990 § 17-91; Ord. No. 1452 § 11, 9-23-1998]

It shall be unlawful for a pawnshop owner not to comply with the building codes, zoning, fire and health and property maintenance ordinances of the City and with regulations of such departments of the City. Failure to comply with such ordinances or regulations may be a basis for suspension, revocation or non-renewal of the license issued to that owner.

Section 605.850. Manager Or Owner On Premises.**[CC 1990 § 17-92; Ord. No. 1452 § 12, 9-23-1998]**

- A. A pawnshop dealer manager permit holder or owner shall be on duty at a pawnshop at all times the pawnshop is open for business. The name of the manager or owner on duty shall be prominently posted during business hours.
- B. It shall be responsibility of the manager or owner to have on the premise the names, addresses, home telephone numbers, date and place of birth and Social Security numbers of all current and former (prior two (2) years) employees.

Section 605.860. Register — Requirements.**[CC 1990 § 17-93; Ord. No. 1452 § 13, 9-23-1998]**

- A. Every pawnbroker shall keep at his/her place of business a clean and legible register in which he/she shall enter, in writing or electronically, a detailed description to include, but not be limited to, make, model, serial number, color, appropriate carat weight, gold content, number and description of stones and engraving or any unique identifying characteristics of all property taken, purchased or received, including any number that may be in or upon any article, together with the time and date acquired and a complete description of the person leaving or selling the property giving his/her name, age, race, sex, color of eyes and hair, weight, height, scars, tattoos or other identifying physical characteristics, driver's license number, military identification number, home telephone number, identification certificate number or other official number capable of identifying the person and place of residence, including street and number. The amount lent shall also be entered in the register together with the interest charged and the maturity date of the loan. Every entry shall be made in ink and shall not, in any manner, be erased, obliterated or defaced. The pawnbroker shall get from the seller or person pledging the property a signed document from the seller or person pledging the property providing that the seller or person pledging the property has the right to sell the property.
- B. The register and documents provided for in this Section shall at all times be open to inspection by any Police Officer or anyone authorized in writing for that purpose by the Chief of Police. Every pawnbroker shall also, upon request, show and exhibit to any such person or Police Officer for inspection any article purchased, taken or received by him/her.

Section 605.870. Receipt For Pledged Goods.**[CC 1990 § 17-94; Ord. No. 1452 § 14, 9-23-1998]**

- A. At the time of making any secured personal credit loan, a pawnbroker shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The pawnbroker shall keep and maintain for inspection in the same manner as the register a copy or second (2nd) original of every receipt. The receipt shall contain the following:
 - 1. The name and address of the pawnshop;

2. The name and address of the pledgor, the pledgor's description and the driver's license number, military identification number, Social Security number, identification certificate number or other official number capable of identifying the pledgor;
 3. The right index fingerprint of the pledgor for all pledged goods for which the amount of cash advanced or credit extended to the pledgor exceeds fifty dollars (\$50.00);
 4. An identification and description of the pledged goods, including brand name, model and serial numbers, if reasonably available;
 5. The amount of cash advanced or credit extended to the pledgor;
 6. The amount of the pawn service charge;
 7. The total amount which must be paid to redeem the pledged goods on the maturity date;
 8. The maturity date of the pawn transaction; and
 9. A statement to the effect that the pledgor is not obligated to redeem the pledged goods and that the pledged goods may be forfeited to the pawnbroker sixty (60) days after the specified maturity date.
- B. No pawnbroker shall accept pledged property or purchase or trade property, unless a photograph or videotape of the pledgor/seller/trader is taken by the pawnbroker and identified with the receipt issued to the pledgor/seller/trader. Said photograph or videotape shall be maintained and be available for inspection by the Police upon their request. Every pawnbroker shall display a notice to his/her customers in a prominent place that the pawnbroker is required by City ordinance to photograph or video tape every person pledging, trading or selling an item.
- C. If the pawn ticket is lost, destroyed or stolen, the pledgor may so notify the pawnbroker in writing and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given and the number of the pawn ticket lost, destroyed or stolen. The affidavit shall be signed by a notary public.
- D. Receipt entries shall be made in ink or indelible pencil and said entries shall not be erased, obliterated or altered in any way so as to cause said entries to become illegible.
- E. Receipts must be maintained in a form which contains a pre-printed, sequential numbering or lettering system.
- F. An identifying tag or sticker must be attached to all pledged goods and shall remain on said pledged goods until redeemed or otherwise disposed of.
- G. Every pawnbroker shall maintain and shall deliver or otherwise make available, upon request of the Chief of Police, a copy of all receipts.

Section 605.880. Interest Rates.**[CC 1990 § 17-95; Ord. No. 1452 § 15, 9-23-1998]**

The maximum rate of interest which may be charged for making and carrying any secured personal credit loan shall not exceed two percent (2%) per month on the amount of such loan. Pawnbrokers may also charge for the storage and security of such pledged property.

Section 605.890. Loans Due And Return Of Collateral.**[CC 1990 § 17-96; Ord. No. 1452 § 16, 9-23-1998]**

- A. Every secured personal credit loan shall be due and payable in lump sum thirty (30) days after the date of the loan contract or, if extended, thirty (30) days after the date of the last preceding extension of the loan and if not so paid when due, it shall, on the next day following, be in default. The pawnbroker shall retain possession of the tangible personal property subjected to the security interest to secure payment of any secured personal credit loan for a period of sixty (60) days next following the date of default. If, during the period of sixty (60) days, the borrower shall pay to the pawnbroker the principal sum of the loan with the loan fee or fees and the interest due thereon to the date of payment, the pawnbroker shall thereupon deliver possession of the tangible personal property to the borrower. But if the borrower fails during the period of sixty (60) days to make payment, then title to the tangible personal property shall, on the day following the expiration of the period of sixty (60) days, pass to the pawnbroker without foreclosure and the right of redemption by the borrower shall be forever barred.
- B. A pledgor shall have no obligation to redeem pledged goods or make any payment on a pawn transaction.
- C. Except as otherwise provided by State Statute, any person providing proper identification and presenting a pawn ticket to the pawnbroker shall be presumed to be entitled to redeem the pledged goods described therein.

Section 605.900. Restriction On Pawnshop Operations.**[CC 1990 § 17-97; Ord. No. 1452 § 17, 9-23-1998]**

- A. A pawnbroker shall not:
 - 1. Accept a pledge from a person who is under eighteen (18) years of age;
 - 2. Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction;
 - 3. Accept a waiver, in writing or otherwise, of any right or protection accorded a pledgor under State law or City ordinance;
 - 4. Fail to exercise reasonable care to protect pledged goods from loss or damage;
 - 5. Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker for the pawn transaction. In the event such pledged goods are lost

or damaged as a result of pawnbroker negligence while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kind of merchandise. Pawnbrokers shall not be responsible for loss of pledged articles due to acts of God, acts of war or riots. Each pawnbroker shall employ, if reasonably available, a reputable company for the purpose of fire and theft security.

6. Purchase or take in trade used or secondhand personal property unless a record is established that contains:
 - a. The name, address, physical description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the seller;
 - b. A complete description of the property, including the serial number if reasonably available, or other identifying characteristic; and
 - c. A signed document from the seller providing that the seller has the right to sell the property.

Section 605.910. Record Keeping.

[CC 1990 § 17-98; Ord. No. 1452 § 18, 9-23-1998]

Each pawnbroker shall keep, consistent with accepted accounting practice, adequate books and records relating to the pawnbrokers transactions, which books and records shall be preserved for a period of at least two (2) years from the date of the last transaction recorded therein.

Section 605.920. Pawnshops Not To Be Used As Residence.

[CC 1990 § 17-99; Ord. No. 1452 § 19, 9-23-1998]

No pawnbroker or member of a pawnbroker's family or employee or any person shall be permitted to live in a pawnshop or in rooms connecting therewith.

Section 605.930. Hours Of Operation.

[CC 1990 § 17-100; Ord. No. 1452 § 20, 9-23-1998]

No person shall be open for business or receive as pay pledge or purchased on any condition ever any article or personal property or valuable thing between the hours of 8:00 P.M. on any day and 7:00 A.M. on the following day.

Section 605.940. Notice Of Goods To Be Shipped Out Of Town.

[CC 1990 § 17-101; Ord. No. 1452 § 21, 9-23-1998]

Every pawnbroker shall give the Chief of Police notice of all pawned goods to be shipped out of town, said notice shall give the name of the pledges and the destination and date of

shipment. Such goods shall not be shipped for at least seven (7) days after delivery of the copy of the register to the Superintendent.

Section 605.950. Penalty.

[CC 1990 § 17-102; Ord. No. 1452 § 22, 9-23-1998]

Any person who violates any provision or fails to perform any requirement of this Chapter shall be subject to the general penalty provision of the "licenses and business regulations" Section of the City of Chesterfield Code, Section 605.220.

Section 605.960. through Section 605.1010. (Reserved)

ARTICLE VI
Tobacco Products

Section 605.1020. Definitions.

[CC 1990 § 17-115; Ord. No. 1586 § 1, 1-3-2000]

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

CIGARETTE — An item manufactured of tobacco or any substitute therefor, wrapped in paper or any substitute therefor, weighing not to exceed three (3) pounds per one thousand (1,000) cigarettes and which is commonly classified, labeled or advertised as a cigarette.

PACKAGE OF CIGARETTES — A container of any type composition in which is normally contained twenty (20) individual cigarettes, except as in special instances when the number may be more or less than twenty (20).

RETAILER — Any person who sells to a consumer or to any person for any purpose other than resale.

SALE — Includes sales, barter, exchanges and every other manner, method and form of transferring the ownership of personal property from one (1) person to another. "Sale" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption.

WHOLESALE — Any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his or her or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the State who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this Chapter, who so sells or so distributes cigarettes or tobacco products.

Section 605.1030. Permit — Required.**[CC 1990 § 17-116; Ord. No. 1586 § 2, 1-3-2000]**

- A. Every wholesale dealer, retail dealer, manufacturer or other person engaged in selling cigarettes or offering, delivering or displaying cigarettes for sale within the City shall procure an annual permit for such selling and distribution of cigarettes and, at the time such permit is issued, shall pay to the Director of Finance and Administration a fee of one hundred fifty dollars (\$150.00). A store or other business that employs others to sell products to the public shall only need to obtain one (1) permit to cover all employees.
- B. It shall be unlawful for any person to engage in the sale of cigarettes, or offer, deliver or display cigarettes for sale or offer cigarettes for promotional purposes or otherwise dispose of the same within the City without first procuring the annual permit as required by this Section.
- C. Cigarettes in the possession of a person who does not have a permit as required by this Section and who is engaged in any of the activities described in this Section shall be presumed to be contraband and the possession thereof shall be in violation of this Article. Cigarettes which are contraband shall be subject to seizure by the Director of Finance and Administration, the Director's authorized agent or a Police Officer.
- D. Whenever any cigarettes are seized pursuant to this Section, the Director of Finance and Administration shall provide a due process hearing within seven (7) days from the date of the seizure to the person from whom the cigarettes were seized to determine if a permit was required. In the event the Director of Finance and Administration determines that the person who had possession of the cigarettes was required to have a permit and did not possess the same, then the Director may declare the cigarettes contraband thereby forfeiting the cigarettes. The Director shall sell the forfeited cigarettes within forty (40) days and the sum received therefrom placed in the General Fund of the City of Chesterfield. In addition to the forfeiture of the contracted cigarettes, the Director may suspend or revoke the permit of any dealer to sell cigarettes within the City. Notice of the hearing and procedures at the hearing to forfeit the cigarettes shall be given to the apparent owner or person in control at least fourteen (14) days prior to the forfeiture hearing.
 1. The City Administrator shall within seven (7) days after such hearing, if it is determined after such hearing that the license should be revoked or suspended, state the reason for such determination in a written order, the period of suspension or that the license has been revoked and serve a copy of such order within the seven (7) days upon the licensee.
 2. Any licensee determined by the City Administrator to have violated any of the provisions of the Article shall pay to the City the costs of the hearing before the City Administrator on such violation. The City Administrator shall determine the costs incurred by the City for said hearing including, but not limited to, court reporter's fees, the costs of transcripts or records, attorneys' fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the City or such lesser sum as the City Administrator may allow.

3. The licensee shall pay said costs to the City within thirty (30) days of notification of the costs by the City Administrator. Failure to pay said costs within thirty (30) days of notification is a violation of this Article and may be cause for the license suspension or revocation.
4. Any person aggrieved by the decision of the City Administrator may appeal the decision under Chapter 536, RSMo.

Section 605.1040. Application — Issuance — Non-Transferable — Display.

[CC 1990 § 17-117; Ord. No. 1586 § 3, 1-3-2000]

Every person desiring to engage in the sale of cigarettes activities described in Section 605.1030 within the City, including retail dealers and wholesale dealers, shall file an application for a cigarette permit as provided in Section 605.1030. Every application for a cigarette permit shall be made upon a form prescribed, prepared and furnished by the Director of Finance and Administration and shall set forth such information as the Director shall require. Upon approval of the application, the Director of Finance and Administration shall grant and issue to the applicant a cigarette permit for each place of business within the City set forth in the application. Cigarette permits shall not be assignable and shall be valid only for the persons in whose names they are issued and for the transaction of business in the places designated therein. Said permits shall at all times be conspicuously displayed at the places for which issued.

Section 605.1050. Term, Replacement Of Lost Or Mutilated Permit — Fee.

[CC 1990 § 17-118; Ord. No. 1586 § 4, 1-3-2000]

- A. All permits shall expire on June thirtieth (30th) of the current calendar year, unless sooner suspended, surrendered or revoked by the Director of Finance and Administration.
- B. Whenever any permit issued under the provisions of this Article is defaced, destroyed or lost, the Director of Finance and Administration shall issue a duplicate permit for the defaced, destroyed or lost permit.

Section 605.1060. Suspension And Revocation.

[CC 1990 § 17-119; Ord. No. 1586 § 5, 1-3-2000]

The City Administrator may suspend or, after hearing, revoke a cigarette permit whenever he/she finds that the holder thereof has failed to comply with any of the provisions of this Article or any rules or regulations prescribed or promulgated under this Article after a hearing as set out in Section 605.1030. Upon suspending or revoking any cigarette permit, the City Administrator shall request the holder thereof to surrender to the Director of Finance and Administration immediately all permits or duplicates thereof and the holder shall surrender promptly all such permits as requested.

Section 605.1070. Levy Of Occupational License Tax.**[CC 1990 § 17-120; Ord. No. 1586 § 6, 1-3-2000]**

Every wholesaler shall pay an occupational license tax as provided by City Ordinance.

Section 605.1080. Duty To Buy From Licensed Dealer.**[CC 1990 § 17-121; Ord. No. 1586 § 7, 1-3-2000]**

It shall be unlawful for a retail dealer or any other person who engages in the activities described in Section 605.1030 to buy or obtain their cigarettes from any person other than a person who is licensed as a wholesale or retail dealer.

Section 605.1090. Vending Machines.**[CC 1990 § 17-122; Ord. No. 1586 § 8, 1-3-2000]**

Information To Be Posted On Front Of Each Machine. Vendors of cigarettes by machine shall at all times maintain upon any such machine, when the same is being used for the sale and distribution of cigarettes within the City, a legend, by stenciling, engraving or other legible device, bearing the name, address and telephone number of the vendor and such legend shall be located on the front of the machine in a place readily visible to a user of the machine.

Section 605.1100. Power Of Director Of Finance And Administration To Prescribe Rules And Regulations.**[CC 1990 § 17-123; Ord. No. 1586 § 9, 1-3-2000]**

In addition to the powers granted to the Director of Finance and Administration by this Article, the Director is hereby authorized and empowered to delegate the Director's powers to a deputy or other employee of this office or, with the consent of the City Administrator, to delegate his/her powers to the Chief of Police.

Section 605.1110. Penalty.**[CC 1990 § 17-124; Ord. No. 1586 § 10, 1-3-2000]**

Any person violating this Article shall be punished by a fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or imprisonment. Each day that any retail dealer (as defined herein) fails to comply with the permit requirements shall be deemed a separate offense.

Section 605.1120. through Section 605.1170. (Reserved)

ARTICLE VII

Adult Entertainment Businesses**Section 605.1180. Intent And Purpose.****[CC 1990 § 17-151; Ord. No. 2181 § 2, 7-18-2005]**

- A. It is the purpose of this Article to regulate sexually oriented businesses to promote the health, safety and general welfare of the residents of the City; to protect and preserve the quality, property values and character of the City; to prevent the concentration of sexually oriented businesses within the City; and to minimize the potential negative impacts of sexually oriented businesses on residential areas, churches, schools and public areas.
- B. It is expressly not the intent or effect of this Article to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Nor is it the intent or effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- C. Adult Entertainment Facilities. It is the intent of the City that the location regulations of this Article related to massage parlors, nude studios, modeling studios and other similar commercial enterprises whose major business is the offering of a service that is intended to provide sexual stimulation or sexual gratification to the customer are promulgated pursuant to the findings of the City in Resolution No. 313.

Section 605.1190. Location Of Sexually Oriented Businesses.**[CC 1990 § 17-152; Ord. No. 2181 § 3, 7-18-2005]**

The location of sexually oriented businesses is identified in the zoning ordinance of the City of Chesterfield and allowed in areas described as "adult entertainment areas" in the Planned Commercial "PC" and Planned Industrial "PI", subject to the distance and licensing requirements of this Article and other applicable zoning ordinance regulations as established by the zoning ordinance of the City of Chesterfield.

Section 605.1200. Exceptions.**[CC 1990 § 17-153; Ord. No. 2181 § 4, 7-18-2005]**

- A. The regulations contained in this Chapter do not apply to the following:
 1. Any business operated by or employing psychologists, physical therapists, athletic trainers, masseuses, licensed massage therapists, cosmetologists or barbers licensed by the State of Missouri and performing functions authorized under the licenses, or those persons or businesses not engaged in prohibited specific sexual activities as defined herein.
 2. Any business operated by or employing physicians, osteopaths, nurses or chiropractors, licensed by the State of Missouri, engaged in practicing the healing arts;

3. Any retail business whose major business is the offering of wearing apparel for sale to customers; and
4. Any play, drama, ballet or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education or other similar establishment as a form of expression or opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of the commercial or business enterprise.

Section 605.1210. Definitions.

[CC 1990 § 17-154; Ord. No. 2181 § 5, 7-18-2005]

For the purposes of this Article and unless the context plainly requires otherwise, definitions for the following words or phrases can be found in Section 405.10.100:

ADULT ENTERTAINMENT; ADULT ENTERTAINMENT BUSINESS; ADULT ENTERTAINMENT FACILITY; BATHHOUSE; EMPLOYEE; ENTERTAINER; MANAGER; OPERATOR; PERSON; SERVER; SPECIFIED ANATOMICAL AREAS; SPECIFIED SEXUAL ACTIVITIES.

Section 605.1220. License Required For Adult Entertainment Business.

[CC 1990 § 17-155; Ord. No. 2181 § 6, 7-18-2005]

- A. It shall be unlawful for any person to operate or maintain an adult entertainment business in the City unless the owner, operator or lessee thereof has obtained an adult entertainment business license from the City or to operate such business after such license has been revoked or suspended by the City.
- B. It is unlawful for any entertainer, employee or manager to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed adult entertainment business.
- C. It shall be prima facie evidence that any adult entertainment business that fails to have posted, in the manner required by this Section, an adult entertainment business license has not obtained such a license. In addition, it shall be prima facie evidence that any entertainer, employee or manager who performs any service or entertainment in an adult entertainment business in which an adult entertainment license is not posted, in the manner required by this Section, had knowledge that such business was not licensed.

Section 605.1230. License Required For Managers, Servers And Entertainers.

[CC 1990 § 17-156; Ord. No. 2181 § 7, 7-18-2005]

It is unlawful for any person to work as an entertainer, server or manager at an adult entertainment business without first obtaining a license to do so from the City or to work as an entertainer, server or manager at an adult entertainment business after such person's license to do so has been revoked or suspended.

Section 605.1240. License And Classification.**[CC 1990 § 17-157; Ord. No. 2181 § 8, 7-18-2005]**

- A. The license year for all fees required under this Chapter shall be from each July first (1st) through June thirtieth (30th). The application for a license shall be accompanied by payment in full of the fee stated in this Section by certified or cashier's check or money order; and no application shall be considered complete until such fee is paid.
- B. All licenses shall be issued for a specific location and shall be non-transferable.

Section 605.1250. License Application.**[CC 1990 § 17-158; Ord. No. 2181 § 9, 7-18-2005]**

- A. Adult Entertainment Business License. All persons desiring to secure a license to operate an adult entertainment business under the provisions of this Chapter shall make a notarized application with the City Clerk. All applications shall be submitted in the name of the person proposing to conduct or operate the adult entertainment business. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:
 - 1. The name, residence address, home telephone number, occupation, date and place of birth and Social Security number of the applicant.
 - 2. The name of the adult entertainment business, a description of the adult entertainment to be performed on the licensed premises and the name of the owner of the premises where the adult entertainment business will be located.
 - 3. The names, residence addresses, Social Security numbers and dates of births of all partners, if the applicant is a partnership; and if the applicant is a corporation, the same information for all corporate officers and directors and stockholders who own more than ten percent (10%) or greater interest in the corporation.
 - 4. The addresses of the applicant or of all partners or of all corporate officers and directors for the five (5) years immediately prior to the date of application.
 - 5. A description of the adult entertainment or similar business history of the applicant or of all partners or of all corporate officers and directors; whether any such person or entity, in previously operating in this or another City, County or State, has had a business license revoked or suspended, the reason therefor and the activity or occupation subjected to such action, suspension or revocation.
 - 6. A statement of the business, occupation or employment of the applicant, or of all partners, or of all corporate officers and directors for the three (3) years immediately preceding the date of the application.
 - 7. _____
 - a. A statement from the applicant, or from each partner, or from each corporate officer and director, that each such person has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:

- (1) A felony criminal act within five (5) years immediately preceding the application; or
 - (2) A misdemeanor criminal act within two (2) years immediately preceding the application, where such felony or misdemeanor criminal act involved sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography of related offenses as defined in the Missouri Criminal Code or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substances Act or other Statutes or ordinances.
- b. The statement shall also indicate that the applicant, each partner or each corporate officer and director has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application, where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.
8. A full set of fingerprints and a photograph, to be taken by the Police Department, of the applicant, or of all partners if the applicant is a partnership, or of all corporate officers and directors if the applicant is a corporation.
 9. If the applicant is a corporation, a current certificate of registration issued by the Missouri Secretary of State.
 10. A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct and that the applicant has read the provisions of this Chapter regulating adult entertainment businesses.

Failure to provide the information and documentation required by this Subsection shall constitute an incomplete application which shall not be processed.

- B. Adult Entertainment Manager, Server Or Entertainer's License. All persons desiring to secure a license under the provisions of this Chapter to be an adult entertainment manager, server or entertainer shall make a notarized application with the City Clerk. All applications shall be submitted in the name of the person proposing to be an adult entertainment manager, server or entertainer. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:
1. The applicant's name, home address, home telephone number, date and place of birth, Social Security number and any stage names or nicknames used in entertaining.
 2. The name and address of each adult entertainment business where the applicant intends to work as a manager, server or entertainer and an "intent to hire" statement from an adult entertainment business that is licensed, or that has applied for a license, under the provisions of this Chapter indicating the adult entertainment business intends to hire the applicant to manage, serve or entertain on the premises.

3. _____
 - a. A statement from the applicant that the applicant has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
 - (1) A felony criminal act within five (5) years immediately preceding the application, or
 - (2) A misdemeanor criminal act within two (2) years immediately preceding the application, where such felony or misdemeanor criminal act involved sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substances Act or other Statutes or ordinances.
 - b. The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.
4. A full set of fingerprints and a photograph, to be taken by the Police Department, of the applicant.
5. _____
 - a. The applicant shall present to the City Clerk who shall copy documentation that the applicant has attained the age of eighteen (18) years at the time the application is submitted. Any of the following shall be accepted as documentation of age:
 - (1) A motor vehicle operator's license issued by any State bearing this applicant's photograph and date of birth;
 - (2) A State-issued identification card bearing the applicant's photograph and date of birth;
 - (3) An official and valid passport issued by the United States of America;
 - (4) An immigration card issued by the United States of America;
 - (5) Any other form of picture identification issued by a governmental entity that is deemed reliable by the City Clerk; or
 - (6) Any other form of identification deemed reliable by the City Clerk.
 - b. Failure to provide the information required by this Subsection shall constitute an incomplete application and shall not be processed.
- C. Application Processing. Upon receipt of a complete application for an adult entertainment or an adult entertainment manager, server or entertainer license, the City

Clerk shall immediately transmit one (1) copy of the application to the Chesterfield Police Department for investigation of the application. It shall be the duty of the Police Chief to investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued the license applied for. The Police Chief shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk. It shall be the duty of the Planning and Development Services Director to determine whether the structure where the adult entertainment business will be conducted complies with the requirements and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the City. The Planning and Development Services Director shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk. Upon receipt of the reports from the Police Chief, the City Clerk shall schedule the application for consideration by the Governing Body at the earliest meeting consistent with the notification requirements established by law, provided the license application for an adult entertainment business and for an adult entertainment business manager, server or entertainer license shall be approved or disapproved within forty-five (45) days from the date of filing of a completed application with the City Clerk's office. The applicant shall be notified in writing of the date when the Governing Body will consider the application.

Section 605.1260. Examination Of Application, Issuance Of License, Disapproval.

[CC 1990 § 17-159; Ord. No. 2181 § 10, 7-18-2005]

- A. If the application for an adult entertainment business or an adult entertainment business manager, server or entertainer is in proper form and accompanied by the appropriate license fee (if applicable), the Governing Body shall examine the application and after such examination, the Governing Body shall, if the applicant is qualified, approve a license as provided for by law, provided a license shall not be approved to any person ineligible to Section 605.1240 or Section 605.1270.
- B. The record of the Governing Body shall show the action taken on the application and if the license is granted, the Governing Body shall direct the City Clerk to issue the proper license. The license shall state that it is not transferable to other persons and the calendar year for which it is issued. The license shall be kept posted in a conspicuous place in the place of business that is licensed or where the licensee is working.
- C. If an application for a license is disapproved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address and the notification shall state the basis for such disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law.

Section 605.1270. License Ineligibility And Disqualification.

[CC 1990 § 17-160; Ord. No. 2181 § 11, 7-18-2005]

- A. No person is eligible nor shall a license be issued to:

1. An adult entertainment business applicant if one (1) or more of the following conditions exist:
 - a. The applicant's premises is located within one thousand two hundred (1,200) feet of any school, religious institution, church, public park, licensed child care facility or any property zoned for residential use or City boundary. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of such school, religious institution, church, public park, day care facility or any property zoned for residential use or City boundary.
 - b. The applicant's premises is located within one thousand (1,000) feet of any other adult entertainment business or establishment or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined herein. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of such other adult entertainment business or establishment or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined herein.
 - c. The applicant failed to supply all of the information request on the application.
 - d. The applicant gave false, fraudulent or untruthful information on the application.
 - e. The applicants proposed business premises does not comply with or meet the requirements of the applicable health, zoning, building code, fire and property maintenance ordinances of the City, provided that upon a showing that the premises meets said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the Governing Body.
 - f. The applicant or applicant's spouse has been convicted, released from incarceration for conviction or diverted on any of the crimes set forth in Subsection 605.1250(A)(7)(b) during the time period set forth in said Subsection.
 - g. The applicant or applicant's spouse has had an adult entertainment license revoked or suspended in this or any other City during the past five (5) years.
2. An applicant for an adult entertainment manager, server or entertainer if one (1) or more of the following conditions exist:
 - a. The employer for whom the applicant intends to work does not have or is ineligible to receive an adult entertainment business license for any of the reasons stated in Subsection (1) above;

- b. The applicant or applicant's spouse has been convicted, released from incarceration for conviction, or diverted on any of the crimes set forth in Subsection 605.1250(A)(7)(b) during the time period set forth in said Subsection, the fact a conviction is being appealed shall have no effect on the disqualification of applicant or applicant's spouse.
- c. The applicant failed to provide all of the information required on the application.
- d. The applicant gave false, fraudulent or untruthful information on the application.
- e. The applicant has had an adult entertainment manager, server or entertainer license revoked or suspended in this or any other City during the past five (5) years.

Section 605.1280. Standards Of Conduct.**[CC 1990 § 17-161; Ord. No. 2181 § 12, 7-18-2005]**

- A. The following standards of conduct shall be adhered to by all adult entertainment business licensees, their employees and all adult entertainment business managers, servers and entertainers and patrons of adult entertainment businesses while on or about the premises of the business:
 1. Age Restriction. It shall be an ordinance violation if a person knowingly allows on the premises of a sexually oriented business a person under the age of twenty-one (21) years, except for a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
 2. Exterior Observation. The premises of all adult entertainment businesses will be so constructed as to include an anteroom, foyer, partition or other physical barrier on all customer entrances that will insure observation of the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with a anteroom or foyer will be covered so as to prevent observation of the interior of the premises from the exterior of the building.
 3. Exterior Display. No adult entertainment business will be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, from any exterior source by display, decoration, sign, show window or other opening.
 4. Nudity Prohibited, Exceptions. No employee, server or entertainer in an adult entertainment business shall appear nude, unclothed, in less than opaque attire or in any fashion that exposes to view any specified anatomical area.
 5. Certain Acts Prohibited.

- a. No employee, server or entertainer shall perform any specified sexual activities as defined herein, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities as defined herein, or participate in any act of prostitution.
- b. No employee, server, entertainer or patron of an adult entertainment business shall knowingly touch, fondle or caress any specified anatomical area of another person or knowingly permit another person to touch, fondle or caress any specified anatomical area of such employee, server, entertainer or patron, whether such specified anatomical areas are clothed, unclothed, covered or exposed.
- c. No employee, server or entertainer of an adult entertainment business shall be visible from the exterior of the adult entertainment business while such person is unclothed or in such attire, costume or clothing as to expose to view any specified anatomical area.
- d. No adult entertainer shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this Chapter and no adult entertainer shall receive any payment or gratuity from any customer for any entertainment except as follows:
 - (1) While such entertainer is on the stage or platform, a customer or patron may place such payment or gratuity into a box affixed to the stage, or
 - (2) While such entertainer is not on the stage or platform and is clothed so as to not expose to view any specified anatomical area, a customer or patron may either place such payment or gratuity into the entertainer's hand or under a leg garter worn by such entertainer at least four (4) inches below the bottom of the pubic region.
- e. No owner, operator, manager or other person in charge of the premises of an adult entertainment premises shall:
 - (1) Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon or consumed on the premises;
 - (2) Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;
 - (3) Knowingly allow or permit any person under the age of eighteen (18) years of age to be in or upon the premises;
 - (4) Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or
 - (5) Knowingly allow or permit a violation of this Chapter or any other City ordinance provision or State law.

6. Signs Required. All adult entertainment business shall have conspicuously displayed in the common area at the principal entrance to the premises a sign, on which uppercase letters shall be at least two (2) inches high and lowercase letters at least one (1) inch high, which shall read as follows:

**THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED AND
LICENSED BY THE CITY OF CHESTERFIELD**

Entertainers Are:

Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the breasts, pubic region, buttocks or genitals of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks or genitals of said entertainer.

Not permitted to be nude, unclothed or in less than opaque attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola or any portion of the pubic region, buttocks and/or genitals, unless upon a stage at least two (2) feet above the customer floor and a sufficient distance from the customers to prevent the customers from touching the entertainers.

Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:

While such entertainer is on the stage, by placing such payment or gratuity into a box affixed to the stage, or

While such entertainer is not on the stage, by either placing such payment or gratuity into the entertainer's hand or under the entertainer's leg garter.

Customers Are:

Not permitted to be upon the stage at any time.

Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server or entertainer or engage in solicitation for prostitution.

7. Lighting Required. The premises of all adult entertainment businesses shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level and such illumination must be maintained at all times that any customer or patron is present in or on the premises.
8. Closed Booths Or Room Prohibited. A person who operates or causes to be operated a sexually oriented business shall be prohibited from exhibiting in a viewing room on the premises a film, video cassette, DVD, or other video reproduction that depicts specified sexual activities unless the viewing room is visible from a continuous main aisle in the sexually oriented business and such viewing room is not obscured by any curtain, door, wall, or other enclosure. No viewing room shall be occupied by more than one (1) individual at a time and

there shall be no aperture between viewing rooms which is designed or constructed to facilitate sexual activity between persons in different rooms.

9. Ventilation And Sanitation Requirements. The premises of all adult entertainment businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.
10. Hours Of Operation. No adult entertainment business may be open or in use between the hours of 1:00 A.M. and 12:00 P.M. on any day other than a Sunday when the business may not be open.

Section 605.1290. License — Posting Or Display.

[CC 1990 § 17-162; Ord. No. 2181 § 13, 7-18-2005]

- A. Every person, corporation, partnership or association licensed under this Chapter as an adult entertainment business shall post such license in a conspicuous place and manner on the adult entertainment facility premises.
- B. Every person holding an adult entertainment server, manager or entertainer license shall post his/her license in his/her work area on the adult entertainment facility premises so it shall be readily available for inspection by City authorities responsible for enforcement of this Chapter.

Section 605.1300. Manager On Premises.

[CC 1990 § 17-163; Ord. No. 2181 § 14, 7-18-2005]

- A. An adult entertainment manager shall be on duty at any adult entertainment business at all times the premises is open for business. The name of the manager on duty shall be prominently posted during business hours.
- B. It shall be the responsibility of the manager to verify that any person who provides adult entertainment or works as a server within the premises possesses a current and valid adult entertainer's license or an adult entertainment server's license and that such licenses are prominently posted.

Section 605.1310. Inspector And Inspections.

[CC 1990 § 17-164; Ord. No. 2181 § 15, 7-18-2005]

All adult entertainment businesses shall permit representatives of the Police Department or any other City Official acting in their official capacity to inspect the premises as necessary to insure the business is complying with all applicable regulations and laws.

Section 605.1320. Suspension, Revocation Or Non-Renewal — License.

[CC 1990 § 17-165; Ord. No. 2181 § 16, 7-18-2005]

- A. Whenever the City Administrator has information that:

1. The owner or operator of an adult entertainment business or a holder of an adult entertainment manager, server or entertainer license has violated, or knowingly allowed or permitted the violation of, any of the provisions of this Chapter; or
2. There have been recurrent violations of provisions of this Article that have occurred under such circumstances that the owner or operator of an adult entertainment business knew or should have known that such violations were committed; or
3. The adult entertainment business license or the adult entertainment manager, server or entertainer license was obtained through false statements in the application for such license or renewal thereof; or
4. The adult entertainment business licensee or the adult entertainment manager, server or entertainer licensee failed to make a complete disclosure of all information in the application for such license or renewal thereof; or
5. The owner or operator or any partner or any corporate officer or director holding an adult entertainment business license has become disqualified from having a license by a conviction as provided in Subsection 605.1250(A)(7)(b); or
6. The holder of an adult entertainment manager, server or entertainer license that has become disqualified from having a license by a conviction as provided in Subsection 605.1250(A)(7)(b), then the City Administrator shall make this information known to the City Administrator who shall notify the Public Health and Safety Committee of Council (PH and S Committee), which upon five (5) days' written notice to the person holding the license conduct a public hearing to determine whether the license should be suspended or revoked. The PH and S Committee may pass a resolution setting forth the procedures for the conduct of such hearings. Based on the evidence produced at the hearing, the Governing Body may take any of the following actions:
 - a. Suspend the license for up to ninety (90) days.
 - b. Revoke the license for the remainder of the license year.
 - c. Place the license holder on administrative probation for a period of up to one (1) year, on the condition that no further violations of the Article occur during the period of probation. If a violation does occur and after a hearing the violation is determined to have actually occurred, the license will be revoked for the remainder of the license year.

Section 605.1330. Renewal.**[CC 1990 § 17-166; Ord. No. 2181 § 17, 7-18-2005]**

- A. A license may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses shall expire on June thirtieth (30th) of each calendar year and renewal applications for such licenses shall be submitted between June fifteenth (15th) and June thirtieth (30th).

- B. Upon timely application and review as provided for a new license, a license issued under the provisions of this Article shall be renewed by issuance of a new license in the manner provided in this Article.
- C. If the application for renewal of a license is not made during the time provided in Subsection (A) above, the expiration of such license shall not be affected and a new application shall be required.

Section 605.1340. Judicial Review — Stay Of Enforcement Of Orders.

[CC 1990 § 17-167; Ord. No. 2181 § 18, 7-18-2005]

Following the entry of an order by the City Administrator suspending or revoking a license issued pursuant to this Chapter or disapproving the renewal application for a license, such licensee or applicant may seek judicial review in a manner provided by law. The City Administrator may stay enforcement of such order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review.

Chapter 610
ALARM SYSTEMS

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ARTICLE I
In General

Section 610.010. Citation Of Chapter.

[CC 1990 § 3-1; Ord. No. 26 § 2, 6-1-1988]

This Chapter shall be known and cited as the "Alarm Systems Code".

Section 610.020. Scope.

[CC 1990 § 3-2; Ord. No. 26 § 3, 6-1-1988]

The provisions of this Chapter shall apply to the area within the City limits of Chesterfield.

Section 610.030. Definitions.¹

[CC 1990 § 3-3; Ord. No. 26 § 4, 6-1-1988; Ord. No. 470 §§ 1 — 2, 7-16-1990]

For the purposes of this Chapter, the following words, terms and phrases shall have the meanings ascribed to them:

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 who 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 Police of the City of Chesterfield and includes his/her duly authorized agents.

DEPARTMENT — The Police Department of St. Louis County, 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 Police Department which emits a sound or transmits a signal or both when actuated.

DIRECTOR — The Director of Licenses of St. Louis County, Missouri, for those licenses issued prior to this Chapter and includes his/her duly authorized agents or the City Administrator of the City of Chesterfield.

FALSE ALARM — Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which the Police 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;

1. Cross Reference: As to definitions and rules of construction, § 100.020.

4. When an alarm is intentionally caused by 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 canceling 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 or who obtained a license from the County of St. Louis, prior to the City's incorporation.

Section 610.040. Instructions On Operation.

[CC 1990 § 3-4; Ord. No. 26 § 8, 6-1-1988]

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 610.050. Repair And Maintenance Service Required.

[CC 1990 § 3-5; Ord. No. 26 § 9, 6-1-1988]

A licensee shall make available repair and maintenance services, including emergency services during non-business hours, to alarm users for whom 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 610.060. Rules And Regulations.

[CC 1990 § 3-6; Ord. No. 26 § 11, 6-1-1988]

The Director may establish, promulgate and enforce reasonable rules and regulations in order to administer and enforce the provisions of this Chapter.

Section 610.070. Power To Investigate.

[CC 1990 § 3-7; Ord. No. 26 § 13, 6-1-1988]

For the purpose of enforcing this Chapter, the Director 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 610.080. False Alarm Fine.

[CC 1990 § 3-8; Ord. No. 26 § 15, 6-1-1988; Ord. No. 436 § 1, 4-2-1990; Ord. No. 1795 § 1, 10-15-2001]

- A. All false alarms to which the department responds shall result in the following fines being assessed:

1. First (1st) offense: twenty-five dollars (\$25.00).
 2. Second (2nd) offense: fifty dollars (\$50.00).
 3. Each subsequent offense per calendar year: one hundred dollars (\$100.00).
- 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.
- C. The department shall cancel any notice or fine upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in Section 610.030.
- D. Willful refusal to pay the fine within thirty (30) days of notice shall constitute a violation of this Chapter but in any prosecution for violation of this provision, the City shall prove, in addition to the willful refusal to pay, that the fine was properly imposed.

Section 610.090. Automatic Dialing Device.

[CC 1990 § 3-9; Ord. No. 26 § 16, 6-1-1988]

- A. No person shall install or use an automatic dialing device which is programmed to dial the 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 re-programmed 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 re-programmed within the ninety-day period.

Section 610.100. Direct Signal Alarm System.

[CC 1990 § 3-10; Ord. No. 26 § 17, 6-1-1988]

- A. All direct signal alarm systems which connect to 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 720.140, RSMo.

Section 610.110. Audible Alarm.

[CC 1990 § 3-11; Ord. No. 26 § 18, 6-1-1988]

- 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, any alarm user having an audible alarm shall be responsible for equipping it with a thirty (30) minute timer.

Section 610.120. Contracts With County.²**[CC 1990 § 3-13; Ord. No. 26 § 20, 6-1-1988]**

In order to enter into a contract or renew a contract with St. Louis County for the provision of police services, the City shall adopt legislation identical in substance to Chapter 720 of the SLCRO.

Section 610.130. through Section 610.190. (Reserved)

ARTICLE II

Licenses³**Section 610.200. Required — Exemption.****[CC 1990 § 3-21; Ord. No. 26 § 5, 6-1-1988]**

- 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 610.210. Application And Renewal.**[CC 1990 § 3-22; Ord. No. 26 § 6, 6-1-1988]**

- 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 within the City limits of Chesterfield.

2. Cross References: As to county enforcement services, § 500.020.

3. Cross Reference: As to licenses and business regulations, ch. 605.

4. The names and addresses 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. Requirements; Investigation.
1. Upon the filing of a license application, the Director shall conduct an investigation to determine whether the following requirements are satisfied:
 - a. The information contained in the license application is true.
 - b. 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.
 - c. 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:
 - (1) Any felony involving moral turpitude within the previous five (5) years;
 - (2) Any misdemeanor involving moral turpitude within the previous two (2) years;
 - (3) Repeated or continual violation of any provision of this Chapter within the previous two (2) years.
 - d. 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.
 2. The Director may request the Police Department to assist the Director in the investigation of a license application.

- D. If the Director 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 Director 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 Director 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 or issuance by St. Louis County if prior to incorporation, 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 Section 720.050(4)(c), RSMo., 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 610.220. Fees.

[CC 1990 § 3-23; Ord. No. 26 § 7, 6-1-1988]

- 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 610.230. License Not Assignable — Changes.

[CC 1990 § 3-24; Ord. No. 26 § 10, 6-1-1988]

- A. A license issued under this Chapter shall not be assigned or transferred.
- B. A licensee shall notify the Director 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 trade 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 610.240. Suspension — Revocation.

[CC 1990 § 3-25; Ord. No. 26 § 12, 6-1-1988]

- A. The Director 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 610.230(A);
 2. Failure to notify the Director of any change as required under Section 610.230(B);
 3. Failure to comply with any reasonable rule or regulation of the Director;
 4. Failure to provide proper instructions as required under Section 610.040;
 5. Failure to provide adequate repair and maintenance services as required by Section 610.050;
 6. Installation or replacement of alarm systems not in accordance with Sections 610.090, 610.100 and 610.110.
- 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 Director 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 610.210(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-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 610.090(B).
- E. After revocation of a license, a person may file a new application for a license pursuant to Section 610.210.

Section 610.250. Hearings On Charges — Decision.**[CC 1990 § 3-26; Ord. No. 26 § 14, 6-1-1988]**

- A. No license shall be suspended or revoked until a licensee has been afforded an opportunity for hearing before the Director.
- B. The Director 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 Director shall make a report of his/her findings and decision. For the purpose of this Chapter, the Director may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents relevant to the investigation.

Chapter 615

PUBLIC UTILITIES LICENSE TAX

Section 615.010. Definitions.	Section 615.090. Definition.
Section 615.020. Amount.	Section 615.100. Tax Levied.
Section 615.030. Monthly Verified Returns — Due Date.	Section 615.110. Statement Of Gross Receipts Required — Payment Of Tax — Credit For Service Rendered City.
Section 615.040. Examination Of Records By City Clerk, Etc.	Section 615.120. Tax To Be In Lieu Of Other Occupation Taxes.
Section 615.050. City Clerk To Establish Rules And Regulations.	Section 615.130. Investigation Of Gross Receipts Statement.
Section 615.060. Failure To Pay Tax.	Section 615.140. Violations — Penalties.
Section 615.070. Penalty For Violation.	Section 615.150. Construction.
Section 615.080. Telephone Service Defined.	

Section 615.010. Definitions.¹

[CC 1990 § 27-16; Ord. No. 123 § 1, 6-20-1988]

The following terms, wherever used or referred to in this Chapter, shall have these respective meanings unless a different meaning clearly appears from the context:

CITY CLERK — The City Clerk of the City of Chesterfield, Missouri, or any other duly authorized financial officer of the City.

GROSS RECEIPTS — The aggregate amount of all sales and charges of the commodities or services described in "public utility" below, made by a public utility in the City during any period less discounts, credits, refunds, sales taxes and uncollectible accounts actually charged off during the 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, electric power, electrical service, gas, gas service, water, water service, telegraph service or telephone service in the City.

1. Cross Reference: As to telephone service defined, § 620.080.

Section 615.020. Amount.

[CC 1990 § 27-17; Ord. No. 123 § 2, 6-20-1988; Ord. No. 2668 § 1, 9-19-2011]

- A. Every public utility shall pay to the City an annual license or occupational tax in an amount equal to five percent (5%) of the gross receipts derived from such business.
- B. The gross receipts tax imposed upon public utilities, including, but not limited to Ameren Missouri, pursuant to this Chapter of the City of Chesterfield Code shall be maintained, without reduction, at the existing rate of five percent (5%), despite the tariff increase of seven and eleven hundredths percent (7.11%) awarded by the PSC to Ameren Missouri effective on July 31, 2011 or any other fluctuations in the tariffs of public utilities.

Section 615.030. Monthly Verified Returns — Due Date.

[CC 1990 § 27-18; Ord. No. 123 § 3, 6-20-1988]

Each public utility shall, on forms designed and furnished by the City, make and file a verified return with the City Clerk covering the prior month, on or before the twentieth (20th) day following the close of each such month and at that time shall pay the tax for the period covered by the return; the first (1st) return shall be due September 20, 1988, for the period ending August 31, 1988.

Section 615.040. Examination Of Records By City Clerk, Etc.

[CC 1990 § 27-19; Ord. No. 123 § 4, 6-20-1988]

Should the City Clerk not be satisfied with the accuracy of any return filed hereunder or any statement required in support thereof, any such public utility shall submit its books and records to examination by the duly authorized representatives of the City. Should it be ascertained that the gross receipts herein taxed of any such public utility during the specified period is greater than the amount reported, such public utility, notwithstanding its return, shall pay the tax hereunder on its gross receipts as ascertained by the City Clerk.

Section 615.050. City Clerk To Establish Rules And Regulations.

[CC 1990 § 27-20; Ord. No. 123 § 5, 6-20-1988]

The City Clerk shall prescribe all incidental rules and regulations for the enforcement of this Chapter.

Section 615.060. Failure To Pay Tax.

[CC 1990 § 27-21; Ord. No. 123 § 6, 6-20-1988]

In the event that any public utility hereunder fails to pay the tax or to discharge any liability hereunder, suit may be filed in any court of competent jurisdiction to enforce the payment of the tax and liability.

Section 615.070. Penalty For Violation.**[CC 1990 § 27-22; Ord. No. 123 § 7, 6-20-1988]**

Any person, persons, firm, association or corporation violating any of the provisions of this Chapter or any employee, agent or other person taking part in, joining or aiding in a violation of any provision of this Chapter may be prosecuted as provided by law for the violation of ordinances of the City and, upon conviction thereof, shall be subject to the penalties provided for violation of City ordinances. Each day a violation continues shall constitute a separate offense.

Section 615.080. Telephone Service Defined.**[CC 1990 § 27-23; Ord. No. 1815 § 1, 1-23-2002]**

- A. "Telephone service", as used in Ordinance 123, means the service ordinarily and popularly ascribed to it including, without limitation, the transmission of messages and conversations through use of local, toll and wide area telephone service; private line services; land line services; cellular telephone services; and maritime and air-to-ground telephone service. Telephone service includes the transmission of information over telephone lines and other telephonic media for facsimile transfers. Telephone service does not include value-added services including computer processing applications used to act on the form, content, code and protocol of the information for purposes other than transmission.
- B. A subscriber of telephone service is any individual, business, corporation or other entity who uses, or maintains for use, equipment necessary to transmit information over telephone lines. Telephone lines refers to any means of transmitting telephone messages including, but not limited to, wire, radio transmission, microwave and optic fiber technology.

Section 615.090. Definition.**[CC 1990 § 27-24; Ord. No. 2254 § 1, 4-17-2006]**

- A. As used in this Chapter, the term "gross receipts" means the aggregate amount of sales and charges, exclusive of sales and charges for the commodities or services relative to the business of supplying telephone or telephone service for compensation in the City during the period, less credits, refunds, sales taxes and uncollectible accounts actually charged off during the period.
- B. Effective July 1, 2006, to the extent required by Section 92.083, RSMo., as used in this Chapter the following terms shall have these prescribed meanings:

GROSS RECEIPTS — All receipts from the retail sale of telecommunications service taxable under Section 144.020, RSMo., and from any retail customer now or hereafter exempt from State sales tax; and

TELEPHONE SERVICE, TELECOMMUNICATIONS SERVICE, TELECOMMUNICATIONS, LOCAL EXCHANGE SERVICE, LOCAL TELEPHONE TRANSMISSION SERVICE, TELEPHONE SERVICE — Telecommunications service as defined in Section 92.077, RSMo., which as of the date of adoption hereof provides

that "telecommunications service" has the same meaning as such term is defined in Section 144.010, RSMo., which in turn as of the date of adoption hereof provides that "telecommunications service" means the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses or other similar means, further provides that as used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds or any other symbols, and further provides that "telecommunications service" does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

- a. Access to the Internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;
 - b. Answering services and one-way paging services;
 - c. Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to Federal law; or
 - d. Cable or satellite television or music services.
- C. The phrase "to the extent required by law" shall mean that the action is required or permitted by State law in order for the City to continue to receive municipal telecommunications tax revenues under this Chapter.

Section 615.100. Tax Levied.

[CC 1990 § 27-25; Ord. No. 2254 § 1, 4-17-2006]

- A. Every person or business now or hereafter engaged in the business of selling telephone or telegraph service for compensation for any purpose in the City shall pay to the City, as a license or occupation tax, two and four-tenths percent (2.4%) of the gross receipts from such business in the City.
- B. To the extent required by law, the City Administrator of the City is hereby authorized and directed to promulgate and publish the revenue neutral rates to be applied in the City for bills to be rendered on or after July 1, 2006, based on the rate information supplied by the Director of Revenue of the State of Missouri.
- C. Effective July 1, 2006, to the extent required by law, notwithstanding the provisions of any municipal business license tax (as defined in Section 92.077, RSMo.) ordinance, this tax shall be based solely and exclusively on those gross receipts of telecommunications companies (being any company doing business in the State of Missouri that provides telecommunications service) for the retail sale of telecommunications services which are subject to taxation under Sections 144.010 and 144.020; RSMo.
- D. To the extent required or permitted by law, for bills rendered on and after July 1, 2006, the tax rate shall be five percent (5%) or the revenue neutral rates as promulgated and published herein, whichever is higher.

- E. To the extent required by law, for bills rendered on and after July 1, 2007, the tax rate shall be adjusted as promulgated and published by the Director of the Department of Revenue for the State of Missouri pursuant to Section 92.086, RSMo. The City shall notify the Director of the Department of Revenue in writing within thirty (30) days of any change in the tax rate to the extent required by Section 92.086, RSMo.

Section 615.110. Statement Of Gross Receipts Required — Payment Of Tax — Credit For Service Rendered City.

[CC 1990 § 27-26; Ord. No. 2254 § 1, 4-17-2006]

- A. All persons engaged in the businesses described in Sections 620.090 and 620.100 in the City are hereby required to file with the Director of Finance and Administration a sworn statement showing the gross receipts of such business within the City. For the business transacted and the gross receipts each month, a statement shall be due and filed by the last day of the following month. At the same time the statement is required to be filed, payment of the tax due on the gross receipts reported in the statement shall be made to the City at the rate set forth in Section 620.100. The payment shall be a license to operate for the month immediately succeeding the month in which the payment is made.
- B. Effective July 1, 2006, to the extent required by law, the Director of the Department of Revenue for the State of Missouri shall collect, administer and distribute telecommunications business license tax revenues in accordance with the provisions of Sections 92.074 and 92.098, RSMo., and returns filed by telecommunications companies with the Director and tax payments made by such companies to the Director pursuant to such Statutes shall take the place of the statements and payments described above.

Section 615.120. Tax To Be In Lieu Of Other Occupation Taxes.

[CC 1990 § 27-27; Ord. No. 2254 § 1, 4-17-2006]

The tax required to be paid under Section 620.100 shall be in lieu of any other occupation tax required of any person engaged in any of the businesses described in Sections 620.010 and 620.020. Except as otherwise required by Sections 92.074 to 92.098, RSMo., nothing contained in this Chapter shall be construed to exempt any person to which this Chapter is applicable from payment to the City of any taxes, other than occupation license taxes, levied by the City upon such person or the real or personal property of such person.

Section 615.130. Investigation Of Gross Receipts Statement.

[CC 1990 § 27-28; Ord. No. 2254 § 1, 4-17-2006]

The Director of Finance and Administration and such other persons as may be designated by the City Council from time to time is and are hereby authorized to investigate the correctness and accuracy of any statement filed under the provisions of Section 620.110, and for that purpose shall have access to all reasonable times to the books, documents, papers and records of any person filing such statement. Effective July 1, 2006, any audit of a

telecommunications company for purposes of Sections 92.074 to 92.098, RSMo., shall be conducted pursuant to such Statutes and any rules promulgated thereunder.

Section 615.140. Violations — Penalties.

[CC 1990 § 27-29; Ord. No. 2254 § 1, 4-17-2006]

- A. Violations of this Chapter shall be punishable by a fine as set out in Section 100.080 of this Code. A separate offense shall be deemed committed each day during or on which a violation occurs or is committed.
- B. Delinquent taxes under this Chapter shall be subject to the penalties as provided for by other ordinances of the City, now or hereafter enacted, relating to the penalties upon delinquent taxes.
- C. To the extent required by law, unless specifically stated otherwise in Sections 92.074 to 92.098, RSMo., taxpayer remedies, enforcement mechanisms, tax refunds, tax protests, assessments and all other procedures regarding the tax imposed by this Chapter shall be the same as those provided in Chapter 144, RSMo.

Section 615.150. Construction.

[CC 1990 § 27-30; Ord. No. 2254 § 1, 4-17-2006]

To the extent required by law, in all respects this Chapter shall be interpreted, construed and applied consistent with the requirements of Sections 92.074 to 92.098, RSMo.

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CABLE TELEVISION

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ARTICLE I
Customer Service Rules

Section 620.010. Customer Service Obligations.

[CC 1990 § 7.5-21; Ord. No. 947 § 1, 9-19-1994]

- A. The rules contained in this Article are adopted to set forth standards regarding the operation of the business office of any cable television systems operating within the City or business office responsibility for the operation of the cable franchise for the City. Nothing in this Article should be construed to prevent or prohibit:
 - 1. The City from amending or subsequently changing its ordinance or cable television agreement and thereby imposing customer service requirements that exceed the standards set forth herein;

2. The City from enforcing, through the end of the franchise term, pre-existing service requirements that exceed the standards set forth in this Article;
3. The City from enforcing any existing State consumer protection law to the extent it has not been specifically pre-empted by the Federal Communications Commission; or
4. The establishment or enforcement of any local ordinance or regulation concerning customer service that imposes customer service requirements that exceed or address matters not addressed by the standards set forth by the Federal Communications Commission in Title 47 of the Code of Federal Regulations Part 76, Subpart H.

Section 620.020. Definitions.

[CC 1990 § 7.5-22; Ord. No. 947 § 2, 9-19-1994]

For the purposes of this Article, certain terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise.

COMPLAINT — Includes notice of dissatisfaction by customers about service or operations by the cable operator that requires a service call or that are made in writing but shall exclude those matters that are resolved on the phone between customer and the cable operator. Complaints as defined herein shall not include requests for additional channels or programming.

NORMAL BUSINESS HOURS — Those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one (1) night per week and/or some weekend hours.

NORMAL OPERATING CONDITIONS — Those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator 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 cable operator 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 cable system.

SERVICE INTERRUPTION — The loss of picture or sound on one (1) or more cable channels.

Section 620.030. Cable System Office Hours And Telephone Availability.

[CC 1990 § 7.5-23; Ord. No. 947 § 3, 9-19-1994]

- A. Any operator of a cable system within the City of Chesterfield shall maintain their system subject to the following minimum requirements:
 1. The cable operator will maintain local, toll-free or collect call telephone access lines which will be available to the cable operator subscriber twenty-four (24) hours per day seven (7) days a week.

- a. Trained company representatives will be available to customer telephone inquiries during normal business hours.
 - b. 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 must be responded to by a trained company representative within the first four (4) hours of the next business day.
2. 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 as measured on a quarterly basis.
 - a. If a customer complains that their telephone call has not been answered within the time limits herein established, the cable television operator shall have the burden of proving either that the telephone was answered within the time limits herein established, or that the cable company does answer its telephone calls within these time standards. In the absence of affirmative evidence from the operator demonstrating compliance with these rule, credible evidence that a particular call was not answered within these standards shall establish a presumption that the operator is in violation of said rule.
 - b. The operator is hereby required to acquire telephone equipment and perform surveys to measure compliance with the telephone answering standards above, if the operator has a historical record of complaints indicating a clear failure to comply with these types of standards in the past.
 3. The customer will receive a busy signal on the telephone not more than three percent (3%) of the time under normal operating conditions. If customers allege that they made two (2) successive telephone calls and each was the subject of a busy signal, it shall be presumed that this standard has been violated. However, upon an affirmative showing by the company of some extraordinary operating condition or that the average for the customer for a busy signal is less than three percent (3%), then this presumption shall be overcome.
 4. The City, upon request, may review all written complaints on file with the cable operator within one (1) year of the request.

Section 620.040. Customer Service Center.**[CC 1990 § 7.5-24; Ord. No. 947 § 4, 9-19-1994]**

The cable operator shall provide a customer service center and a bill payment location that is open at a minimum during normal business hours and which is conveniently located to the customers.

Section 620.050. Installation, Outages And Service Calls.**[CC 1990 § 7.5-25; Ord. No. 947 § 5, 9-19-1994]**

- A. Under normal operating conditions, each of the following four (4) standards will be met no less than ninety-five percent (95%) of the time measured on a quarterly basis.
1. Standard installations will 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. Other installations will be performed within fourteen (14) business days after an order has been placed if they are located within one hundred twenty-five (125) feet from the existing distribution system. If a customer complains that he/she placed an order and the installation was not completed within that period of time, the company shall have the burden of proving compliance with this standard or providing a reasonable explanation of why the standard was not met. Merely demonstrating statistical compliance, without a specific reason why this particular installation did not occur, will not overcome the presumption of neglect of these customer service standards.
 2. Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly after being notified and shall initiate a response no later than twenty-four (24) hours after the interruption becomes known. The service interruption work should be completed promptly thereafter as conditions require.
 3. The cable operator shall establish an "appointment window" for installations, service calls and other installation activities at a specific time or, at maximum, a four-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.
 - a. The cable operator may not cancel an appointment with a customer after the close of the business day prior to the scheduled appointment.
 - b. If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted and the appointment will be rescheduled as necessary. However this rescheduled appointment will be a time which is convenient for the customer and the cable operator will provide a service representative at that time.
 - c. If the cable operator cancels an appointment less than two (2) hours before the scheduled time or the beginning of the "appointment window", the cable operator shall compensate the customer for the inconvenience created by the cancellation in the amount of fifteen dollars (\$15.00) unless such cancellation is necessitated by severe weather conditions. This compensation shall be made by providing credit to the customer against their next bill.
 - d. If an appointment is missed and verified, the company shall provide credit for the customer against their bill for the time that service is disconnected/

interrupted to the extent that service is unavailable for twenty-four (24) hours or more.

Section 620.060. Notification To Subscribers.

[CC 1990 § 7.5-26; Ord. No. 947 § 6, 9-19-1994]

- A. The cable operator shall provide written information on each of the following areas at the time of installation of service; at least annually to all subscribers; at any time upon request of any person; and shall provide extra copies to the City which shall be available for distribution at the City Hall:
1. Products and services offered.
 2. Prices and options for programming, services and conditions of subscriptions and other services.
 3. Installation and service maintenance policies.
 4. Instructions on how to use the cable service.
 5. Channel positions of probate carried on the system.
 6. Billing and complaint procedures, including the address and telephone number of the City's cable complaint officer.

Section 620.070. Changes In Program.

[CC 1990 § 7.5-27; Ord. No. 947 § 7, 9-19-1994]

Customers will be notified of changes in rates, programming services or channel positions as soon as possible through announcement on the cable system and in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes, unless the change is not within the control of the cable operator. The cable operator shall have the burden of demonstrating that the change is not within his/her control and in so doing must make available documents showing previous costs and increased costs and when the cable operator became aware of them. In addition to changes in cable rates, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in any of the information required by the preceding Section.

Section 620.080. Billing Procedures.

[CC 1990 § 7.5-28; Ord. No. 947 § 8, 9-19-1994]

- A. Bills Will Be Clear, Concise And Understandable. Bills must be fully itemized with itemization including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period including optional charges, rebates and credits.
- B. In case of a billing dispute the cable operator must respond to a written complaint from a subscriber within thirty (30) days, a copy of which shall also be provided to the City.

Section 620.090. Refunds — Credits.**[CC 1990 § 7.5-29; Ord. No. 947 § 9, 9-19-1994]**

- A. Subscriber refunds due to service outages will not be issued automatically. The subscriber must affirmatively ask for the refund, either orally or in writing, and describe the event which triggered the request. The cable operator has the right to confirm that such a refund is necessary under the circumstances.
- B. Cash refunds, authorized by the cable operator and due to service outages or for other reasons, will be provided only to those subscribers that disconnect their cable service. Active subscribers who are due a refund will have their accounts credited the requisite amount.
- C. Refunds will be issued promptly, but not later than either:
 - 1. The next billing cycle following resolution of the subscriber request or thirty (30) days, whichever is earlier, or
 - 2. Thirty (30) days after the return of the equipment supplied by the cable operator if service is terminated.
- D. A "service outage" shall be defined as one occurring to any individual basic and satellite channels or individual premium channels being unavailable on the system for more than twenty-four (24) hours that is caused by the cable operator. Upon customer notification and verification that service outage occurred and lasted longer than twenty-four (24) hours, they shall be given a credit to that account.

Section 620.100. Modification.**[CC 1990 § 7.5-30; Ord. No. 947 § 10, 9-19-1994]**

This Article modifies the existing cable television franchise agreements now in full force and effect and the City shall enforce all other existing customer service obligations imposed by Federal or State law, local ordinances or by the franchise agreement unless specifically amended and waived in writing.

Section 620.110. Enforcement.**[CC 1990 § 7.5-31; Ord. No. 947 § 11, 9-19-1994]**

This Article is adopted under the police power of the City and is expressly intended to follow the lead of the Communications Commission, with certain amendments making the provisions more strict against the interest of the cable company with this express understanding that the Communications Commission has authorized or does not prevent the City from doing so. Violations of this Article shall be an offense under the Ordinance Code of the City and upon a finding by the Municipal Judge the cable operator violated the terms of this Article, the operator shall be fined not more than five hundred dollars (\$500.00) per violation. Each complaint or multiple complaints arising out of conditions under the control of the cable operator shall be a separate violation subject to the maximum fine as set out herein.

Section 620.120. through Section 625.180. (Reserved)**ARTICLE II
Rate Regulations**

Division 1

Filing By Cable Operators**Section 620.130. Generally.****[CC 1990 § 7.5-51; Ord. No. 946 § 1(1.1), 9-19-1994]**

- A. Filings — When Made. Within thirty (30) days after the initial date of regulation of its basic service tier under this Article (June 15, 1994, if later), a cable operator must file its schedule of rates for the basic service tier and associated equipment, a full description of the services available in the basic service tier and all forms prescribed by the FCC to establish initial regulated rates for the basic service tier and associated equipment, unless the cable system is eligible for streamlined rate reductions under FCC regulations and implements the required reduction and provides written notice thereof in accordance with FCC regulations. In addition, after initial regulated rates have been established to change regulated rates for the basic service tier and associated equipment, a cable operator must file thirty (30) days before the proposed effective date of the change any proposed new schedule of rates, related description of the services available in the basic tier, all forms prescribed by the FCC and proof of customer notice as required by the FCC. Rate changes include decreases, including annual reductions due to decreases in external costs and quarterly reductions due to decreases in programming costs resulting from deletion of a channel or channels from the basic service tier.
- B. Filings — Where Made. Every rate filing must be submitted to the cable coordinator (hereinafter "Coordinator") designated by the City. A rate filing shall be considered filed for review on the date all required forms (correctly completed) and supporting materials and all required copies are submitted to the Coordinator. If a filing is incomplete, the Coordinator may require the cable operator to supplement the filing and all time deadlines regarding the City's review of the filing shall be suspended.
- C. Filings — Cover Letter And Copies.
1. Every rate filing must be accompanied by a cover letter which states whether the filing concerns existing rates, proposes a rate increase or proposes a rate decrease. The cover letter must also identify any elections the cable operator is making regarding applicable FCC regulations. The cover letter must state whether the cable operator claims any of the information it has submitted is proprietary. The cover letter must also contain a brief, narrative description of any proposed changes in rates or in service, including the precise amount of any rate change and an explanation of the cause thereof, and the identification of any added or deleted channels.
 2. An original and fifteen (15) copies of each rate filing (including all supporting materials) must be submitted.

D. Filings — Standard Of Review.

1. Basic Service Tier Rates.

- a. Permitted Charges Prior To May 15, 1994. For service prior to May 15, 1994, the permitted per channel charge shall be, at the election of the cable operator made at the time it files the prescribed forms, either: (i) a charge determined pursuant to a cost of service proceeding in accordance with FCC regulations; or (ii) the charge specified by the applicable FCC regulations. Any changes to charges effective prior to May 15, 1994, shall be evaluated in accordance with FCC regulations.
- b. Permitted Charges As Of May 15, 1994. As of May 15, 1994, the permitted charge for the basic service tier shall be, at the election of the cable operator made at the time it files the prescribed forms to establish the initial regulated rates, either: (i) a rate determined pursuant to a cost-of-service showing in accordance with FCC regulations; (ii) the full reduction rate as defined by the FCC; (iii) the transition rate as defined by the FCC, if the system is eligible for transition relief under FCC regulations; or (iv) a rate based on streamlined rate reduction as defined by the FCC, if the system is eligible to implement such a rate reduction under FCC regulations and implements the required reduction and provides written notice thereof in accordance with FCC regulations. The transition rate shall be adjusted within thirty (30) days after a determination by the City that the rate in effect on March 31, 1994, was different than that permitted under FCC regulations and any applicable refunds will be made in accordance with this Article and FCC regulations. The transition rate or rate based on streamlined rate reduction shall be subject to change as authorized by the FCC or as requested by the cable operator in accordance with this Article and FCC regulations.
- c. Permitted Charges After May 15, 1994. After May 15, 1994, the permitted charge for the basic service shall be, at the election of the cable operator made at the time it files the prescribed forms, either: (i) a rate determined pursuant to a cost-of-service showing; or (ii) a rate determined by application of the FCC's price cap regulations to the permitted rate as of May 15, 1994.

2. Basic Service Equipment And Installation Rates. Rates for equipment and installations used to receive basic service shall not exceed charges based on actual costs in accordance with FCC regulations. Rates for customer equipment and installation and additional connections shall be unbundled. Equipment charges may include a properly allocated portion of franchise fees. Monthly usage charges for additional television receivers are not permitted. A cable operator may sell equipment to subscribers at prices which recover costs. A cable operator may sell equipment service contracts for equipment sold to subscribers in accordance with FCC regulations. Promotional offerings are acceptable, so long as they are reasonable in scope, not unreasonably discriminatory and are not subsidized by cost recovery through increases in equipment cost elements or

increases in programming service rates above the maximum level prescribed by FCC regulations.

3. **Charges For Customer Changes.** Charges for customer changes in service tiers effected solely by coded entry on a computer terminal or similarly simple methods shall be a nominal amount not exceeding actual costs, except on approval by the City and advance notice to subscribers the cable operator may establish a higher charge for changes by subscribers changing service tiers more than two (2) times in a twelve-month period. Other charges for customer changes in service tiers or equipment shall be based in actual cost. Downgrade charges that are the same as or less than reasonable upgrade charges are reasonable. For thirty (30) days after notice of retiering or rate increases, customers shall be able to change service tiers at no additional charge.
4. **Burden Of Proof.** The cable operator has the burden of proving its charges are in accordance with this Article and FCC regulations.

Section 620.140. Initial City Action On Filing.

[CC 1990 § 7.5-52; Ord. No. 946 § 1(1.2), 9-19-1994]

A. After receiving a rate filing, the following steps will be taken:

1. **Notice Published — Public Comments Received.** The City promptly shall publish a notice to the public that a filing has been received. The notice shall state that the filing is available for public review, except for those parts withheld as proprietary, and shall state reasonable time(s) and place(s) for such review. The notice shall state that interested parties may comment on the filing and shall establish the time and manner in which interested parties may submit their comments in light of the date by which the City must act upon the filing.
2. **Coordinator Recommendations.** The Coordinator shall submit recommendations for action to the City Council within ten (10) days of receipt of a filing and shall give contemporaneous notice thereof to the cable operator and the public.
3. **Cable Operator Response.** A cable operator shall be given an opportunity to respond to public comments and Coordinator recommendations regarding its filing. The Coordinator's recommendations shall establish the time and manner in which the cable operator must submit its comments in light of the date by which the City must act upon the filing.
4. **Order Issues.** Within thirty (30) days of the date of the filing, the City Council shall issue a written order which may be in any lawful form. The order shall approve the proposed rates in whole or in part; deny the proposed rates in whole or in part; or state that additional time is required to review the filing because the City is unable to determine, based in the material submitted by the cable operator, that the rates are in accordance with FCC regulations. An order stating additional time is required shall permit the cable operator to cure any deficiency in its filing by submitting a supplementary filing as provided in Section 620.150. If the City disapproves the proposed rates, it may order a reduction or prescribe rates where necessary to bring rates into compliance with this Article and FCC regulations.

5. **Effective Date Of Filing.** Unless the City Council disapproves the filing or issues an order stating that additional time is required to review the filing within thirty (30) days after the filing date, initial rates will remain effective or proposed rates will become effective. Unless the order or a subsequent order states otherwise, if the City decides more time is required to review the filing, the filing will remain subject to disapproval until after, and no proposed change will go into effect any earlier than, the time for further action by the City provided in Subsection (6) has passed. If the City takes no action within the time provided in Subsection (A)(6), initial rates shall remain in effect or proposed rates shall take effect, subject to refund if applicable.
6. **Order Released And Notice Published.** Notice of the rate order shall be given to the cable operator. A public notice shall be published stating that the order has issued and is available for review at specified time(s) and place(s).

Section 620.150. Further Review After Tolling Order.

[CC 1990 § 7.5-53; Ord. No. 946 § 1(1.3), 9-19-1994]

- A. If the City issues a tolling order stating that additional time is required to review a filing, then the following steps shall be taken:
 1. **Supplementary Filing Submitted.** The cable operator shall submit a supplementary filing within twenty (20) days from the date the tolling order issues, containing corrections, if any, to its filing and any additional information necessary to support the proposed rate, including information the City directs the cable operator to include in the supplementary filing. Supplementary filings must be filed in accordance with Section 620.130(B).
 2. **Notice Published — Public Comments Received.** The City shall publish a notice to the public that interested parties may submit additional comments. The notice shall be published after the date scheduled for submission of any supplementary filing. The notice shall state that any supplementary filing or additional information provided by the cable operator will be available for public review at specified reasonable time(s) and place(s), except for those parts withheld as proprietary. The notice shall establish the time and manner in which interested parties must submit their comments in light of the date by which the City must take further action.
 3. **Coordinator Recommendations.** The Coordinator shall submit any further recommendations to the City Council within twenty (20) days from receipt of the cable operator's supplementary filing and shall give notice of the recommendations to the cable operator and the public.
 4. **Cable Operator Response.** The cable operator shall be given an opportunity to respond to public comments and the Coordinator's recommendations regarding its filing. The Coordinator's recommendations shall establish the time and manner in which the cable operator must submit its comments in light of the date by which the City must act upon the filing.

5. Order Issues. The City Council shall issue a written order, which may be in any lawful form, approving the proposed rate in whole or in part; denying the proposed rate in whole or in part; or allowing the rate to go into effect in whole or in part, subject to refund, pending further investigation. If the City disapproves the proposed rate, it may order a reduction or prescribe rates where necessary to bring rates into compliance with this Article and FCC regulations. If the City Council issues an order allowing the rates to go into effect subject to refund, it shall also direct the cable operator to keep an accurate account of all amounts received by reason of the rates in issue and on whose behalf such amounts were paid.
6. Time For Order. The order specified in Subsection (5) shall be issued within ninety (90) days after the tolling order for any filing not involving cost-of-service showings. The order shall be issued within one hundred fifty (150) days of the tolling order for any filing involving cost-of-service showings.
7. Order Released And Notice Published. Notice of the rate order shall be given to the cable operator. A public notice shall be published stating that the order has issued and is available for review at specified reasonable time(s) and place(s).
8. Effect Of Order For Further Investigation. If the rate order provides for further investigation, the City shall provide for appropriate additional opportunities for comment by interested parties and the cable operator. Notice of any subsequent rate order completing the investigation shall be given to the cable operator. A public notice shall be published stating that the order has issued and is available for review at specified reasonable time(s) and place(s).
9. Effect Of Failure To File. If a cable operator fails to file its initial schedule of rates and related materials by the deadline established in Section 625.150(A)(1), the City shall hold the cable operator in default and proceed to make a determination as to the reasonableness of the cable operator's rates and order appropriate relief without the participation of the cable operator.

Section 620.160. Remedies And Refunds.

[CC 1990 § 7.5-54; Ord. No. 946 § 1(1.4), 9-19-1994]

- A. Orders. The City may order reductions or prescribe rates as prescribed by this Article and FCC regulations. The City may order the cable operator to make refunds, including interest, in accordance with FCC regulations.
- B. Time For Implementing. A cable operator must implement remedial requirements, including prospective rate reductions and refunds, within sixty (60) days after the City issues an order mandating a remedy. The relief must be effective as of the date the order issues.
- C. Filing Confirming Implementation. Within sixty (60) days of the date an order mandating a remedy is issued, a cable operator must file a certification, signed by an authorized representative, stating: whether the cable operator has complied fully with all provisions of the order; describing in detail the precise measures taken to implement

the order; and showing how any reductions or refunds (including interest) were calculated and made.

D. Deferral. Refund liability will be deferred if required by FCC regulations.

Section 620.170. Small Systems.

[CC 1990 § 7.5-55; Ord. No. 946 § 1(1.5), 9-19-1994]

Small systems shall be regulated in accordance with FCC regulations.

Section 620.180. through Section 625.290. (Reserved)

Division 2

Miscellaneous Provisions Generally Applicable To Rate Orders And Proceedings

Section 620.190. Rate Orders Must Be Written.

[CC 1990 § 7.5-61; Ord. No. 946 § 2(2.1), 9-19-1994]

Any rate order shall be in writing and shall explain the basis for the City's decision.

Section 620.200. Notice To And Comment By Cable Operator.

[CC 1990 § 7.5-62; Ord. No. 946 § 2(2.2), 9-19-1994]

Before prescribing a rate or ordering a reduction or a refund to subscribers, the City shall ensure the cable operator has had notice and opportunity to comment on the proposed rate, reduction or refunds.

Section 620.210. Any Lawful Action Permitted.

[CC 1990 § 7.5-63; Ord. No. 946 § 2(2.3), 9-19-1994]

The City may take any steps that it is not prohibited from taking by Federal or State law to protect the public interest as part of any rate order or by any other means. By way of illustration and not limitation, it may require refunds, set rates and impose forfeitures and penalties directly or through its delegated representatives and enforce refund orders.

Section 620.220. Orders Subject To Revision.

[CC 1990 § 7.5-64; Ord. No. 946 § 2(2.4), 9-19-1994]

Every order approving or setting a rate shall be subject to revision to the extent permitted under applicable laws and regulations, as the same may be amended from time to time.

Section 620.230. Public Information.**[CC 1990 § 7.5-65; Ord. No. 946 § 2(2.5), 9-19-1994]**

All filings, comments, recommendations, responses and orders shall be available for public inspection except to the extent proprietary material is withheld. Inspection can be made upon request to the Coordinator. All such materials regarding a particular filing will be made a part of the record before the City Council acts thereon.

Section 620.240. No Discrimination.**[CC 1990 § 7.5-66; Ord. No. 946 § 2(2.6), 9-19-1994]**

No cable operator shall discriminate among subscribers or potential subscribers to cable service. The City shall not prohibit a cable operator from offering reasonable discounts to senior citizens or to economically disadvantaged groups as defined by the FCC, so long as such discounts are offered equally to all subscribers in the franchise area who qualify as a member of the category or reasonable subcategory.

Section 620.250. "A La Carte" Offerings.**[CC 1990 § 7.5-67; Ord. No. 946 § 2(2.7), 9-19-1994]**

In reviewing a basic service rate filing, the City may make an initial decision addressing whether a collective offering of "a la carte" channels will be treated as unregulated service or a regulated tier. Such decision must be made within the first thirty (30) days established for review of basic service rates or within sixty (60) days thereafter of a tolling order issued. The City shall provide notice of its decision to the cable operator and the public within seven (7) days of making the decision. Such an initial decision shall toll the time periods within which the City must decide upon rate filings until seven (7) days after the FCC decides any interlocutory appeal or, if no appeal is taken, until seven (7) days after the expiration of the time for filing an interlocutory appeal. Alternatively, the City may reserve its decision until it issues its final decision on the rate filing.

Section 620.260. through Section 625.410. (Reserved)

Division 3

Information Requests**Section 620.270. Duty To Respond.****[CC 1990 § 7.5-76; Ord. No. 946 § 3(3.1), 9-19-1994]**

A cable operator and any other entity that has records of revenues or expenses that are or may be allocated to the cable operator's system must respond to requests for information from the City. A cable operator is responsible for ensuring that such other entity responds to the City's requests.

Section 620.280. Time For Response.**[CC 1990 § 7.5-77; Ord. No. 946 § 3(3.2), 9-19-1994]**

Complete responses to information requests must be submitted by reasonable deadlines established by the City.

Section 620.290. through Section 625.460. (Reserved)

Division 4

Other Duties Of Cable Operator**Section 620.300. Cable Operator Must Maintain Books And Records.****[CC 1990 § 7.5-81; Ord. No. 946 § 4(4.1), 9-19-1994]**

It is each cable operator's responsibility to keep books and records of account so that it can comply fully with this Article and any City order issued hereunder, as well as FCC regulations.

Section 620.310. Filings Must Be Complete.**[CC 1990 § 7.5-82; Ord. No. 946 § 4(4.2), 9-19-1994]**

It is each cable operator's duty to submit as complete a filing as possible and knowingly withholding information or making a filing that is incomplete under applicable law shall be treated as a violation of this Article.

Section 620.320. through Section 625.530. (Reserved)

Division 5

Duties Of Cable Coordinator**Section 620.330. Generally.****[CC 1990 § 7.5-91; Ord. No. 946 § 5, 9-19-1994]**

The Coordinator shall be responsible for administering the provisions of this Article. Without limitation and by way of illustration, the Coordinator shall be responsible for the following.

Section 620.340. Providing Notices.**[CC 1990 § 7.5-92; Ord. No. 946 § 5(5.1), 9-19-1994]**

The Coordinator shall ensure notices are given to the public and each cable operator as required herein and by FCC regulations. The cable operator can be provided notice by publication, mail, fax or any other reasonable means. The public can be provided notice by publication, posting or any other reasonable means.

Section 620.350. Submitting Information Requests.**[CC 1990 § 7.5-93; Ord. No. 946 § 5(5.2), 9-19-1994]**

The Coordinator shall submit requests for information to the cable operator and establish deadlines for response to them as provided in Division 4. Requests can be provided to the cable operator by mail, fax or any other reasonable means.

Section 620.360. Waiving Requirements.**[CC 1990 § 7.5-94; Ord. No. 946 § 5(5.3), 9-19-1994]**

The Coordinator shall for good cause waive any provision herein or extend any deadline for filing or response except as to such matters as are mandatory under FCC regulations.

Section 620.370. Ruling Of Confidentiality Requests.**[CC 1990 § 7.5-95; Ord. No. 946 § 5(5.4), 9-19-1994]**

The Coordinator shall rule on any request for confidentiality.

Section 620.380. Preparing Recommendations.**[CC 1990 § 7.5-96; Ord. No. 946 § 5(5.5), 9-19-1994]**

The Coordinator shall prepare recommendations to the City Council. If the recommendation is that any proposed rate be rejected in whole or in part, the Coordinator shall, to the extent possible, propose a rate and explain the basis for the recommendation (it may propose that rates remain at existing levels); recommend whether and on what basis refunds should issue; and notify the cable operator of its recommendation at the time it is submitted to the City Council.

Section 620.390. through Section 625.650. (Reserved)

Division 6

Penalties And Forfeitures**Section 620.400. Generally.****[CC 1990 § 7.5-101; Ord. No. 946 § 7(7.1), 9-19-1994]**

Except as prohibited by Federal or State law, a cable operator which violates this Article or any City order issued hereunder directed specifically to the cable operator shall be subject to penalties and forfeitures under the Municipal Code or, if applicable, the City's cable ordinance.

Section 620.410. Unreasonable Rates.**[CC 1990 § 7.5-102; Ord. No. 946 § 7(7.2), 9-19-1994]**

Charging or filing for approval of a rate that is later determined to be unreasonable is not in and of itself an evasion of Federal or local rate regulation and does not provide a basis for assessing penalties or forfeitures.

Section 620.420. through Section 625.730. (Reserved)

Division 7

Proprietary Information**Section 620.430. Requests For Protection Of Proprietary Information.****[CC 1990 § 7.5-111; Ord. No. 946 § 8(8.1), 9-19-1994]**

If this Article, or any request for information made pursuant hereto, requires the production of proprietary information, a cable operator must produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. Requests for confidential treatment, or for inspection or proprietary information, will be reviewed and decided by the Coordinator in accordance with applicable FCC regulations and applicable State and local law.

Section 620.440. Identification Of Proprietary Information.**[CC 1990 § 7.5-112; Ord. No. 946 § 8(8.2), 9-19-1994]**

Information that the cable operator claims is proprietary must be clearly identified as such by the cable operator. If it is part of a larger submission, such as a rate filing, the proprietary information must be segregated from the remainder of the submission. It must be clearly marked so that the City may determine where the proprietary information belongs within and how it relates to the remainder of the submission.

Section 620.450. through Section 625.810. (Reserved)

Division 8

Miscellaneous**Section 620.460. Joint Regulation.****[CC 1990 § 7.5-121; Ord. No. 946 § 6, 9-19-1994]**

To the extent permitted by law, the City may conduct cable regulation pursuant to this Article jointly with other municipalities in St. Louis County, Missouri, served by the same cable operator, including, but not limited to, joint certification, acting through a common

Coordinator, holding joint proceedings, providing joint notices and conducting joint reviews of filings. The City Council shall retain the final authority to make determinations hereunder and shall issue separate orders.

Section 620.470. Petition For Change In Regulatory Status.

[CC 1990 § 7.5-122; Ord. No. 946 § 9, 9-19-1994]

Any cable operator may petition for a change in regulatory status based on development of effective competition, and the City shall consider such a petition in accordance with FCC regulations. The cable operator must file an original and fifteen (15) copies of the petition with the Coordinator. If there are multiple cable operators providing locally regulated service within the City, each operator must file a separate petition and receive a separate decision from the City.

Section 620.480. Itemization Of Bills.

[CC 1990 § 7.5-123; Ord. No. 946 § 10, 9-19-1994]

- A. A cable operator shall itemize its bills so that the charges for basic service, equipment and installation are separately stated. A cable operator may, but it is not required to, identify a separate line item on each regular bill of each subscriber in accordance with FCC regulations:
1. The amount of the total bill assessed as a franchise fee and the identity of the franchising authority to which the fee is paid;
 2. The amount of the total bill assessed to satisfy any requirements imposed on the cable operator by the franchise agreement to support public, educational or governmental channels or the use of such channels; and
 3. The amount of any other fees, tax, assessment or charge of any kind imposed by any governmental authority on the transaction between operator and the subscriber.
- B. In order for a governmental fee or assessment to be separately identified under this Subsection, it must be directly imposed by a governmental body on a transaction between a subscriber and on operator. The charge identified on the subscriber's bill as the total charge for cable service shall include all itemized fees and costs.

Section 620.490. Late Charges.

[CC 1990 § 7.5-124; Ord. No. 946 § 11, 9-19-1994]

A cable operator shall not impose a late charge upon any subscriber who pays for service within fifteen (15) days after the end of the month in which the service was provided. Late charges shall not exceed seventy-five hundredths of one percent (0.75%) per month.

ARTICLE III
Video Services Providers

Section 620.500. Definitions.

[CC 1990 § 7.5-151; Ord. No. 2467 § 1, 7-21-2008]

The words and phrases used in this Article shall have the meaning as set forth in Section 67.2677, RSMo., or, if not defined therein, shall have such meanings as established by City Code.

CONTINUED OBLIGATIONS — The obligations of a cable service provider or video service provider as set forth in any existing cable services or video services franchise or ordinances shall also continue to apply to the full extent permitted by applicable law.

CUSTOMER SERVICE REQUIREMENTS — All video service providers providing service within the City shall adapt and comply with the minimum customer service requirements set forth in Section 67.2692, RSMo. Notice or receipt of this Article by the video service provider shall be deemed notice of the City invoking such customer service requirements.

FRANCHISE FEE — Pursuant to Section 67.2689, RSMo., and as partial compensation for use of the City's public rights-of-way, each video service provider or other person providing cable services or video services within the City shall, to the extent permitted by law, pay to the City a fee of five percent (5%) of the gross revenues from such video service provider in the geographic area of the City. Such payment shall be made as required by Section 67.2689, RSMo. The City shall have the right to audit any video service provider as authorized by Section 67.2691, RSMo. Late payments shall accrue interest due to the City compounded monthly at five percent (5%) or such other maximum rate as may be established by law.

NOTICE — A copy of this Article shall be delivered to each video service provider operating in the City after notice to the City that such provider is authorized to provide service within the City; provided that the provisions of this Article shall, to the extent permitted by law, not be affected by any claimed or actual failure of a service provider to have received delivery of a copy of this Article.

PUBLIC, EDUCATIONAL AND GOVERNMENTAL CHANNELS — Each video service provider shall designate a number of channels for public, educational and governmental programming consistent with Section 67.2703, RSMo.; provided that any greater number of channels, as may be required in the incumbent cable franchise or franchise ordinance, shall be required pursuant to Section 67.2703.2, RSMo. The City shall bear no cost relating to the transmission, availability or maintenance of such channels unless expressly authorized by the City in writing and approved by the Governing Body. Incumbent cable operators and other video service providers shall provide support for such public, educational and governmental channels consistent with Section 67.2703.8, RSMo.

RESERVATION OF RIGHTS — The City retains all rights in Section 67.2675 through 67.2714, RSMo., inclusive and may take any and all actions permitted by law to exercise such rights or to enforce such obligations on providers of video service.

RIGHTS-OF-WAY REGULATION; INDEMNIFICATION; PERMITS AND COMPLIANCE WITH OTHER LAWS — Video service providers shall comply with the requirements of Sections 67.2707, 67.2709, RSMo., and all applicable ordinances and

regulations consistent with Section 67.1830 to 67.1846, RSMo., relating to use of the City rights-of-way. Each video service provider shall indemnify and hold harmless the City and its officers, employees and agents from any loss or damage, including, but not limited to attorneys' fees, as provided in such ordinances or regulations, but in no event less than the obligation on video service providers set forth in Section 67.2695, RSMo. The City may require documentation of such indemnification by written agreement or other instrument to the extent permitted by law. In addition, video service providers shall be subject to and comply with such supplementary provisions relating to placement, screening and relocation of facilities as provided in Section 620.510 of this Article and such other applicable laws of the City, except as may be otherwise validly pre-empted. Notwithstanding any other ordinance to the contrary, no facilities to be used for video services shall be installed without obtaining a permit from the City authorizing the location and plans for such facilities; provided that this provision shall not apply to installation of otherwise lawful and authorized poles or wires.

Section 620.510. Accessory Utility Facilities — Supplementary Regulations.

[CC 1990 § 7.5-152; Ord. No. 2467 § 2, 7-21-2008]

- A. Every public utility, cable company, video service provider and other users of the City rights-of-way or adjacent easements to provide services shall comply with the supplemental regulations in this Section regarding the placement of accessory utility facilities on public or private property. For purposes of this Section, "accessory utility facilities" shall mean such facilities including pedestals, boxes, vaults, cabinets or other ground-mounted or below-ground facilities that directly serve the property or local area in which the facility is placed, are not primarily for transmission or distribution to other locations, do not materially alter the character of the neighborhood or area and otherwise are customarily found in such areas. Except where limited by other provisions of City ordinance, accessory utility facilities shall be subject to the following supplementary regulations:
1. Approval — Design — Location — Application. The design, location and nature of all accessory utility facilities on private or public property shall require approval of the City, which approval shall be considered in a non-discriminatory manner, in conformance with this Article and subject to reasonable permit conditions as may be necessary to meet the requirements of this Article. In considering applications individual or multiple location applications, the City shall review the request to ensure the proposed facilities do not impair public safety, harm property values or significant sight lines, or degrade the aesthetics of the adjoining properties or neighborhood and taking into consideration reasonable alternatives. Any material changes or extensions to such facilities or the construction of any additional structures shall be subject to the requirements and approvals as set forth herein. Unless otherwise prohibited, utility facilities subject to this Subsection may be located in minimum setback areas provided that all other requirements are met. To the extent permitted by Section 67.2707.3, RSMo., the time, method, manner or location of facilities to be located in the rights-of-way may be established or conditioned by the City to protect the rights-of-way or to ensure public safety. An inspection fee shall be required as may be established by the City to reimburse the City for the costs of review and inspection of accessory utility facilities as may be permitted by applicable law.

2. General Regulations. The following general regulations apply to all accessory utility facilities:
 - a. All such facilities shall be placed underground, except as otherwise provided in Subsections (3) and (4) herein or as approved by special use permit.
 - b. All such facilities shall be constructed and maintained in such a manner so as not to emit any unnecessary or intrusive noise.
 - c. All facilities and utility boxes shall be deemed abandoned after six (6) continuous months of non-use and shall therefore be removed within thirty (30) days thereafter at the cost of the utility.
 - d. Unless otherwise restricted, utility poles for authorized above ground lines or facilities shall be permitted up to forty-five (45) feet in height where utilities are not otherwise required to be placed underground; provided that such poles shall be no higher than necessary, maintained so as to avoid leaning from upright position and without use of guy wires crossing rights-of-way or pedestrian routes except where approved by the City as necessary due to the lack of feasible alternatives.
 - e. Utility facilities placed in designated historic areas may be subject to additional requirements regarding the placement and appearance of facilities as may be necessary to reasonably avoid or reduce any negative impact of such placement.
 - f. Any damage to landscaping or vegetation on private or public property during installation or maintenance of facilities shall be promptly remedied by the facility owner.
 - g. At least forty-eight (48) hours prior to any installation, replacement or expansion of any facility located on private property, the facility owner shall provide notice to all property owners within one hundred eighty-five (185) feet from the site. Notice shall include detailed description of work to be done, the exact location of work and the time and duration when it will be undertaken.
 - h. No facilities may be located so as to interfere, or be likely to interfere, with any public facilities or use of public property.
 - i. All utility facilities not authorized by this Subsection or specifically addressed elsewhere in this Code shall be authorized only as a special use permit.
3. Residential Districts. In residential districts, accessory utility facilities less than three and one-half (3 1/2) feet in height and covering less than eight (8) square feet in area may be installed above ground with the prior approval of the City. Except as otherwise may be authorized herein, any larger utility facility shall be installed underground or authorized to be installed above ground only by special use permit. All above ground facilities, where authorized, shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not

practical, then such facilities may be located in the side yard. Such facilities shall not be located in the front yard or within the public right-of-way unless otherwise approved by the City upon a determination that all other alternatives are not feasible.

4. Non-Residential Districts. In non-residential districts, accessory utility facilities with a height of less than five (5) feet and covering less than sixteen (16) square feet in area may be installed above ground with the prior approval of the City. Except as otherwise may be authorized herein, any larger utility facility shall be installed underground or authorized to be installed above ground only by special use permit. All above ground facilities, where authorized, shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical, then such facilities may be located in the side yard. Such facilities shall not be located in the front yard or within the public right-of-way unless otherwise approved by the City upon a determination that all other alternatives are not feasible.
5. Landscape Screening. A sight-proof landscape screen shall be provided for all authorized above ground facilities taller than two (2) feet in height or covering in excess of four (4) square feet in size. Such screen shall be required to sufficiently conceal the facility. A landscape plan identifying the size and species of landscaping materials shall be submitted by the utility and approved by the City prior to installation of any facility requiring landscape screening. The utility shall be responsible for the installation, repair or replacement of screening materials. Alternative screening or concealment may be approved by the City to the extent it meets or exceeds the purposes of these requirements. Facilities located in rear yards may be exempted from screening where located so as not to be visible from (1) any public property, and (2) more than two (2) residential dwelling units.
6. Compliance With Other Laws. All accessory utility facilities shall be subject to all other applicable regulations and standards as established as part of the City Code including, but not limited to, building codes, zoning requirements and rights-of-way management regulations in addition to the supplementary regulations herein. The provisions of this Section 620.510 of this Article shall not apply to any circumstance or entity in which application under such circumstances is pre-empted or otherwise precluded by superseding law.

Chapter DT
DERIVATION TABLE

**Section DT.010. Derivation Table Of
1990 City Code To
2018 Code.**

Section DT.010. Derivation Table Of 1990 City Code To 2018 Code.

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where Sections of the City's 1990 Code have been included in the 2018 Code, or the reason for exclusion. This Table will not be changed as new ordinances are added to the Code through supplementation; it merely represents the "map" of the prior Code to the new Code at time of publication.

KEY:

- SP 2012 = Replaced with Statutory Provisions during the 2012 recodification project.
- SP = Replaced with Statutory Provisions during the 2018 recodification project.
- REP 2012 = Deleted by the City during the 2012 recodification project; repeal is effective upon adoption of the new Code.
- REP = Deleted as not desired by City or obsolete during the 2018 recodification project; repeal is effective upon adoption of the new Code.
- NCM = Not Code material (legislation is not general or permanent in nature).
- N/A = Not applicable; was merely reserved in the prior publication.

Sections From 1990 City Code	Location in 2018 Code
1-1 to 1-11	100.010 to 100.110
1-12	Replaced by new Adopting Ordinance
2-1	110.010
2-2	REP 2012
2-3 to 2-5	110.020 to 110.040
2-6 to 2-20	N/A
2-21	110.110
2-22 to 2-25	N/A
2-26 to 2-29	110.170 to 110.200

Sections From 1990 City Code	Location in 2018 Code
2-30	REP 2012
2-31 to 2-33	110.210 to 110.230
2-34 to 2-40	N/A
2-41 to 2-48	110.300 to 110.370
2-49	REP 2012
2-50 to 2-52	110.380 to 110.400
2-53	SP 2012; see 110.410
2-54	110.420
2-55	SP 2012; see 110.430
2-56 to 2-65	N/A
2-66 to 2-83	110.500 to 110.670
2-84 to 2-90	N/A
2-91 to 2-98	110.730 to 110.800
2-99 to 2-105	N/A
2-106	110.860 (revised by City during 2012 recodification project)
2-107	Repealed by Ord. No. 2993
2-108 to 2-115	N/A
2-116 to 2-120	N/A
2-121 to 2-128	120.010 to 120.080
2-129 to 2-135	N/A
2-136	REP 2012
2-137 to 2-144	123.010 to 123.080
2-145 to 2-150	N/A
2-151 to 2-157	120.140 to 120.200
2-158 to 2-165	N/A
2-166 to 2-181	Ch. 120, Art. III (revised by City during 2012 recodification project)
2-182 to 2-190	N/A
2-191 to 2-195	Ch. 120, Art. III (revised by City during 2012 recodification project)

Sections From 1990 City Code	Location in 2018 Code
2-196 to 2-200	N/A
2-201 to 2-204	125.010 to 125.040
2-205 to 2-210	N/A
2-211 to 2-220.3	125.100 to 125.220
2-221 to 2-232	Repealed by Ord. No. 2985
2-233	Repealed by Ord. No. 2724
2-234 to 2-235	N/A
2-236 to 2-240.6	Repealed by Ord. No. 2994
2-240.7 to 2-240.15	Repealed by Ord. No. 2466
2-240.16 to 2-240.20	Repealed by Ord. No. 2726
2-241 to 2-250	135.010 to 135.100
2-251 to 2-260	N/A
2-261	REP 2012
2-262	REP 2012
2-263	500.010
2-264 to 2-300	N/A
2-301 to 2-302	115.010 to 115.020
2-303 to 2-320	N/A
2-321 to 2-330	115.080 to 115.170
2-331 to 2-332	N/A
2-333 to 2-338	115.230 to 115.280
2-339 to 2-340	N/A
2-341 to 2-345	REP 2012
2-346	120.040(J)
2-347 to 2-353	REP 2012
2-354 to 2-360	N/A
2-361 to 2-369	140.010 to 140.090
Chapter 2.5	Repealed by Ord. No. 2801
3-1 to 3-11	610.010 to 610.110
3-12	Superseded by 100.080

Sections From 1990 City Code	Location in 2018 Code
3-13	610.120
3-14 to 3-20	N/A
3-21 to 3-26	610.200 to 610.250
4-1	SP 2012; see 600.010
4-2	Repealed from statute RSMo. § 311.470
4-3 to 4-4	SP 2012; see 600.210E
4-5	Repealed by Ord. No. 2763
4-6	SP 2012; see 600.030A
4-7 to 4-8	SP 2012; see 600.030C
4-9	SP 2012; see 600.210E
4-10	600.210
4-11	SP 2012; see 600.210F
4-12 to 4-15	SP 2012; see 600.190
4-16	600.195
4-17	Superseded by 100.080
4-18	REP 2012
4-19 to 4-20	600.160 to 600.170
4-21	SP 2012; see 600.020(D)
4-22	600.180
4-23	SP 2012; see Ch. 342
4-24 to 4-30	N/A
4-31 to 4-33	SP 2012; see 600.020, 600.030
4-34 to 4-35	600.080 to 600.085
4-36, 2 nd paragraph	600.040
4-37 to 4-39	600.090 to 600.110
4-40 to 4-41	SP 2012; see 600.030D
4-41.1	600.120
4-42	600.130
4-43	SP 2012; see 600.030A
4-44	Repealed by Ord. No. 2763

Sections From 1990 City Code	Location in 2018 Code
4-45 to 4-46	SP 2012; see 600.030, 600.050
4-47	600.070
4-48	SP 2012; see 600.060
5-1 to 5-5	205.010 to 205.050
5-6 to 5-15	N/A
5-16 to 5-18	205.110 to 205.130
5-19	Superseded by 100.080
5-20 to 5-21	205.140 to 205.150
5-22 to 5-30	N/A
5-31	205.220
5-32 to 5-33	SP 2012; see 205.230, 205.240
5-34 to 5-40	N/A
5-41 to 5-43	205.060
5-44 to 5-51	N/A
5-52 to 5-57	Ch. 205, Art. IV
5-58 to 5-75	N/A
5-76 to 5-81	205.410 to 205.460
6-1 to 6-10	N/A
6-11 to 6-12	245.010 to 245.020
6-13	Superseded by 100.080
6-14	245.090 to 245.110
7-1	500.300
7-2	REP 2012
7-3 to 7-5	N/A
7-6 to 7-16	500.100 to 500.200
7-17 to 7-20	N/A
7-21	500.680 to 500.770
7-22 to 7-25	N/A
7-26	Superseded by Ord. No. 1349
7-27 to 7-30	N/A

Sections From 1990 City Code	Location in 2018 Code
7-31	Superseded by Ord. No. 1349
7-32 to 7-35	N/A
7-36 to 7-84	Superseded by Ord. No. 1349
7-85 to 7-90	N/A
7-91 to 7-93	500.400 to 500.420
7-94	Superseded by 100.080
7-95 to 7-100	N/A
7-101 to 7-117	500.500 to 500.670
7.5-1 to 7.5-20	N/A
7.5-21 to 7.5-31	620.010 to 620.110
7.5-32	NCM
7.5-33 to 7.5-40	N/A
7.5-41 to 7.5-50	N/A
7.5-51 to 7.5-55	620.130 to 620.170
7.5-56 to 7.5-60	N/A
7.5-61 to 7.5-67	620.190 to 620.250
7.5-68 to 7.5-75	N/A
7.5-76 to 7.5-77	620.270 to 620.280
7.5-78 to 7.5-80	N/A
7.5-81 to 7.5-82	620.300 to 620.320
7.5-83 to 7.5-90	N/A
7.5-91 to 7.5-96	620.330 to 620.380
7.5-97 to 7.5-100	N/A
7.5-101 to 7.5-102	620.400 to 620.410
7.5-103 to 7.5-110	N/A
7.5-111 to 7.5-112	620.430 to 620.440
7.5-113 to 7.5-120	N/A
7.5-121 to 7.5-124	620.460 to 620.490
7.5-125 to 7.5-150	N/A
7.5-151 to 7.5-152	620.500 to 620.510

Sections From 1990 City Code	Location in 2018 Code
7.5-153	NCM
8-1 to 8-76	Superseded by Ch. 225
9-1 to 9-15	N/A
9-16 to 9-27	SP 2012; see Ch. 230
10-1 to 10-6	Ch. 105
11-1 to 11-12	225.010 to 225.120
Chapter 12	Repealed by Ord. No. 2801
13-1 to 13-20	N/A
13-21 to 13-23	203.010 to 203.030
13-24	Superseded by 100.080
Prior Ch. 14	Repealed by Ord. No. 2801
14-1 to 14-2	145.010 to 145.020
14-3	145.030
14-4	145.040
15-1 to 15-20	N/A
15-21	240.010
15-22 to 15-30	N/A
15-31	240.070
Chapter 16	N/A
17-1 to 17-3	605.010 to 605.030
17-4 to 17-24	605.040 to 605.240
17-25	N/A
17-26 to 17-35.1	605.260 to 605.360
17-36	Superseded by 100.080
17-37 to 17-38	605.370 to 605.380
17-39 to 17-45	N/A
17-46 to 17-48	605.460 to 605.480
17-49 to 17-53	REP 2012
17-54 to 17-60	N/A
17-61 to 17-69	605.600 to 605.680

Sections From 1990 City Code	Location in 2018 Code
17-70 to 17-80	N/A
17-81 to 17-102	605.740 to 605.950
17-103 to 17-114	N/A
17-115 to 17-124	605.1020 to 605.1110
17-125 to 17-150	N/A
17-151 to 17-167	605.1180 to 605.1340
17-168	Superseded by 100.080
17-169	REP 2012
17-170	210.360
18-1	REP 2012
18-2	310.025
18-3 to 18-4	340.140 to 340.150
18-5	REP 2012 (see now Ch. 315)
18-6	340.160
18-7 to 18-20	N/A
18-21	SP 2012; see 380.010
18-21.1	SP 2012; see 380.100 to 380.120
18-22	SP 2012; see 380.010
18-23	340.170
18-24	SP 2012; see 370.280
18-25	315.060
18-26	SP 2012; see 340.180
18-27	342.010
18-28	SP 2012; see 342.020
18-28.1	130.075
18-28.2	342.030
18-29 to 18-30	340.190 to 340.200
18-31	SP 2012; see 340.210
18-32	SP 2012; see 340.010
18-33	SP 2012; see 370.290

Sections From 1990 City Code	Location in 2018 Code
18-34	SP 2012; see 370.300
18-35	340.220
18-36	SP 2012; see 340.230
18-37	340.240
18-38	SP 2012; see 340.250
18-39 to 18-40	340.260 to 340.270
18-41	REP 2012
18-42	335.100
18-43	320.030
18-44 to 18-46	340.280 to 340.300
18-47	SP 2012; see 380.020
18-48	380.030
18-49	340.235
18-50 to 18-60	N/A
18-61 to 18-64	370.010 to 370.040
18-65 to 18-67	SP 2012; see 370.050 to 370.070
18-68 to 18-72	370.080 to 370.120
18-73	SP 2012; see 370.130
18-74 to 18-77	370.140 to 370.170
18-78	SP 2012; see 370.180
18-79 to 18-81	370.190 to 370.210
18-82	SP 2012; see 370.220
18-83 to 18-84	370.230 to 370.240
18-85	SP 2012; see 370.250
18-86 to 18-87	370.260 to 370.270
18-88	370.195
18-89 to 18-100	N/A
18-101	355.100
18-102	SP 2012; see 355.110
18-103	355.120

Sections From 1990 City Code	Location in 2018 Code
18-104	215.140
18-105	355.130
18-106	REP 2012 (see now 355.040)
18-107 to 18-111	355.140 to 355.180
18-112 to 18-130	N/A
18-131 to 18-133	380.070 to 380.090
18-134 to 18-140	N/A
18-141	385.010
18-142 to 18-145	N/A
18-146 to 18-149	385.020 to 385.050
18-150	Superseded by 100.080
18-151 to 18-153	373.010 to 373.030
18-154 to 18-160	N/A
18-161 to 18-167	390.010 to 390.070
18-168	Superseded by 100.080
19-1 to 19-7	130.010 to 130.070
19-8 to 19-10	130.085 to 130.100
19-11	Deleted as duplicative; refer to 130.070
19-12	REP 2012
19-13 to 19-14	130.070
19-15	130.080
19-16	130.110
20-1 to 20-6	215.010 to 215.060
20-7 to 20-10	N/A
20-11 to 20-21	N/A
20-22	215.080
App. A to Ch. 20	215.070
21-1	210.010
21-2 to 21-4	SP 2012; see 210.020 to 210.040
21-5 to 21-6	210.050 to 210.060

Sections From 1990 City Code	Location in 2018 Code
21-7	210.1170
21-8	SP 2012; see Ch. 210, Art. IX
21-9	SP 2012; see 210.060
21-10	380.060
21-11 to 21-25	N/A
21-26 to 21-28	210.170 to 210.190
21-29	SP 2012; see Ch. 210, Art. IX
21-30	SP 2012; see 210.260
21-31	REP 2012
21-32	210.270
21-33	Superseded by 100.080
21-34 to 21-35	210.1120
21-36	210.350
21-37	210.1420
21-38 to 21-45	N/A
21-46 to 21-49	SP 2012; see 210.410 to 210.430
21-50 to 21-55	N/A
21-56 to 21-57	210.500 to 210.510
21-58	SP 2012; see 210.520
21-59 to 21-60	210.530 to 210.540
21-61	SP 2012; see 210.550
21-62	210.560
21-63	SP 2012; see 210.570
21-64 to 21-67	210.580 to 210.610
21-68	SP 2012; see 210.620
21-69	210.630
21-70	N/A
21-71 to 21-74	210.690 to 210.720
21-75	Repealed by Ord. No. 1520
21-76	Repealed by Ord. No. 2801

Sections From 1990 City Code	Location in 2018 Code
21-77 to 21-78	210.1370 to 210.1380
21-79 to 21-80	N/A
21-81	SP 2012; see 210.800 to 210.860
21-82 to 21-85	N/A
21-86 to 21-87	SP 2012; see 210.800 to 210.860
21-88 to 21-95	N/A
21-96	Repealed by Ord. No. 579
21-97	SP 2012; see 210.930 to 210.1010
21-98 to 21-100	N/A
21-101 to 21-102	SP 2012; see 210.930-210.1010
21-103 to 21-104	210.1020 to 210.1030
21-105	Superseded by 100.080
21-106 to 21-115	210.1210 to 210.1300
22-1 to 22-2	220.010 to 220.020
22-3 to 22-15	N/A
22-16 to 22-51	220.030 to 220.380
23-1 to 23-3	400.010 to 400.030
23-4 to 23-15	N/A
23-16 to 23-24	400.100 to 400.180
23-25	SP 2012; see 400.190
23-26 to 23-50	N/A
23-51 to 23-66	Repealed by Ord. No. 2801
24-1 to 24-2	200.010 to 200.020
24-3	N/A
24-4 to 24-5	200.030 to 200.040
24-6 to 24-15	N/A
24-16 to 24-50	200.100 to 200.440
24-51 to 24-60	N/A
24-61 to 24-64	200.500 to 200.530
24-65	200.130

Sections From 1990 City Code	Location in 2018 Code
24-66 to 24-70	200.540 to 200.580
24-71	REP 2012
24-72	REP 2012
24-73 to 24-75	200.590 to 200.610
24-76	200.130
24-77 to 24-85	N/A
24-86 to 24-90	200.710 to 200.750
24-91 to 24-92	Repealed by Ord. No. 1907
25-1 to 25-8	235.010 to 235.080
25-9	Superseded by 100.080
25-10 to 25-20	N/A
25-21 to 25-30	235.150 to 235.250
25-31 to 25-40	N/A
25-41 to 25-42	235.310 to 235.320
25-43	Repealed by Ord. No. 643
25-44 to 25-49	235.330 to 235.380
25-50	Repealed by Ord. No. 643
25-51 to 25-61	235.390 to 235.500
25-62	Repealed by Ord. No. 1734
25-63 to 25-70	N/A
25-71 to 25-74	235.560 to 235.590
25-75 to 25-85	N/A
25-86 to 25-88	235.650 to 235.670
25-89 to 25-100	N/A
25-101 to 25-102	235.730 to 235.740
25-103 to 25-110	N/A
25-111 to 25-126	235.800 to 235.950
26-1	340.310
26-2	210.1360
26-3 to 26-5	N/A

Sections From 1990 City Code	Location in 2018 Code
26-6 to 26-14	505.090 to 505.170
26-15	505.180
26-16 to 26-26	375.010 to 375.110
26-51 to 26-62	505.190 to 505.300
27-1 to 27-15	N/A
27-16 to 27-30	615.010 to 615.150
Ch. 27.5	Repealed by Ord. No. 2801
28-1 to 28-15	N/A
28-16 to 28-38	Repealed by Ord. No. 1006
Ch. 29	Superseded by Ord. No. 1349 (see now 500.010)
Ch. 30 (§§ 30-1 to 30-30)	Repealed by Ord. No. 2801
Ch. 31	Ch. 405
App. A	Repealed by Ord. No. 2801
App. B	Repealed by Ord. No. 2801
App. C § 300.010	300.010
App. C §§ 300.015 to 300.020	305.010 to 305.020
App. C §§ 300.025 to 300.035	REP 2012
App. C § 300.040	305.030
App. C §§ 300.045 to 300.055	REP 2012
App. C §§ 300.060 to 300.065	305.040 to 305.050
App. C §§ 300.070	REP 2012
App. C §§ 300.075 to 300.080	310.010 to 310.020
App. C §§ 300.085 to 300.095	310.030 to 310.050
App. C §§ 300.100 to 300.110	SP 2012; see 310.060 to 310.080
App. C §§ 300.115 to 300.120	310.090 to 310.100
App. C §§ 300.125	Repealed from Statutes in 2002
App. C §§ 300.130	315.010
App. C §§ 300.135	315.020
App. C §§ 300.140 to 300.150	315.030 to 315.050
App. C §§ 300.155 to 300.160	SP 2012; see 315.070, 315.080

Sections From 1990 City Code	Location in 2018 Code
App. C §§ 300.165 to 300.180	315.090 to 315.120
App. C §§ 300.185 to 300.190	REP 2012
App. C §§ 300.195 to 300.200	315.130 to 315.140
App. C §§ 300.205 to 300.210	320.010 to 320.020
App. C §§ 300.215	SP 2012; see 325.010
App. C §§ 300.220 to 300.236	325.020 to 325.060
App. C §§ 300.240 to 300.250	330.010 to 330.030
App. C §§ 300.255 to 300.295	335.010 to 335.090
App. C §§ 300.300	SP 2012; see 340.010
App. C § 300.305	340.020
App. C §§ 300.310	SP 2012; see 340.030
App. C § 300.315	340.040
App. C §§ 300.320 to 300.325	SP 2012; see 340.030
App. C § 300.330	SP 2012; see 340.050
App. C §§ 300.335 to 300.345	340.060 to 340.080
App. C §§ 300.347	SP 2012; see 340.090
App. C §§ 300.350	SP 2012; see 340.100
App. C §§ 300.355 to 300.365	340.110 to 340.130
App. C §§ 300.370 to 300.410	345.010 to 345.090
App. C §§ 300.415 to 300.435	350.010 to 350.050
App. C §§ 300.440 to 300.480	355.010 to 355.090
App. C §§ 300.485 to 300.515	360.010 to 360.070
App. C §§ 300.520 to 300.550	365.010 to 365.070
App. C §§ 300.555 to 300.570	REP 2012
App. C §§ 300.575 to 300.600	REP 2012
App. C, Sch. I	Traffic Schedule I
App. C, Sch. II	Traffic Schedule II
App. C, Sch. III	Repealed by Ord. No. 2810 (see reserved Sch. III)
App. C, Sch. IV	Traffic Schedule IV
App. C, Sch. V	Traffic Schedule V

Sections From 1990 City Code	Location in 2018 Code
App. C, Sch. VI	Traffic Schedule VI
App. C, Sch. VII	Traffic Schedule VII
App. C, Sch. VIII	Repealed by Ord. No. 2811 (see reserved Sch.VIII)
App. C, Sch. IX	Traffic Schedule IX
App. C, Sch. X	Traffic Schedule X
App. C, Sch. XI	Schedule XI
App. C, Sch. XII	Schedule XII
App. C, Sch. XIII	Schedule XIII
App. C, Sch. XIV	Repealed by Ord. No. 2811 (see reserved Sch. XIV)
App. C, Sch. XV	Repealed by Ord. No. 2811 (see reserved Sch.VX)
App. C, Sch. XVI	Schedule XVI
App. C, Sch. XVII	Repealed by Ord. No. 2811 (see reserved Sch.XVII)
Ordinance Disposition Table	DL
Resolution Disposition Table	NCM