



## CITY OF CHESTERFIELD

### Public Health & Safety Committee Meeting

December 16, 2024

4:00 PM

Conference Room 202

1. Call to Order

2. Roll Call

3. Approval of Minutes - August 26, 2024

4. Unfit Buildings

Justin Wyse and Elliot Brown will present an update about the City's regulations on Unfit Buildings and actions regarding problem properties located within the City.

5. River Valley Gate – Flash Flooding

Chief Funkhouser will provide information related to the River Valley gate, recent issues involving the access control related to the gate, and the procedures that have been enacted regarding the gate during incidents of flash flooding.

6. Update of Juvenile Related Ordinances

Chief Funkhouser and the City's legal counsel will present information about proposed updates to City ordinances related to juvenile offenses.

7. State of Missouri Law – Use of Electronic Devices

Chief Funkhouser and the City's legal counsel will present information about the State of Missouri law regarding the use of electronic devices while operating a motor vehicle. Portions of the law regarding enforcement actions will go into effect on January 1, 2025, and legal counsel will provide information about the impact of those actions.

8. Update on Radio Agreement with St. Louis County

Chief Funkhouser will provide information about an updated user agreement for an interoperable radio system between St. Louis County and the City. This agreement will include a proposed ordinance to be adopted if the agreement is approved. The agreement and corresponding ordinance will replace an existing agreement that is expiring on December 31, 2024.

9. Leash Law Discussion

Chairman Wahl will open a discussion regarding the City's current ordinance governing animals at large and the provisions listed in section 205.120 of that ordinance.

10. Individuals Sleeping in Public

Chief Funkhouser and the City's legal counsel will discuss the issue of individuals sleeping in public and provide information about the Police Department's procedures when dealing with these individuals, and introduce a proposed ordinance related to the issue.

11. Other

12. Next Meeting

13. Adjourn

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE PH&S COMMITTEE MEETING SHOULD CONTACT CITY CLERK VICKIE MCGOWND AT (636) 537-6716, AT LEAST TWO (2) BUSINESS DAYS PRIOR TO THE MEETING.

MINUTES  
PUBLIC HEALTH & SAFETY COMMITTEE  
AUGUST 26, 2024

3

1. The meeting was called to order at 4:04PM by Chairperson Aaron Wahl.

2. Roll Call

Councilmember Aaron Wahl, Ward II, Chairperson, Councilmember Barbara McGuinness, Ward I, Councilmember Merrell Hansen, Ward IV, Councilmember Mary Ann Mastorakos, Ward II, City Administrator Mike Geisel, and Chief Cheryl Funkhouser. Councilperson Michael Moore, Ward III was absent.

3. Approval of Minutes

Councilmember McGuinness motioned and Councilmember Hansen seconded to approve the minutes of the July 1, 2024 meeting. The motion carried 3-0.

*Councilmember McGuinness motioned and Councilmember Hansen seconded to change the order of the agenda. The motion carried 3-0 and the meeting commenced with item #5.*

5. Use of forfeiture funds – Training Program

Chief Funkhouser informed the Board members of an opportunity to send a Police Captain to a leadership training and development program sponsored by Northwestern University which will be held in Maryland Heights. The 10-week program will be split into two 5-week sessions. The cost of the full program is \$4,600.00 and Chief Funkhouser suggested that this be paid from forfeiture funds.

Councilmember McGuinness asked about the budget impact on this expense. Chief Funkhouser explained that there would be no budget impact because forfeiture funds are not part of the City budget but funds given to the police department for their participation in a federal investigation program which provided the police department with approximately \$300,000.00 this year. Forfeiture funds have very distinct rules governing the use of the funds and this training program is an approved use.

Councilmember McGuinness motioned and Councilmember Hansen seconded to move this item to City Council with a recommendation for approval. The motion passed 3-0.

6. Use of forfeiture funds – Utility Vehicle Purchase

Chief Funkhouser requested approval for the purchase of a new Utility Task Vehicle (UTV). The purchase will utilize forfeiture funds with no impact to the City budget. The current UTV in use is 15 years old and has become unreliable and will require costly repair and maintenance work.

Councilmember McGuinness asked if the current UTV type vehicles utilized by the Parks Department and the Public Works Department could be shared with the Police Department and thereby not require a new vehicle. Mr. Geisel answered this question and noted that the other vehicles are both utilized by those departments each day and would not be available to share. Chief Funkhouser also noted that the UTV is utilized by the police department officers and the Police Volunteers to assist citizens in need as they use the trail system and it would be utilized frequently to provide patrol activities at the CVAC and other community events.

The cost of the vehicle would be \$12,085.47.

Councilmember McGuinness motioned and Councilmember Hansen seconded to move this item to City Council with a recommendation for approval. The motion passed 3-0.

7. Use of forfeiture funds – Vehicle Purchase

Chief Funkhouser requested approval for utilization of forfeiture funds for the purchase of two (2) police vehicles that were involved in crashes within this past year.

Councilmember Hansen motioned and Councilmember McGuinness seconded to move this item to City Council with a recommendation for approval. The motion passed 3-0.

8. Use of forfeiture funds – Equipment Purchase

Chief Funkhouser requested approval to purchase an additional mobile video system for a police patrol fleet vehicle that had not previously been equipped with one. After discussion noting the importance of the mobile video system for police vehicles, Councilmember Hansen motioned and Councilmember McGuinness seconded to move this item to City Council with a recommendation for approval. The motion passed 3-0.

9. Police Department – Information on Reorganization

Chief Funkhouser informed the Committee of her intent to change the organization of the Police Department. This change would create the position of Assistant Police Chief and would not add any personnel to the Department. One of the Captains would be eligible for the position. This position would delineate that the individual is the person to provide immediate assistance in the absence of the Chief of Police. This position will be within the Department's existing pay structure to allow for the promotion of an employee to the new role. It will reduce the number of Police Captains to two captains. Mr. Geisel voiced his approval and noted it is a good development program

This item requires no action by the Committee and will be noted as received and filed.

Councilmember McGuinness motioned and Councilmember Hansen seconded to approve this item. The motion passed 3-0. No other action required.

*Regular agenda resumed.*

4. Community Awareness Program

City Administrator Geisel presented a proposed plan to develop an event or program that would express the City's support for City operations.

Originally, Councilmember McGuiness requested small yard signs be available for citizens to place in their yards to recognize police officers, or other department groups.

Discussion followed noting possible activities/events, the addition of department specific banners on the parkway, and opportunities for all staff and Council members to socialize. These would highlight conscious efforts to collaborate and teamwork.

After discussion no new programs were approved but the Committee directed staff create an all-employee recognition concept to highlight functional groups and encourage employees to interact and engage with each other. This also would encourage Councilmember members and executive to interact and promote community awareness.

This item will be an agenda item at the next meeting.

10. Other

Councilmember Hansen voiced that she was very impressed by the recent Backstopalooza concert this past weekend.

11. Next Meeting

No meeting date was set at this time.

12. The meeting adjourned at 5:40 PM



**TO:** Michael O. Geisel, P.E.  
City Administrator

**FROM:** Elliot Brown, *EMB*  
Assistant City Administrator

Justin Wyse *JW*  
Director of Planning

**Date:** November 2024

**RE:** Unfit Buildings Update

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**Background:**

Staff presented information about the City's Unfit Buildings regulations to the Planning and Public Works Committee (PPW) on June 20, 2024, and to the Public Health & Safety Committee (PHS) on July 1, 2024. The information included actions recently taken by the Code Enforcement Team to address violations at two problem properties in Ward 1. PPW directed staff to increase enforcement actions at the two problem properties and to research how other municipalities handle unfit building regulations and then report back in three months. PHS directed staff to draft policies and procedures to enable City staff to enter properties and initiate the appropriate actions to direct owners to repair these properties or to allow condemnation by the City.

As directed by PPW, staff conducted a review of other St. Louis County ordinances for alternatives to our process for inspecting and addressing unfit buildings. As directed by PHS, staff drafted the following options for their consideration:

**Alternative Unfit Buildings Regulations**

Option 1: Expanded Definition

The City of Creve Coeur regulates similar properties with its "Dangerous Buildings" code. The major difference between our Codes and Creve Coeur's is the who the regulation is meant to protect:

Our Codes define an Unfit Building as one that is "so dilapidated or unsafe as to be likely to cause injury to the life, health, safety or welfare of **neighbors.**"

Creve Coeur defines a Dangerous Building as one that is "so dilapidated, decayed, unsafe, unsanitary or would ordinarily fail to provide the amenities essential to sanitary and healthful living that they are **unfit for human habitation** or likely to cause sickness or disease, so as to work injury to the health, safety or welfare of **those occupying such buildings.**" It also includes

language defining a Dangerous Building as one that is “unsafe, unsanitary or dangerous to the health, safety or general welfare of **the people of this City.**”

In addition to Creve Coeur, many other nearby municipalities have the same language: St. Charles, Olivette, Rock Hill, Festus, Florissant, Twin Oaks, Cottleville, Dardenne Prairie, Crestwood, Eureka, and others. This expanded definition allows City officials to address nuisance properties not only when they impact the neighbors, but also the occupants.

If Council expands the definition of the Unfit Buildings code to protect the occupants as well as neighbors, the Code Enforcement Team could potentially act if it had reason to believe that the interior of a property was unfit for occupation. This option would not allow St. Louis County to inspect reported violations and process complaints. The City would have to seek out and utilize an alternative building inspector. We could possibly hire an additional staff member or contract with a private inspector.

#### Option 2: Readopt the International Property Maintenance Code

The City repealed the 2015 International Property Maintenance Code (2015 IPMC) in September 2023 to remove inconsistencies between the IPMC and the City’s Minimum Exterior Standards code. Code Enforcement now utilizes either the Nuisance code in Chapter 215 or the Unfit Buildings and Minimum Exterior Standards in Chapter 500 to enforce property maintenance in the City. However, none of these sections of code authorize entry to the interior of buildings and accessory structures to inspect for code compliance.

Prior to repealing the 2015 IPMC, the City contracted with St. Louis County to conduct interior inspections for code compliance. If a resident called the City or directly to the County to report an issue, a County inspector in their Problem Property Unit could conduct an interior inspection after receiving authorization from the City Administrator. After the City repealed the 2015 IPMC, the County informed us that they could no longer continue conducting interior inspections in the City.

Council has made it clear that it does not want City staff to conduct interior inspections and does not support the wholesale authorization of interior inspections of residential properties at this time. Council has indicated, however, that there are instances where interior inspections should be authorized in order to address problem properties that negatively impact the community. County officials have stated that the City needs to readopt their property maintenance code before their Problem Property Unit can conduct interior inspections within the City.

In order to readopt the 2015 IPMC reinstate inspections by St. Louis County’s Problem Property Unit, Council could do so with specific language similar to that

adopted by neighboring municipalities. These cities have specified in their code that they have adopted St. Louis County's Property Maintenance Code. For example, Fenton adopted the following language:

Property Maintenance Code. The "International Property Maintenance Code, 2015 edition," as published by the International Council, as adopted, amended, and revised by St. Louis County, Missouri, pursuant to St. Louis County Ordinance No. 27,617 as adopted on April 1, 2020, effective July 1, 2020, is hereby incorporated by reference and adopted as the Property Maintenance Code for the City, as if fully set out herein; however, *the Property Maintenance Code is only adopted for the limited purposes of enforcement by the St. Louis County Problem Property Unit.*

This language allows for the City of Fenton to contract with St. Louis County for property maintenance inspections. The City of Fenton also adopted the IPMC 2000 as their Non-Residential Property Maintenance Code for enforcement on commercial, industrial, and multi-family properties. These two code adoptions allow Fenton the flexibility to enforce property maintenance with their Community Development Department and St. Louis County's Problem Property unit.

If the City of Chesterfield adopts similar language, we could once again utilize St. Louis County for inspections of problem properties. IPMC 2015 would apply to any violations found in those inspections and would be prosecuted in our Municipal Court.

#### **Problem Properties Update:**

Staff previously provided information to PPW and PHS about two problem properties in Ward 1: 1000 North Woods Mill Rd. and 211 Stablestone Dr. Following the instructions of PPW, Code Enforcement increased actions against the property owners of both properties, with mixed results.

At 1000 North Woods Mill Rd, the increased enforcement actions led to multiple Municipal Court proceedings after which the property owner did clean up the site and evict the problematic tenant. The property is now vacant, and the owner is working to fix additional issues on the site prior to finding a new tenant. Code Enforcement is concerned that the sewage issues that were identified in previous inspections of the home by St. Louis County are still present and could be a hazard to any future tenants.

The increased enforcement actions at 211 Stablestone Dr. have not resulted in any positive changes on the site. Code Enforcement has abated the tall grass on the property three times, thrown mosquito larvicide in the pool three times, and issued numerous citations to the property owner for these violations since July.



All mailed notices are returned as undeliverable, and the owner has an active warrant for failing to appear at multiple court hearings.

The only outcome of the additional enforcement was that the Police Department was asked to accompany Code Enforcement to the site to close the unsecured garage. When they entered the property to conduct a safety sweep to confirm the building was unoccupied, they were able to view the deteriorated state of the interior after years of neglect. They found trash scattered everywhere, moldy carpets and drywall, loose and unstable flooring, and severe water damage. The entire basement floor was covered in over a foot of wet debris and sludge with clear water marks up to 4 feet high on the walls. The only way to determine whether the structure has sustained sufficient damage to be considered for condemnation is to conduct an interior inspection.

**Recommended Actions:**

This matter should be returned to the Public Health and Safety Committee of the City of Chesterfield for further consideration.

**Forward to PH&S for review and recommendation. Please ensure that PH&S understands that whether contracting independently, or through St. Louis County, either activity is charged to the City. St. Louis County charges for this service.**

 2024-12-4

**From:** Mark Bruegenhemke  
**Sent:** Thursday, December 5, 2024 12:10 PM  
**To:** pdsupervisors  
**Subject:** River Valley Gate

During the heavy rains we had last month we ran into an issue with the gate on River Valley. When the gate was installed citizens who live off Creve Coeur Mill had concerns they would not be able to access Olive when Creve Coeur Mill Road floods. They were told the gate on River Valley would be opened to allow them to access Olive through River Valley. During the last heavy rains there was some confusion as to why the River Valley gate needed to be open because there was no flooding on River Valley. The residents' concerns were forwarded to City Council.

So to be clear, the flooding issues are on Creve Coeur Mill Road not River Valley and the gate to River Valley should be open to allow residents who live on Creve Coeur Mill Road access to Olive. Moving forward, if there are "Flash Flood Warnings" or we get a call from residents indicating Creve Coeur Mill Road is flooding we should open the gate at River Valley as soon as possible and leave it open until the warning is over or the flooding has receded.

The key to the gate is in the key cabinet behind the front desk.

Please make this a routine to check and address anytime we have heavy rains and flooding concerns.

BILL NO. \_\_\_\_\_

ORDINANCE N

6

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI, AMENDING SECTIONS 130.010, 210.1970, 210.1980, AND 235.150 RELATED TO THE AGE OF JUVENILES.**

**WHEREAS**, pursuant to § 211.031, RSMo the City is authorized to assert jurisdiction over certain types of municipal ordinance violations committed by minors; and,

**WHEREAS**, in 2021 SB 793 was adopted by the 101<sup>st</sup> General Assembly of the State of Missouri to amend, among other things, the jurisdiction of the juvenile courts; and,

**WHEREAS**, on August 30, 2021, the City passed ordinance 3155 amending the City's jurisdiction of minors to conform to state law; and,

**WHEREAS**, city staff have identified additional updates to the City's municipal code which are needed to better conform to state law; and,

**WHEREAS**, the City Council finds it is in the best interest of the public health, safety, and general welfare to make these updates to the municipal code as they relate to juveniles;

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

**Section I:** Section 130.010(A) of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

- A.** The Municipal Court shall be responsible for the regular hearing and determination of municipal ordinance violation cases of the City of Chesterfield committed by adults ~~over the age of eighteen (18) years and older~~ and shall be operated in accordance with rules of the Supreme Court and rules of the Circuit Court. For municipal ordinance violations allegedly committed by minors under the age of eighteen (18) ("minors"), the Municipal Court shall be responsible for the regular hearing and determination of those cases involving:
1. A minor fifteen (15) years of age or older who allegedly committed a municipal traffic violation, of which does not constitute a felony;
  2. Any minor who allegedly violated a municipal curfew ordinance;

3. Any minor who allegedly violated a municipal ordinance prohibiting the use or possession of tobacco.

**Section II:** Section 210.1970 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 210.1970 **Article Definitions.**

For 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)~~ eighteen (18).

**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.

**Section III:** Section 210.1980 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 210.1980 **Curfew for Persons Under ~~17~~ 18.**

- A. It shall be unlawful for any person under the age of ~~seventeen (17)~~ eighteen (18) 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)~~ eighteen (18) 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)~~ eighteen (18) 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)~~ eighteen (18) 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 IV:** Section 235.150(A)(1) of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

- 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)~~ eighteen (18) 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

**Section V:** This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

**Section VI:** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Presiding Officer

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Bob Nation, Mayor

ATTEST:

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Vickie McGownd

FIRST READING HELD:



## Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION

## Chapter 304

&lt; &gt; Effective - 28 Aug 2023



304.822. **Electronic communication device, use of while driving prohibited, when — citation of law — definitions — school bus operations, prohibited acts — inapplicability, when — penalties for violations — search of device, right to decline — preemption.** — 1. This section shall be known as the "Siddens Bening Hands Free Law".

2. As used in this section, the following terms shall mean:

(1) "**Commercial motor vehicle**", the same meaning as is ascribed to such term in section 302.700;

(2) "**Electronic communication device**", a portable device that is used to initiate, receive, store, or view communication, information, images, or data electronically.

(a) Such term shall include but not be limited to: cellular telephones; portable telephones; text-messaging devices; personal digital assistants; pagers; broadband personal communication devices; electronic devices with mobile data access; computers, including but not limited to tablets, laptops, notebook computers, and electronic or video game systems; devices capable of transmitting, retrieving, or displaying a video, movie, broadcast television image, or visual image; and any substantially similar device that is used to initiate or receive communication or store and review information, videos, images, or data.

(b) Such term shall not include: radios; citizens band radios; commercial two-way radio communication devices or their functional equivalent; subscription-based emergency communication devices; prescribed medical devices; amateur or ham radio devices; or global positioning system receivers, security, navigation, communication, or remote diagnostics systems permanently affixed to the vehicle;

(3) "**Highway**", the same meaning as is ascribed to such term in section 302.010;

(4) "**Noncommercial motor vehicle**", the same meaning as is ascribed to such term in section 302.700;

(5) "**Operating**", the actual physical control of a vehicle;

(6) "**Operator**", a person who is in actual physical control;

(7) "**School bus**", the same meaning as is ascribed to such term in section 302.700;

(8) "**Voice-operated or hands-free feature or function**", a feature or function, whether internally installed or externally attached or connected to an electronic communication

device, that allows a person to use an electronic communication device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

3. Except as otherwise provided in this section, while operating a noncommercial motor vehicle or commercial motor vehicle on any highway or property open to the public for vehicular traffic in this state, no operator shall:

(1) Physically hold or support, with any part of his or her body, an electronic communication device;

(2) Write, send, or read any text-based communication, including but not limited to a text message, instant message, email, or social media interaction on an electronic communication device. This subdivision shall not apply to operators of a noncommercial motor vehicle using a voice-operated or hands-free feature or function that converts the message to be sent as a message in a written form, provided that the operator does not divert his or her attention from lawful operation of the vehicle;

(3) Make any communication on an electronic communication device, including a phone call, voice message, or one-way voice communication; provided however, that this prohibition shall not apply to use of a voice-operated or hands-free feature or function;

(4) Engage in any form of electronic data retrieval or electronic data communication on an electronic communication device;

(5) Manually enter letters, numbers, or symbols into any website, search engine, or application on an electronic communication device;

(6) Watch a video or movie on an electronic communication device, other than watching data related to the navigation of the vehicle; or

(7) Record, post, send, or broadcast video, including a video conference, on an electronic communication device, provided that this prohibition shall not apply to electronic devices used for the sole purpose of continually monitoring operator behavior by recording or broadcasting video within or outside the vehicle.

4. The operator of a school bus shall not use or operate an electronic communication device while the school bus is in motion unless the device is being used in a similar manner as a two-way radio to allow live communication between the operator and school officials or public safety officials. The operator of a school bus shall not use or operate an electronic communication device or a two-way radio while loading or unloading passengers.

5. This section shall not apply to:



(1) Law enforcement officers or operators of emergency vehicles, as such term is defined in section 304.022, who are both using the electronic communication device and operating the emergency vehicle in the performance of their official duties;

(2) Operators using an electronic communication device for the sole purpose of reporting an emergency situation and continuing communication with emergency personnel during the emergency situation;

(3) Operators of noncommercial motor vehicles using an electronic communication device solely through a voice-operated or hands-free feature or function;

(4) Operators of commercial motor vehicles using a voice-operated or hands-free feature or function, as long as the operator remains seated and is restrained by a seat belt as required by law;

(5) Operators of commercial motor vehicles reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed ten inches tall by ten inches wide in size;

(6) Operators using electronic communication devices while the vehicle is lawfully stopped or parked;

(7) Commercial motor vehicles that are responding to a request for roadside assistance, when such response is conducted by a motor club as defined in section 385.450 or a towing company as defined in section 304.001;

(8) The use of an electronic communication device to relay information between a transit or for-hire vehicle operator and that operator's dispatcher, provided the device is mounted or affixed to the vehicle;

(9) The use of an electronic communication device to access or view a map for navigational purposes;

(10) The use of an electronic communication device to access or listen to an audio broadcast or digital audio recording; or

(11) The use of an electronic communication device to relay information through a transportation network company's digital network to a transportation network company driver, provided the device is mounted or affixed to the vehicle.

6. (1) Except as otherwise provided in this subsection, violation of this section shall be an infraction. Penalties for violations of this section shall be as provided in this subsection. Prior convictions shall be pleaded and proven in the same manner as required under section 558.021.

(2) For a conviction under this section where there is no prior conviction under this section within the preceding twenty-four months, the court shall impose a fine of up to

one hundred fifty dollars.

(3) For a conviction under this section where there is one prior conviction under this section within the preceding twenty-four months, the court shall impose a fine of up to two hundred fifty dollars.

(4) For a conviction under this section where there are two or more prior convictions under this section in the preceding twenty-four months, the court shall impose a fine of up to five hundred dollars.

(5) For a conviction under this section where the violation occurred in a work zone when workers are present, as such terms are defined in section 304.580, or for a conviction under this section where the violation occurred in an area designated as a school zone and marked in any way that would alert a reasonably prudent operator to the presence of the school zone, the court shall impose a fine of up to five hundred dollars.

(6) A violation of this section that is the proximate cause of damage to property in excess of five thousand dollars shall be a class D misdemeanor.

(7) A violation of this section that is the proximate cause of serious physical injury to another person shall be a class B misdemeanor.

(8) A violation of this section that is the proximate cause of the death of another person shall be a class D felony.

(9) A violation of this section while operating a commercial motor vehicle shall be deemed a serious traffic violation, as such term is defined in section 302.700, for purposes of commercial driver's license disqualification under section 302.755.

7. A law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall inform the operator of the operator's right to decline a search of their electronic communication device. No warrant shall be issued to confiscate or access an electronic communication device based on a violation of this section unless the violation results in serious bodily injury or death.

8. A violation of this section shall not be used to establish probable cause for any other violation.

9. The provisions of this section shall be subject to the reporting requirements set forth in section 590.650.

10. The state preempts the field of regulating the use of electronic communication devices by the operators of commercial and noncommercial motor vehicles. The provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate

the use of electronic communication devices by the operator of a commercial or noncommercial motor vehicle.

11. Prior to January 1, 2025, a law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall not issue a citation for a violation of this section and shall only issue a warning.

12. No person shall be stopped, inspected, or detained solely for a violation of this section.

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(L. 2023 S.B. 398)

---- end of effective 28 Aug 2023 ----  
use this link to bookmark section 304.822

Click here for the **Reorganization Act of 1974 - or - Concurrent Resolutions Having Force & Effect of Law**

In accordance with Section 3.090, the language of statutory sections enacted during a legislative session are updated and available on this website on the effective date of such enacted statutory section.



► **Other Information**

► **Other Links**



Missouri Senate



MO.gov



Missouri House

Errors / suggestions -  
WebMaster@LR.mo.gov



History and Fun Facts

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**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE APPROVING A TEN YEAR USER AGREEMENT FOR AN INTEROPERABLE RADIO SYSTEM BETWEEN ST. LOUIS COUNTY, MISSOURI, AND THE CITY OF CHESTERFIELD.**

**WHEREAS**, the residents of St. Louis County previously approved a tax for the purpose of improving emergency communication systems within St. Louis County and between governmental agencies, including emergency responders; and

**WHEREAS**, St. Louis County, through the Emergency Communications Commission, has developed a county-wide emergency communication system for the use of police departments, fire departments, and other local government agencies, including public works and parks; and,

**WHEREAS**, the Emergency Communications Commission has provided radios to the City of Chesterfield which are used throughout the City; and,

**WHEREAS**, the City of Chesterfield previously approved a User Agreement with St. Louis County on January 23, 2013 via Ordinance Number 2736, which expires on December 31, 2019; and,

**WHEREAS**, the City of Chesterfield previously approved a User Agreement with St. Louis County on December 2, 2019 via Ordinance Number 3076, which expires on December 31, 2024; and,

**WHEREAS**, the St. Louis County Emergency Communications Commission has asked the City of Chesterfield to enter into a new ten year User Agreement for the Interoperable Radio System in St. Louis County, Missouri.

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

**Section 1:** The City Council of the City of Chesterfield hereby authorizes the City Administrator to enter into a new User Agreement for the Interoperable Radio System in accordance with the Agreement marked "Exhibit A" attached hereto.

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Presiding Officer

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Bob Nation, Mayor

ATTEST:

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Vickie McGownd

FIRST READING HELD:

## Chapter 205. Animals and Fowl

### Article II. Animals At Large

#### Section 205.110. Scope.

[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.

[1] *State Law Reference: Municipal control of animals running at large, § 77.510, RSMo.*

#### Section 205.120. At Large Defined.

[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:

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 raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber.

### **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)

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI, PROHIBITING SLEEPING ON OR ADJACENT TO CITY RIGHT-OF-WAY, ENACTING A NEW SECTION OF CODE 210.560 RELATED THERETO, AND PROHIBITING CAMPING ON CITY PROPERTY WITHOUT A PERMIT, AMENDING SECTION 220.120 RELATED THERETO.**

**WHEREAS**, on June 28, 2024 the Supreme Court of the United States issued its decision in the case of *Grants Pass v. Johnson* and held that the city of Grants Pass' ordinance prohibiting camping on public property did not violate the Eighth Amendment, said ordinance did not criminalize an individual's status as unhoused, and recognized that it is within the purview of state and local governments to address the issue of homelessness; and,

**WHEREAS**, under Chapter 77 of the Revised Statutes of Missouri, third class cities, such as the City of Chesterfield, Missouri (the "City"), have been given broad authority to enact ordinances which promote the health, safety, and welfare of the City and the public; and,

**WHEREAS**, the City recognizes that certain activities including, but not limited to, sleeping on or adjacent to sidewalks, streets, or rights-of-way can pose a safety risk to both the individual and the general public; and,

**WHEREAS**, the City further recognizes that unpermitted camping and camp sites can pose a safety risk to both the individual and the general public and can further create a risk to public health; and,

**WHEREAS**, the City has previously only allowed camping in City parks, facilities, and/or trail areas with the written approval of the Director of Parks, and the City now finds it necessary to introduce a permitting system to ensure that the safety and health risks associated with camping are minimized; and,

**WHEREAS**, the City finds it necessary to enact the foregoing regulations to protect the general public health, safety, and welfare;

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

**Section I:** Section 210.560 of the City of Chesterfield Municipal Code shall be adopted as follows:

Section 210.560 **Sleeping On or Adjacent to City Property Prohibited**



- A.** For purposes of Section 210.560, “City Property” shall mean all real property, parks, parking lots, rights of way, sidewalks, easements, City Hall, recreational facilities, athletic facilities, entertainment facilities, the Chesterfield Amphitheater, the Chesterfield Family Aquatic Center, and any other land owned, leased, controlled, or managed by the City.
- B.** No person may sleep on or adjacent to any public sidewalks, streets, rights of way as a matter of individual and public safety.
- C.** No person may sleep in or adjacent to any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.
- D.** No person may sleep on, in, or adjacent to any City Property except as permitted by Section 220.120 or in connection with the use of the City of Chesterfield’s Police Department’s holding facilities.

**Section II:** Section 220.120 of the City of Chesterfield Municipal Code shall be repealed and replaced as follows:

**Section 220.120 Camping**

- A.** For purposes of Section 220.120, the following definitions shall apply:
  - 1.** “To Camp” shall mean to maintain a campsite in a single location of City Property for more than 12 hours.
  - 2.** “Campsite” shall mean a location upon City Property where Camping Materials are placed.
  - 3.** “Camping Materials” include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps, portable stoves, and/or other collections of personal property that are, or reasonably appear to be, arranged and/or used as accommodations to camp whether or not 12 hours have passed.
  - 4.** “City Property” shall mean all real property, parks, parking lots, rights of way, sidewalks, easements, City Hall, recreational facilities, athletic facilities, entertainment facilities, the Chesterfield Amphitheater, the Chesterfield Family Aquatic Center, and any other land owned, leased, controlled, or managed by the City.
- B.** It is prohibited to camp on City Property without first applying for and receiving a permit from the Director of Parks.
  - 1.** The Director of Parks shall make available a Campsite permit application that requires the name of the person seeking a permit to

camp on City Property, the contact information for said person, the location of the proposed Campsite, the time that the individual intends to camp (not to exceed 48 hours), and any other information the Director of Parks determines necessary to ensure the public health and safety.

2. The Director of Parks may only grant such a permit for City parks and/or trail areas.
  3. In connection with the costs of administering this Campsite permitting process, the Director of Parks shall collect a fee of ten dollars for each Campsite permit which is granted. No fee shall be required for Campsite permits which are denied.
- C. Any person who does not have a permit to camp on City Property shall remove themselves, Camping Materials, and Campsites upon demand by a law enforcement officer.

**Section III:** This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

**Section IV:** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Bob Nation, Mayor

ATTEST:

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Vickie McGownd

FIRST READING HELD: