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Curfew Regulations and Procedures for Violation Thereof

## **GENERAL PROVISIONS**

### **Chapter 100**

#### Section 100.010 - - City of the Fourth Class

Pursuant to an election held April 3, 1951, the Village of Lakeshire became and now is a City of the Fourth Class under the laws of the State of Missouri.

#### Section 100.020 - - City Seal

The City of Lakeshire hereby adopts as its Corporate Seal the impression made by a metallic disc not more than two and one half inches in diameter with wording on the outside border of the disc reading "City of Lakeshire, St. Louis County, Missouri" and the word "SEAL" inscribed in the center of the disc.

#### Section 100.025 - - Subdivision of Land within the City

No land shall be subdivided or any existing lot divided within the City of Lakeshire except with the approval of a majority of the members of the Board of Aldermen and said division or subdivision shall be in compliance with the regulations and ordinances of the City of Lakeshire and St. Louis County.

#### Section 100.030 - - Division of City into Three Wards

The City of Lakeshire is hereby divided into three wards to be known as Ward One, Ward Two, and Ward Three and the boundaries of said wards shall be as follows:

##### Ward One

Ward One shall include the entirety of those parcels specified below by parcel identification number, together with and inclusive of all public rights-of-way to their centerlines and as more particularly identified on the City of Lakeshire Ward Map (a true and accurate copy of which is attached hereto as Exhibit 1 and incorporated herein by this reference), which shall have boundary lines co-extensive with city boundary lines, except where the Ward One boundary abuts to the Ward Two boundary line. In addition, Ward one shall include a portion of land added through a 1952 annexation by the City of Lakeshire, specifically described as follows:

Beginning at the intersection of the northeast line of Elise Drive with the southwest corner of property with Parcel ID #: 26K310730 and extending northwestwardly along the prolongation of the northeast line of Elise Drive approximately 400 feet more or less to the boundary line between the Affton School

District and the R-8 (formerly Sappington) School District as such boundary line exists on the date of this ordinance; thence Southwestwardly along said School District and its prolongation to the intersection with the northeast Right of Way line formerly of the Missouri Pacific Railroad; thence Southeast along said right of way to the intersection with the most westerly corner of Ward Two of City of Lakeshire; thence along the northwestwardly line of Ward Two and its direct prolongation to the most northern corner of property with Parcel ID #: 26K310703; thence southeastwardly, northeastwardly, southeastwardly, and northeastwardly along parcel lines to the intersection of the northeast line of Elise Drive with the southwest corner of property with Parcel ID #: 26K310730, the point of beginning.

26K310730	26K310741	26K310752	26K310763	26K330013	26K330024
26K330046	26K340100	26K340144	26K340201	26K340221	26K340232
26K340287	26K340276	26K340265	26K340302	26K340243	26K340254
26K340298	26J130122	26K340210	26K340166	26K340090	26K340056
26K340012	26K320674	26K320641	26K320603	26K320564	26K320498
26J110476	26J110575	26J110982	26J110674	26J110652	26J110663
26J130023	26J130034	26J130683	26J130045	26J130056	26K310804
26K310796	26K310785	26K310774	26K320805	26K320795	26K340694
26K320784	26K320773	26K320762	26K320751	26K320740	26K320731
26K320553	26K320531	26K320823	26K320832	26K320421	26K320355
26K320432	26K320476	26K320520	26K320542	26K320575	26K320586
26K320621	26K320652	26K320630	26K320612	26K310721	26K310813
26K340111	26K340089	26K340067	26K340045	26K340023	26K320704
26K320685	26K320597	26K320663	26K320696	26K340034	26K340078
26K340122	26K340199	26K340133	26K340733	26K340742	26K340188
26K320401	26K320465	26K320511	26K320502	26K320454	26K320410
26K320366	26K320333	26K320311	26K320289	26K320245	26K320180
26K320212	26K320278	26K320300	26K320399	26K320377	26J110454
26J110432	26K320201	26K320713	26K320146	26K320102	26K320722

26K320081	26K320135	26K320157	26K320179	26K320234	26K320256
26K320290	26K320322	26K320344	26K320388	27K640115	27K640687
27K640632	27K640357	27K640434	27K640500	27K640533	27K640566
27K640610	26K310059	26K310093	26K310158	26K310224	26K310268
26K310334	26K310389	26K310422	26K310477	26K310521	26K310554
26K310587	26K310611	26K310653	26K310703	26K310697	26K310675
26K310642	26K310620	26K310598	26K310565	26K310501	26K310455
26K310400	26K310345	26K310301	26K320113	26K320070	26K320047
26K320025	27K640621	27K640599	27K640544	27K640643	27K640676
26K320014	26K320036	26K320069	26K320092	26K320124	26K320168
26K320191	26K320223	26K320267	26K310499	26K310543	26K310602
26K310631	26K310664	26K310686	26K310851		

### Second Ward

Ward Two shall include the entirety of those parcels specified below by parcel identification number, together with and inclusive of all public rights-of-way to their centerlines and as more particularly identified on the City of Lakeshire Ward Map (a true and accurate copy of which is attached hereto as Exhibit 1 and incorporated herein by this reference), which shall have boundary lines co-extensive with city boundary lines, except where the Ward Two boundary abuts to the Ward One or the Ward Three boundary lines.

26K220211	26K220411	26K220266	26K220277	26K220156	26K220167
26K220178	26K310576	26K310532	26K310510	26K310488	26K310466
26K310433	26K310390	26K310367	26K310323	26K310280	26K310246
26K310192	26K310169	26K310125	26K310082	26K310037	27K631304
27K631261	27K631205	27K631151	27K631096	27K640489	27K640456
27K640412	27K640346	27K640313	27K640247	27K640182	27K640126
27K640104	27K640269	27K640302	27K630811	27K630853	27K630921
27K630963	27K631018	27K631063	27K631106	27K631140	27K631184
27K631227	27K631250	27K631283	26K310015	26K310071	26K310103

26K310136	26K310170	26K310202	26K310257	26K310291	26K310312
26K310356	26K310378	26K310411	26K220387	26K220255	26K310840
26K310831	26K310181	26K310147	26K310114	26K310060	26K310026
27K631294	27K631249	27K631216	27K631173	27K631139	27K631085
27K631041	27K630996	27K630974	27K630912	27K630875	27K630820
27K630776	27K630765	27K630699	27K640753	27K640742	27K630435
27K630479	27K630512	27K630556	27K630589	27K630622	27K630677
27K630721	27K630754	27K630787	27K630842	27K630897	27K630930
27K630985	27K631029	27K631074	27K631128	27K631162	27K631195
27K631238	27K631272	26K310048	27K631690	27K631700	27K631711
27K631722	27K631833	27K631744			

### Ward Three

Ward Three shall include the entirety of those parcels specified below by parcel identification number, together with and inclusive of all public rights-of-way to their centerlines and as more particularly identified on the City of Lakeshire Ward Map (a true and accurate copy of which is attached hereto as Exhibit 1 and incorporated herein by this reference), which shall have boundary lines co-extensive with city boundary lines, except where the Ward Three boundary abuts to the Ward Two boundary line.

27K631777	27K631591	27K631755	27K631766	27K631601	27K631348
27K631337	27K631546	27K631447	27K631436	27K631425	27K540598
27K631634	27K631832	27K631843	27K630903	27K630864	27K630831
27K630798	27K630743	27K630710	27K630666	27K630611	27K630567
27K630534	27K630501	27K630457	27K630402	27K631876	27K631854
27K631865	27K640049	27K640016	27K630271	27K630237	27K630215
27K630183	27K630172	27K630150	27K630138	27K630105	27K630095
27K630073	27K630051	27K630040	27K631902	27K631469	27K632019
27K632008	27K631810	27K631821	27K631799	27K631801	27K630259

27K630282	27K630325	27K630358	27K630392	27K630446	27K630468
27K630523	27K630578	27K630590	27K630655	27K630701	27K631645
27K631656	27K631667	27K631678	27K631689		

Section 100.040 - - Social Security

- A. It is hereby declared to be the policy and purpose of the City of Lakeshire, Missouri, to extend to all eligible employees and officials of said city who are not excluded by law or by this section, and whether employed in connection with a governmental or proprietary function of said city, the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Social Security Act Amendments of 1950, and by Senate Committee Substitute for Senate Bill No. 3 of the 66<sup>th</sup> General Assembly of the State of Missouri and amendments thereof, as the same may be now and hereafter in effect.
- B. The Mayor and City Clerk of the City of Lakeshire, Missouri, are hereby authorized and directed, on behalf of this City, to prepare, execute and submit to the Division of Budget and Comptroller of the State of Missouri, a State Agency of the State of Missouri, a plan and agreement for extending said benefits to said eligible employees and officials of the City of Lakeshire, Missouri, in the form prepared by the State Agency and hereby approved and adopted by the Board of Aldermen of this City, which plan and agreement are to become effective upon approval thereof by the State Agency, and are further authorized and directed to execute agreements and modifications and amendments thereof with said State Agency, providing for the extension of said benefits to said employees and officials as set forth in said plan and agreement, as provided for in Section A hereof, said plan and agreement to provide that said extension of benefits is to be effective on April 1, 1975.
- C. Commencing on the first day of the month following the date of the approval of the plan and agreement of this City by the State Agency, there shall be deducted from the wages of all employees and officials of the City of Lakeshire, Missouri to whom the benefits of said system of Federal Old-Age and Survivors Insurance are extended, by virtue of the plan and agreement hereinbefore provided for, the amount of each of said employees' and officials' contributions, as determined by the applicable State and Federal laws and by said plan and agreement, the aggregate amount of said deductions to be paid into the Contributions Fund created by Senate Committee Substitute of Senate Bill No. 3 of the 66<sup>th</sup> General Assembly of the State of Missouri; provided, however, that from the first payment of wages made to each of said employees and officials after the benefits of said system have been extended

to such employees and officials, there shall be deducted a sum equal to the amount which would have been due and payable from each of said employees and officials had said extension of benefits been provided and effective on April 1, 1975.

- D. Commencing on the first day of the month following the date of the approval of the plan and agreement of this City by the State Agency, there is hereby authorized to be appropriated from the General Fund of the City of Lakeshire, Missouri, and there is, and shall be, appropriated, the sum or sums of money necessary to pay the contributions of the City of Lakeshire, Missouri, which shall be due and payable by virtue of the extension of the benefits of the Federal Old-Age and Survivors Insurance System to the eligible employees and officials of said City, said sum or sums of money to be paid into the Contributions Fund created by Senate Committee Substitute for Senate Bill No. 3 of the 66<sup>th</sup> General Assembly of the State of Missouri; provided, however, that in making the first payment to said Contributions Fund, after the benefits of said system have been extended to such employees and officials, said first payment shall include a sum equal to the amount which would have been due and payable had said extension of benefits been provided and effective on April 1, 1975. The Fund from which said appropriation is made will, at all time, be sufficient to pay the contributions of the City by this Section directed to be paid to said Contributions Fund.
- E. The City of Lakeshire, Missouri, from and after the approval of the plan and agreement of this City by the State Agency, shall fully comply with, and shall keep such records, make such reports and provide such methods of administrations of said plan and agreement as may be required by all applicable State and Federal laws, rules and regulations, now and hereafter in effect with respect to the extension of the benefits of the Federal Old-Age and Survivors Insurance System to the employees and officials of this City. For the purpose of administering said plan and agreement the City Clerk of this City shall be the official who shall make all required reports, keep all records, and be responsible for the administration of said plan and agreement on behalf of this City, and any and all notices and communications from the State Agency to this City with respect to said plan and agreement shall be addressed to "10000 Puttington Drive, City of Lakeshire, Missouri, 63123."

#### Section 100.050 - - Road and Bridge Tax Refund

The Major of the City of Lakeshire is hereby authorized to execute for and on behalf of the City of Lakeshire for the calendar year of 1984 and thereafter such affidavits as may from time to time be required by law with regard to the use and application by the City of funds received from the County Road and Bridge Tax Refund. Such use and application of said Refund shall be in accordance with the laws of the State of Missouri.



#### Section 100.060 - - Protection Against Vandalism

- A. The word “City” as herein used shall mean the City of Lakeshire.
- B. The words “City Property” includes all items, things, and objects the title to which is in the City and further includes those items, things, and objects commonly designated and considered to be included within the meaning of the terms “City Property”.
- C. That no person, corporation, partnership, association, or group of any other designation or nature shall at any time destroy, deface or otherwise damage any City property.
- D. Any person, corporation, partnership, association, or other group found guilty of the violation of this Section shall be fined in an amount not to exceed twice the value of the property destroyed or twice the cost of repair of the property defaced or otherwise damaged.

#### Section 100.070 - - Street Department Emergency Fund

- A. An emergency fund is hereby created and appropriation of \$1,500.00 from the City Treasury is hereby authorized as the amount which shall be maintained in said fund. As funds are used from this fund during the course of the year and their use approved by the Board of Aldermen the fund shall be supplemented to keep the balance at \$1,500.00.
- B. The purpose of the above-mentioned fund is for emergency street and alley repairs, emergency street sign repairs and replacements, and emergency lighting repairs and replacements for the entrance lights to the City of Lakeshire.
- C. The Street Commissioner is hereby authorized to make the expenditures necessary for carrying out the purposes of this Section after the approval of the Mayor of the City of Lakeshire has been obtained.
- D. All funds expended under the authority of this Section shall be confined to emergency repairs of the kind described in or similar to those described in Subsection B above.

#### Section 100.080 - - Emergency Repairs Authorization for the Mayor and Chief of Police

- A. During the time period between each regular meeting of the Board of Aldermen, the Mayor and the Chief of Police are each hereby authorized to spend up to \$5,000 for emergency purposes without first obtaining the approval of the Board of Aldermen.
- B. “Emergency purposes” as used in subsection A of the section shall be defined as those purposes requiring the immediate action and expenditure of funds by the Mayor or Chief of Police in order to avoid or alleviate a serious impairment of City services or a serious danger to the City and its citizens.
- C. Any expenditures made under these sections shall be specifically presented to the Board of Aldermen at its next regular meeting for its review and approval; however, the Board of Aldermen may not hold either official financially liable for any expenditure it disapproves if said expenditure was made in good faith under the authority of this section.

#### Section 100.090 - - Audit Requirements

- A. All general and special accounts of the City of Lakeshire, including the accounts of the Municipal Court, shall be subject to an annual audit at the end of each calendar year by a qualified independent Certified Public Accountant who shall submit a report to the Mayor and the Board of Aldermen.
- B. Said C.P.A. shall be selected by the Board of Aldermen on the basis of his or her familiarity with municipal finances, the type of audit and report the C.P.A. is prepared to submit, and the cost of said services.

#### Section 100.100 - - Policies for the Sale of City Property and the Purchase of Goods and Services for the City

- A. When the City negotiates any purchase, sale, or other contract, including contracts for public improvements, there shall be provided ample opportunity for competitive bidding in the following manner and with due regard to obtaining products, resources, terms and conditions most advantageous to the City:
  - 1. If the consideration is not more than Five Hundred Dollars (\$500.00), or the Mayor is authorized to expend said funds without the approval of the Board of Aldermen and without obtaining bids.
  - 2.. If the consideration is more than Five Hundred Dollars (\$500.00), but not more than Five Thousand Dollars (\$5,000.00), the Mayor or department head may obtain oral bids, from which the most advantageous bid with proper qualifications

as determined by the City shall be accepted. Said purchase must be approved by the Board of Aldermen.

3. If the consideration is for more than Five Thousand Dollars (\$5,000.00), at least three (3) sealed, written bids shall be solicited from which the Board of Aldermen shall accept the most advantageous bid. Said solicitation shall include a general description of the articles to be purchased or the services to be performed, and the time and place for opening the sealed bids. If three responsible suppliers cannot be reasonably located, the Mayor or department head shall so certify to the Board upon presentation of the bids.
4. Sealed bids shall be received by the Mayor or a department head and shall be identified as bids on the envelope. The bids shall be opened in public before the Board of Aldermen at the time and place stated in the invitation to bid; and after the opening, the Mayor or the department head shall tabulate all bids received and shall inform the Board of his or her recommendations as to whom the Board should award the contract.
5. The Board, upon receiving the tabulation and recommendation of the Mayor or department head, shall award the contract to the lowest responsible bidder, but shall have the right to reject any and all bids.
6. The following shall be the minimal guidelines in determining the lowest responsible bidder:
  - i. The ability, capacity and skill of the bidder to perform the contract or provide the services required.
  - ii. Whether the bidder can perform the contract or provide the services promptly or within the time specified, without delay or interferences.
  - iii. The character, integrity, responsibility, judgment, experience and efficiency of the bidder.
  - iv. Whether the bidder is in default on the payment of taxes, licenses or other moneys due the City, and this factor alone shall justify disqualification.
  - v. The quality and performances of previous contracts or services.
  - vi. The previous and existing compliance by the bidder with laws, the provisions of this Code and other City ordinances relating to the contract services.

- vii. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
  - viii. The quality, availability and adaptability of the supplies or contractual services to the particular use required.
  - ix. The ability of the bidder to provide, where applicable, future service and maintenance of equipment which is the subject of the contract.
  - x. The number and scope of conditions attached to the bid.
- 7. Individual contracts, purchases, or sales for goods, supplies, commodities, or services shall not be excluded from the requirement of competitive bidding described herein.
  - 8. Individual contracts or purchases shall not be subdivided for the purpose of evading the requirement of competitive bidding.
  - 9. Except in cases where they are not as restrictive as the City's purchasing regulations, applicable state and federal laws shall supersede any regulations of the City of Lakeshire concerning purchasing.

B. Exceptions.

- 1. Professional Services. Contracts for services of professional persons, including, but not limited to, attorneys, physicians, accountants, or other services requiring expert or special knowledge or skill, including, but not limited to, planning consultants, insurance advisors and brokers, auditors, public relations consultants, real estate brokers, and landscape architects shall be exempt from the requirement of competitive bidding.
- 2. Cooperative Purchasing. Contract with any other governmental units or agents for the purpose of cooperative purchasing, when it would best serve the interests of the City, shall be exempt from the requirement of competitive bidding. The Board of Aldermen must, however, verify that the purchase has been subject to competitive bidding by some other governmental entity.
- 3. Exclusive Supplier. Where it shall be determined that there exists a sole supplier without a substitute which would reasonably satisfy the needs of the City, supplies, materials and equipment may be secured in a manner other than

competitive bidding. The department head may be authorized to procure such service or commodity without bidding. The department head shall document the particular facts which make the item a single-source purchase, and the purchase shall be approved by the Board of Aldermen.

4. Per Unit Pricing. When it shall be deemed more appropriate to obtain per unit pricing at the beginning of the fiscal year, at which time items shall be subject to Board of Aldermen approval, supplies, materials, and equipment may be secured from that same supplier throughout the fiscal year.
5. Emergency purchases. Where an emergency situation requires immediate purchase of supplies or services and time is of the essence, the department head is authorized to procure the supplies or devices needed without following the bidding procedures. The department head shall maintain a written record of the circumstances surrounding emergency purchases and the purchases shall be approved by the Board of Aldermen.
6. Situations calling for competitive negotiations. Where it can be demonstrated that the City receives the best value on a purchase through informal discussion and bargaining rather than through the conventional bidding process, the department head need not follow the conventional bidding process exclusively. Such purchases shall be documented by the department head and given prior approval by the Mayor and Board of Aldermen. Examples would include, but not limited to, circumstances where time is a crucial factor, when the procurement involves high technology items, or when there is obvious inherent economy in purchasing from a particular vendor.

## **MAYOR AND BOARD OF ALDERMAN**

### **CHAPTER 105**

#### Section 105.010 - - Mayor May Declare Emergencies & Deputize Officers, When

- A. The Mayor of the City of Lakeshire is herewith empowered to declare an emergency existing within the confines of the City of Lakeshire.
- B. The Mayor shall be the sole judge of whether or not such an emergency may be declared.
- C. Upon declaration of an emergency the Mayor may appoint and delegate individuals to the position of Police Officer of the City of Lakeshire in such number as he may deem advisable to cope with the emergency.

- D. When appointed, such individuals shall have full power and authority to act as general law enforcement officers, and shall have full power and authority to perform all acts generally performed by the Chief of Police and Police Officers of the City of Lakeshire.
- E. Such individuals shall be empowered to act until the Mayor declares the emergency at an end.
- F. Should the Mayor be unable to declare an emergency then the President of the Board of Aldermen of Lakeshire shall have the powers herein given the Mayor.

Section 105.020 - - Qualified Police Officer Granted Authority to Respond to Emergency Situations Outside the City Boundaries

- A. Pursuant to authority granted under Section 577.060, Subsection 19, RSMo. 1978, qualified police officers of the City of Lakeshire are hereby authorized to respond to emergency situations outside the boundaries of the City of Lakeshire.
- B. As used in this Section, “qualified police officer” shall mean an officer who has completed the basic police training program as promulgated by Chapter 590, RSMo.; and “emergency situation” shall mean any unforeseen combination of circumstances or events involving danger or imminent danger to human life or property which requires immediate action.

Section 105.030 - - Mayor May Declare Emergency and Request Outside Assistance, When

- A. In the event that an emergency exists within the City of Lakeshire, the Mayor of the City of Lakeshire may request assistance from the police forces, and other appropriate officers, of St. Louis County and any other municipalities willing to lend assistance.
- B. All members of police forces responding to the request for assistance may be deputized as members of the police force of the City of Lakeshire by the Mayor.
- C. The determination of whether an emergency exists shall be made by the Mayor of the City of Lakeshire.

- D. In the event that the Mayor is absent from the City of Lakeshire, the foregoing acts shall be made by the President of the Board of Aldermen.

Section 105.040 - - General Rules for the Board of Aldermen

- A. Meetings of the Board of Aldermen shall be held in the City Hall subject to change of place in case of emergency. Regular meetings will be held at 7:00 p.m. on the second Monday in each month unless otherwise adjourned by a majority of the Board of Aldermen to a specific date and time. Special meetings shall be held at such time as may be fixed by the call of the Mayor or three members of the Board of Aldermen, and notice shall be posted in at least two places in the City for 48 hours before the meeting. In addition to the posting of notice, each member of the Board of Aldermen and the Mayor shall be notified of the call of any special meeting by written notice delivered to their home address. Notice of regular meetings of the Board of Aldermen shall also be posted at the City Hall, and the notice of both regular and special meetings shall include a tentative agenda specifying the topics to be discussed at the meeting. If the second Monday in a month shall be a legal holiday, then the regular meeting of the Board of Aldermen shall be held at 7:00 p.m. on the third Monday in that month.
- B. The Board of Aldermen shall on the third Tuesday of April each year, or as soon thereafter as practicable, elect a President, who shall in the absence or disability of the Mayor, succeed to, and perform all of the duties and functions of the Mayor.
- C. The Board of Aldermen shall keep a journal of its proceedings. Copies of the previous month's minutes shall be distributed to all Aldermen not later than ten days prior to the meeting.
- D. The Duty of the Mayor: The Mayor, or in his absence, the President, shall take the chair at the appointed hour for any meeting of the Board. He shall call the members to order and on the appearance of a quorum shall cause the Journal of the preceding meeting to be read, to the end that mistakes, if any, shall be corrected. He shall preserve order and decorum and shall decide all questions of order, subject to the right of appeal by any member of the Board, which shall decide such questions without debate except that the appellant may state the grounds upon which he bases his appeal. The Mayor shall be a member of the committee. The Mayor shall cast a vote in order to break a tie of the Board, but shall not vote otherwise.
- E. The City of Lakeshire does hereby establish and fix, effective July 1, 2020, the salary of the Mayor of the City of Lakeshire, Missouri at the rate of \$250.59 per month.



- F. The City of Lakeshire does hereby establish and fix, effective July 1, 2020, the salary of the members of the Board of Aldermen of the City of Lakeshire, Missouri at the rate of \$104.61 per month.

Section 105.050 - - Order of Business, Board of Aldermen

- A. The order of business shall be as follows:
1. Call to Order and Pledge of Allegiance
  2. Roll Call
  3. Comments of Lakeshire Citizens
  4. Approval of minutes of previous meetings
  5. Reports of City Officials
  6. Introduction and reading of Bills
  7. Second reading of Bills
  8. Passage of Bills - Third reading
  9. Petitions and Communications
  10. Resolutions
  11. Reports of Special Committees
  12. Unfinished business
  13. New business
  14. Adjournment

Section 105.070 - - Infractions of the Rules; Board of Aldermen

- A. If any member transgresses the Rules of the Board of Aldermen, the Chair shall or any member may, call him to order, in which case the member called to order shall immediately cease speaking. The person calling the member to order shall then state the rule or order transgressed and the Chair shall decide whether the point of order was well taken or not, subject to appeal from his decision to the Board of Aldermen. When such appeal is seconded, the question shall be put in this form: "Shall the decision of the Chair stand as the opinion of the Board of Aldermen?" and unless a majority of the members present vote in the negative, the decision of the Chair shall be considered as sustained. If there be no appeal, the decision of the Chair shall be submitted to without debate. If the point of order be decided not well taken, the member called to order shall not proceed until leave be given; and if the case requires it, he shall be liable to censure of the Board of Aldermen. On such question of order, no member shall speak more than twice, except the Chair, who shall be heard in preference to any other member. All questions of order shall be noted by the Secretary with the decision on the Journal.
- B. Every member present shall vote on each question stated by the Chair, unless excused.
- C. If the majority of the Aldermen present vote in the affirmative, any motion or resolution may be set down as a special order of business at a time certain, but not otherwise.
- D. No motion shall be put or debated unless it is seconded. When a motion is seconded it shall be stated by the Chair before debate, and the proposer of the motion shall be entitled to the floor.
- E. After a motion or resolution is stated by the Chair, it shall be in the possession of the Board, but may be withdrawn at any time before the decision or amendment by consent of the Board.
- F. In all cases where a resolution or motion is entered on the minutes, the name of the member moving same shall be entered.

Section 105.080 - - Taking and Entering Vote, Board of Alderman

- A. If any member requests it, the yeas and nays on any question (unless otherwise specifically provided herein) shall be taken and entered on the minutes, but the yeas and nays shall not be taken unless called for previous to decision of the vote on the question. The vote on all bills however, shall be yeas and nays and shall be entered on the Journal.

- B. Any Alderman voting in the minority on any subject and protesting against the vote of the Board, may have his protest entered on the Journal, if the tenor and language of such protest would have been admissible in the discussion of the subject.
- C. When a question is under debate, the only motion in order shall be:
  - 1. To adjourn to a time certain
  - 2. To adjourn
  - 3. To lay on the table
  - 4. The previous question
  - 5. To amend
  - 6. To substitute
  - 7. To postpone indefinitely, or to a day certain

Number 2, 3, and 4 shall be decided without debate.

- D. A motion to adjourn shall always be in order, except
  - 1. When a member is in possession of the floor
  - 2. When the yeas and nays are being called
  - 3. When the members are voting
  - 4. When an adjournment was the last preceding motion
  - 5. When it has been decided that the previous question shall be taken.
- E. When a motion is postponed indefinitely, it shall not be taken up again at the same meeting.
- F. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
- G. After a bill has passed, and not before, the title of said bill may be amended to conform to the body thereof.
- H. A vote or question may be reconsidered at any time during the same meeting or at the first regular meeting held thereafter, but not otherwise. A motion for reconsideration being once made, and decided in the negative shall not be renewed, nor shall the vote to reconsider be reconsidered.
- I. A motion to reconsider shall require a vote of a majority of the members of the Board elected, for its adoption. Such a motion can only be made by a member who voted with the majority on the original motion.

- J. Each bill shall be introduced by the Major or a member of the Board of Aldermen. The proposer of the Bill shall have his name typed on the first sheet of the Bill and shall read the bill for the first reading.
- K. Emergency measures providing for the immediate preservation of the public peace, health or safety, shall be declared to be emergency measures, in the title and body thereof.
- L. No ordinance shall be revised or re-enacted by reference to the title, but the same shall be set forth at length as if it were an original ordinance.
- M. Bills returned with the disapproval of the Mayor shall stand as reconsidered. The Secretary shall enter the objections of the Mayor thereto upon the Journal and the Board shall proceed to consider the question, "Shall the bill pass, the objection of the Mayor thereto notwithstanding?" The vote shall be taken by yeas and nays entered on the Journal. If two-thirds of all the members vote to pass the bill, the President of the Board of Aldermen shall sign the Bill and certify that fact thereon over his signature.
- N. A majority of the members elect shall constitute a quorum. A smaller number may adjourn from day to day. Any three members may compel the attendance of absentees.
- O. Every bill introduced shall, immediately after the first reading of such bill, be reproduced by the Clerk and one copy furnished to each member of the Board, provided, however, that any bill introduced which provides for the granting of any franchise or extension of any franchise or privilege on any street, alley, or park, or any zoning privilege, shall immediately after the first reading of such bill, be printed by the person or corporation seeking such franchise or favor, and one copy of the proposed ordinance shall be furnished to each member of the Board; provided, however, that any bill above described shall not be further considered unless this rule is complied with.
- P. Before the reading of any resolution, a copy of same shall have been placed before each member of the Board.
- Q. No members shall be permitted to vote or serve on any committee when the matter under consideration involves in any way his private rights as distinguished from the public interest of such member.

- R. The prevailing rules of parliamentary practice comprised in Roberts Rules of Order shall govern the Board in all cases insofar as they are consistent with the above defined rules and the Statutes of the State of Missouri.
- S. All hearings, whether conducted by the Board of Aldermen, or any other duly appointed Board, shall be public, and any person desiring to be heard shall have the opportunity to be heard at such hearing, but shall not be questioned or addressed by any person not a member of the Board conducting the hearing except by majority vote of at least a quorum thereof.
- T. The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Lakeshire, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the ayes and nays be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto, as herein provided.

Section 105.090 - - General Rules Governing Citizen Participation at Aldermanic Meetings.

- A. The general rules for citizen comments during any portion of the Aldermanic session including "comments of Lakeshire citizens" shall be regulated according to provisions of Subsections B, C, and D of this Section.
- B. During the time period reserved for "comments of Lakeshire citizens" any citizen may be asked to be recognized by the Chair and upon being recognized may speak for a reasonable period of time concerning any question relating to the City or City business. The presiding officer shall not allow any citizen to speak for an excessive period of time or speak on subjects not relating to the condition or business of the City. If the presiding officer so rules, and asks the citizen to cease speaking, the citizen shall immediately comply. However, if two members of the Board of Aldermen request that the citizen be allowed to continue to speak, the presiding officer shall so allow it.
- C. Any citizen who is not a resident of the City of Lakeshire must obtain the permission of the presiding officer or at least two members of the Board of Aldermen in order to be permitted to speak at a session of the Board of Aldermen. This rule shall not

apply to specialists, consultants, or bidders for City business who have been invited to speak on specified topics before the Board of Aldermen. Such invitation may be issued by the Mayor or two members of the Board of Aldermen after notifying the presiding officer that such invitation has been issued.

- D. Any person who uses loud, abusive or insulting language shall be warned by the Chairman of the meeting that he shall be denied his permission to speak if he persists in such conduct. If after one warning said person persists in said similar conduct, then said person shall be removed from the meeting by the Chief of Police or his designated Officer acting at the direction of the Mayor or a majority of the Board of Aldermen.

#### Section 105.100 - - Attendance at Meetings

- A. The Mayor and members of the Board of Aldermen shall be required to attend all regular and special meetings of the Board unless leave of absence is granted by the Board or unless excused by the Mayor for illness or other special reason subject to the approval of the Board.
- B. If the Mayor, or any member of the Board of Aldermen, or any appointed City Official shall be absent from two consecutive meetings without excuse, that said absence shall constitute a dereliction of their duty and upon motion made by a member of the Board of Aldermen, a resolution for their impeachment shall be considered by the Board of Aldermen. The sufficiency of any excuse is to be passed upon by the Board and he may be removed from office by resolution of the Board of Aldermen at any regular meeting of the Board, whether or not the member in question is present, such resolution to be voted upon favorably by at least two-thirds of all of the members elected to the Board.
- C. In the event of illness or physical incapacity of a permanent nature, making it impossible for an Alderman to attend meetings and perform his duties as such, the Board of Aldermen upon satisfactory showing of such conditions and that the incapacity has existed for a period of not less than thirty (30) days and being satisfied that the Alderman will be unable to attend meetings and perform the duties of his office for an additional period of third (30) days or more, may remove such Alderman from office by a two-thirds vote of the members elected to the Board of Aldermen.
- D. In the event any member of the Board is consistently delinquent in his duties and fails to perform duties assigned to him by the Mayor and Board of Aldermen in the regular course of business, charges to that effect may be filed against him by the Mayor or any member of the Board of Alderman in question shall be notified to

appear at the next regular meeting of the Board where he may be heard in his own defense. If the charges are proven to the satisfaction of at least two-thirds of the members elected to the Board of Aldermen, they may, by resolution voted upon favorably by at least two-thirds of all the members of the Board, remove said member.

- E. Vacancies occurring under this section shall be filled in the manner provided by law as in the case of any other vacancy.

#### Section 105.110 - - Supervisory Duties of the Mayor

The Mayor is the chief administrative officer of the City and shall be solely responsible for the control and supervision of all appointed city officials subject to the approval of the Board of Aldermen. This administrative control may be limited by specific rules, regulations, and directives and ordinances duly approved by a majority of the members elected to the Board of Aldermen but said rules, regulations and directives and ordinances may not deprive the Mayor of his general supervisory responsibilities as prescribed by the ordinances of the City and the laws of the State of Missouri.

#### Section 105.120 - - Duties of the Board of Aldermen and Mayor, Limitations on Individual Members of the Board

The Board of Aldermen shall have, in concert with the Mayor, the duty of care, management, and control of the City and its finances, and they shall have the power to enact and ordain any and all ordinances not repugnant to the constitution and law of the State of Missouri to accomplish their purposes within the limits prescribed for the governing bodies of fourth class cities by the laws of the State of Missouri. Individual members of the Board of Aldermen shall have no control or supervisory powers over any city officials unless such a power is specifically delegated by ordinance or resolution duly passed by a majority of the members of the Board of Aldermen. No Alderman shall act or represent himself to be acting on behalf of the city concerning any city business unless the Board of Aldermen has specifically delegated that authority to said Aldermen. Individual citizen complaints received by members of the Board concerning problems specific to a particular ward shall first be referred to both aldermen representing said ward. If the actions of the Alderman representing the ward are not sufficient to remedy the complaint, then the complaint should be presented to the whole Board.

#### Section 105.125 - - Reimbursement of Expenses of Public Officials and Employees

- A. Pursuant to Section 105.272 of the Revised Statutes of Missouri, the City elects to pay expenses incurred by its elected and appointed officials and employees in the performance of the official business of the City.

- B. The expenses to be paid shall refer only to expenses actually and necessarily incurred by an elected or appointed official or an employee in the performance of the official business of the City. These expenses include hotel/motel rooms, meals, travel, registrations, tips, tolls, cab fare, parking fees, honorariums, and any telephone calls necessary for the business of the City.
- C. In order to be reimbursed for the expenses, the official or employee must submit a voucher of claimed expenses which must be certified by the official or employees as being true and correct. Vouchers must be submitted to the treasurer within thirty (30) days of the expenditures in order to be reimbursed. The treasurer shall be responsible for reviewing such vouchers of expenses and for ensuring reimbursement of only those expenses of officials and employees properly incurred. Reimbursement shall be made only after the vouchers are presented to the Mayor and Board of Aldermen at the next regularly scheduled Board of Aldermen Meeting and approved by a majority vote of the Board of Aldermen.
- D. The treasurer may authorize cash advances in particular instances when the projected expenses to be incurred by the official or employee would pose a financial burden on said person. If the treasurer authorizes an advance, then the voucher for the expenses actually and necessarily incurred and the balance of the advance remaining after the expenditures shall be submitted to the treasurer as provided in subsection C of this section within ten (10) days after such expenses are actually incurred. Before the treasurer may authorize any cash advance, the cash advance must be first approved by a majority vote of the Board of Aldermen.

#### Section 105.130 - - Governmental Bodies - - Meetings, Records, Votes

- A. Definitions: As used in Section 105.130, unless the context otherwise indicates, the following terms mean:
  - 1. “Closed meeting”, “closed record”, or “closed vote”: any meeting, record or vote closed to the public;
  - 2. “Public governmental body”: any legislative, administrative governmental entity created by the constitution or statutes of the State of Missouri, or by order or ordinance of the City of Lakeshire, including any body, agency, board, commission or committee appointed by the Mayor or the Board of Aldermen;
  - 3. “Public meeting”: any meeting of a public governmental body subject to Section 105.130 at which any public business is discussed, decided, or public



policy formulated. The term “public meeting” shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Section;

4. “Public record”: any record retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds;
5. “Public vote”: any vote cast at any public meeting of any public governmental body.

#### B. POLICY.

1. It is the public policy of this City that meetings, records, votes, actions and deliberations of public governmental bodies of this City be open to the public unless otherwise provided by law. This ordinance shall be liberally construed and its exceptions strictly construed to promote this public policy.
2. Except as otherwise provided by law, all public meetings of public governmental bodies of this City shall be open to the public as set forth in subsection D, all public records of public governmental bodies of this City shall be open to the public for inspection and copying as set forth in subsection H, and all public votes of public governmental bodies of this City shall be recorded as set forth in subsection C.

#### C. VOTES.

Except as provided in Sub-section E, and except as otherwise provided by law, all public votes shall be recorded, and if a roll call is taken, as to attribute each “yea” and “nay” vote, or abstinence if not voting, to the name of the individual member of the public governmental body, and all public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.

#### D. PUBLIC MEETINGS.

1. All public governmental bodies of the City shall give notice of the time, date and place of each meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of a particular meeting and posting the notice on a bulletin board or other prominent place which is easily accessible

to the public and clearly designated for that purpose at the principal office of the body holding the meeting.

2. Notice conforming with all of the requirements of paragraph 1 shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
3. When it is necessary to hold a meeting on less than twenty-four hours notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.
4. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this Section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.
5. If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this Section.

E. CLOSED MEETINGS.

Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records, and votes, to the extent they relate to the following:

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any vote relating to litigation involving a public governmental body shall be made public upon final disposition of the matter voted upon provided,

however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. However, any vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;
3. Hiring, firing, disciplining or promoting an employee of a public governmental body. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice before such decision is made available to public;
4. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;
5. Software codes for electronic data processing and documentation thereof;
6. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;
7. Sealed bids and related documents, until the earlier of either when the bids are opened, or all bids are accepted or all bids are rejected;
8. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public governmental bodies of the City once they are employed as such;
9. Records which are protected from disclosure by law.

#### F. PROCEDURE FOR CLOSING MEETINGS.

1. Except as set forth in paragraph 2 of this subsection, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific subsection of this Section of the Lakeshire Municipal Code shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
2. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed under the provisions of subsection E. Such notice shall comply with the procedures set forth in subsection D for notice of a public meeting.
3. Any meeting or vote closed pursuant to subsection E shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote.
4. Nothing in this Section shall be construed as to require a public governmental body to hold a closed meeting, records or vote to discuss or act upon any matter.
5. Public records shall be presumed to be open unless otherwise exempt under the provisions of subsection E.

G. PUBLIC RECORDS.

1. The custodian responsible for maintaining the public records of the City of Lakeshire shall be the City Clerk, who shall be responsible for carrying out the provisions of this subsection.
2. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian.

3. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for a reasonable cause.
4. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

#### H. COPYING OF PUBLIC RECORDS.

1. Each public governmental body may prescribe reasonable fees for providing access to or furnishing copies of public records subject to the following:
  - (a) Fees for copying public records shall not exceed the actual cost of document search and duplication. 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.
  - (b) Fees for providing access to public records maintained on computer facilities, recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, shall include only the cost of copies and staff time required for making copies.
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 City shall remit all moneys received by or for it from fees charged pursuant to this subsection to the City Treasurer.

## I. REMEDIES AND PENALTIES.

1. The remedies provided by this subsection against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of, this state, or the attorney general or prosecuting attorney, may seek judicial enforcement of the requirements of Section 105.130. Suits to enforce Section 105.130 shall be brought in the Circuit Court of St. Louis County.
2. Once a party seeking judicial enforcement of Section 105.130 demonstrates to the Court that the body in question is subject to the requirements of Section 105.130 and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of Section 105.130.
3. Upon a finding by a preponderance of the evidence that a member of a public governmental body has purposely violated Section 105.130, the member may be subject to a civil fine in the amount of not more than three hundred dollars and the Court may order the payment by such member of all costs and reasonable attorney's fees to any party successfully establishing a violation of Section 105.130.
4. Upon a finding by a preponderance of the evidence that a public governmental body has violated Section 105.130, a Court shall void any action taken in violation of Section 105.130 if the Court finds under the facts of the particular case that the public interest in the enforcement of the policy of Section 105.130 outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement must be brought within six months from which the violation is ascertainable and in no event shall it be brought later than one year after the violation. This paragraph shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.
5. A public governmental body of the City which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of the City in the Circuit Court of St. Louis County to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body.

J. DEFENSES.

1. Any public governmental body may provide for the legal defense of any member charged with a violation of Section 105.130.
2. Any member or employee of the City who complies with the provisions of this Section of the Lakeshire Municipal Code is not guilty of a violation of the provisions of Sections 610.010 to 610.030 RSMo., and is not subject to civil liability for any act arising out of this adherence to the provisions of Section 105.130 of the Lakeshire Municipal Code.
3. No person who in good faith reports a violation of the provisions of Sections 610.010 to 610.030 RSMo., or Section 105.130 of the Lakeshire Municipal Code, is civilly liable for making such report, nor, if such person is an officer or employee of the City, may such person be demoted, fired, suspended or otherwise disciplined for making such report.

## **APPOINTED CITY OFFICIALS**

### **CHAPTER 100 AMENDMENT**

Sections 110.020, 110.030, 110.040, 110.050, 110.060, 110.080 and 110.090 of this Code have been amended to remove the provisions for a two-year term of office and to provide for a one-year term of office beginning May 1 and ending April 30 of every year. Section 110.070 continues to provide for a two-year term beginning May 1 and ending April 30 of every even-numbered year.

Sections 110.020, 110.030, 110.040, 110.050, 110.060, 110.080 and 110.090 of the Lakeshire Municipal Code are hereby amended to remove the provisions for a one-year term of office for appointed officials, and to provide for a two-year term of office beginning the first Tuesday of May in every even-numbered year, and ending on the Monday preceding the first Tuesday in May of every even-numbered year.



## **APPOINTED CITY OFFICIALS**

### **CHAPTER 110**

#### Section 110.010 - - Supervision and Responsibility

All appointed officials of the City of Lakeshire shall be subject to the direct supervision of the Mayor and shall be accountable for all their official acts to the Mayor and the Board of Aldermen.

#### Section 110.020 - - City Clerk

The City Clerk shall be appointed by a majority of the members of the Board of Aldermen for the term of two years commencing on the first day of May and ending on the thirtieth day of April each even numbered year. The City Clerk may be removed during his term of office, without cause being shown, by the Mayor with the consent of a two-thirds vote of all members elected to the Board of Aldermen or by a two-thirds vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation.

The duties and responsibilities of the City Clerk shall consist of the following:

- (a) He shall attend the meetings of the Board, to record all ordinances which may become laws and all resolutions passed by the Board. He shall have custody of the City Seal, the original rolls of ordinances and resolutions passed by the Board, the public records of the City, and all other such papers, records and documents as may be entrusted to his care, and the same shall be safely and properly kept, and delivered the same to his successor in office at the end of his term.
- (b) He shall affix the City Seal to and countersign all public instruments, documents and papers as are required by law or ordinance to be attested with the Seal of the City. He shall certify under his hand and the Seal of the City all such documents, copies or papers in his office as may be required for the use of any City Officer or private citizen.
- (c) He shall furnish to the City Attorney, Mayor, or the Board any record, document or paper in his office, which either may be called for or be used in Court; but for the same shall take and file a receipt. He shall whenever required, furnish the Mayor, the Board or any committee, copies or abstracts of any books, accounts, records, vouchers or documents in his office, or any

information relating to the business of the City of his office, and he shall at all times permit the Mayor, or any member of the Board, or any interested City Official or other person, to examine any books, papers, or documents in his office.

- (d) He shall prepare, seal with the City Seal and countersign all commissions and other official documents which the Mayor is required to issue and keep a register thereof, in which the substance thereof shall be noted. He shall be responsible for the recording of all proceedings of the Board of Aldermen in open meetings and for maintaining the official journal of said proceedings.
- (e) He shall procure stationery, books, and other articles necessary for his own office and that of the Mayor and other City Officers, and for the Board, and shall furnish all City Officers with such books as are required to be used or kept by them, of which he shall keep an accurate account, taking receipts from all officers to whom he shall deliver such supplies. He shall also pay the postage on, or other necessary expenses of any official documents received or sent by him or any other City Officer.
- (f) He shall have the power to administer oaths or affirmations to parties or witnesses in any case in which he may deem it necessary in the court of any accounts or claims presented to him to be audited, and all oaths required by law, including oaths of office, may be administered by the City Clerk, except oaths in the Municipal Court, which shall be administered by the Municipal Judge.
- (g) He shall issue special bills as directed by ordinance. The City Clerk shall keep a record of all special bills in a special book for that purpose, which record shall show the date and the amount of each bill, the name of the party to whom it was issued and the purposes for which the cost was incurred.
- (h) The City of Lakeshire does hereby establish and fix, effective June 1, 2020, the salary of the City Clerk of the City of Lakeshire, Missouri at the rate of \$496.40 per month.

#### Section 110.030 - - City Treasurer

The City Treasurer shall be appointed by the Mayor with the approval of a majority of the members of the Board of Aldermen. The City Treasurer's term of office shall be for two years commencing on the first day of May and ending on the thirtieth day of April every even-numbered year. The City Treasurer may be removed during his term of office, without cause being shown, by the Mayor with the consent of a two-thirds vote

of all members elected to the Board of Aldermen or by a two-thirds vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation.

The duties and responsibilities of the City Treasurer shall consist of the following:

- (a) The Treasurer is to receive and safely keep all moneys, books, bonds and obligations and any other property belonging to the City and entrusted to his care, and deliver the same to his successor in office, taking duplicate receipts therefore, one of which he shall file with the City Clerk.
- (b) The Treasurer is to pay over all moneys of the City on warrants or orders duly drawn, passed or ordered by the Board, and signed by the Mayor, provided said expenditures have been budgeted.
- (c) The Treasurer is to keep, in proper books, a full, accurate account of all moneys received and disbursed by him for the City, showing the date of receipt and disbursement, from which received and to whom paid, and on what amount received and disbursed. He shall use the same format on the books as the Budget Director.
- (d) The Treasurer is to keep a faithful check upon the securities deposited by the City, to secure the deposits so as to see that ample securities are deposited as provided in the law, and to see that all provisions of any depository contracts are strictly performed.
- (e) The Treasurer is to make a report in writing to the Board at each regular monthly meeting, showing the amount on hand and credited to the various funds on the first day of the previous month, the disbursements during the month following, the total amount in the treasury, and unexpended balances to the credit of the respective funds on the last day of the previous month.
- (f) The Treasurer is to give bond to the City in the amount as prescribed by law, the cost of which shall be paid by the City.
- (g) The City of Lakeshire does hereby establish and fix, effective June 1, 2020, the salary of the Treasurer of the City of Lakeshire, Missouri at the rate of \$364.40 per month.

Section 110.040 - - City Attorney and Municipal Prosecutor

A. The City Attorney shall be appointed by the Mayor with the approval of a majority of the members of the Board of Aldermen.

- a. The City Attorney shall be a member in good standing of the Missouri Bar duly licensed to practice law in the State of Missouri. The term of office of the City Attorney shall be for one year commencing on the first day of June and ending on the thirtieth day of May each year.
- b. The City Attorney may be removed during his or her term of office, without cause being shown, by the Mayor with the consent of a two-thirds vote of all members elected to the Board of Aldermen or by a two-thirds vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation.
- c. The duties of the City Attorney shall be as follows:
  - i. Attend all meetings of the Board of Aldermen unless excused by the Mayor.
  - ii. Advise the various City Officials upon legal questions pertaining to Municipal affairs.
  - iii. Prepare all ordinances, easements, contracts, and deeds of the City, and other legal papers relating to the affairs of the City.
  - iv. Prepare the prosecution or defense of litigation involving the City in any Court in this State, including pre-trial preparation and investigation and legal research as well as appellate procedures.
  - v. Recommend to the Board of Aldermen relative to the ordinances of the City for revising and modernizing same.
  - vi. Perform such additional duties as the Mayor and Board may prescribe.
  - vii. Appoint an Assistant Municipal Prosecutor to perform his or her functions as Municipal Prosecutor in the event he or she is unable to perform said functions for a limited period of time.

B. The Municipal Prosecutor shall be appointed by the Mayor with the approval of a majority of the members of the Board of Aldermen.

- a. The Municipal Prosecutor shall be a member in good standing of the Missouri Bar duly licensed to practice law in the State of Missouri. The term of office of the Municipal Prosecutor shall be for one year commencing on the first day of June and ending on the thirtieth day of May each year.
- b. The Municipal Prosecutor may be removed during his or her term of office, without cause being shown, by the Mayor with the consent of a two-thirds

vote of all members elected to the Board of Aldermen or by a two-thirds vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation.

c. The duties of the City Attorney and Municipal Prosecutor shall be as follows:

- i. Supervise the preparation of all complaints, dockets, plea recommendations, summons issuance, and other matters arising out of any case in the Municipal Court.
- ii. Attend and prosecute all violations of the City ordinances in the Municipal Court.
- iii. Prepare for Municipal Court trials, including advising police officers relative to Municipal Court matters.
- iv. Perform such additional duties as the Mayor and Board may prescribe.
- v. Appoint an Assistant Municipal Prosecutor to perform his or her functions as Municipal Prosecutor in the event he or she is unable to perform said functions for a limited period of time.

#### Section 110.050 - - Building Commissioner

The Building Commissioner shall be appointed by the Mayor with the approval of a majority of the members of the Board of Aldermen for a term of two years beginning on the first day of May and ending on the thirtieth day of April each even numbered year. The Building Commissioner may be removed during his term of office, without cause being shown, by the Mayor with the consent of a two-thirds vote of all members elected to the Board of Aldermen or by a two-thirds vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation.

The duties of the Building Commissioner shall be as follows:

- (a) He shall attend all regular meetings of the Board of Aldermen unless excused and shall submit a written report to the Board of Aldermen concerning the performance of his duties during the preceding month.
- (b) He shall control and supervise the issuance of all building permits subject to the approval of the Board of Aldermen as required by the City ordinance. He shall inspect and review all building plans for proposed buildings and report to the Board of Aldermen whether said plans are in compliance with the zoning laws and building regulations of the City of Lakeshire and St. Louis County where applicable.

- (c) He shall inspect for and cause to be removed or abated, hazards from explosion, fire, combustion or other conditions which might be dangerous to the safety of person or property; he shall see that all laws and provision of the Building and Housing Codes relating to public safety are complied with and enforced, and shall perform all duties as provided in the Building Code or the ordinances provided to be performed by him as directed by the Mayor or the Board of Aldermen.
- (d) He shall inspect all apartment dwelling units after they become vacant and prior to their occupancy by a new tenant to determine if said apartment dwelling unit meets all standards of the City Housing Code and Affton Direct District Ordinances. If the apartment dwelling unit shall meet said standards and requirements he shall issue an occupancy permit for any new tenant.
- (e) He shall issue warning letters and if they are ineffective, citations to appear in Municipal Court to any person or corporation constructing any structure or project without a required permit, constructing or building in violation of a permit, leasing apartments without an occupancy inspection and permit or failing to remove or abate a hazard per subsection (d).
- (f) He may appoint, subject to the approval of the Mayor and a majority of the members of the Board of Aldermen, a Building Inspector to assist him in carrying out the duties prescribed in this section. The Building Inspector's term of office shall be the same as the Building Commissioner, and he may be removed without cause during that term in the same manner as prescribed for the removal of the Building Commissioner.
- (g) He may name, subject to appointment by the Mayor and the approval of a majority of the members of the Board of Aldermen, a Planning Director who shall assist the Building Commissioner and the Building Inspector in all matters concerning the approval of construction plans, the inspection of construction in progress or finished construction, and such other duties as the Building Commissioner shall deem appropriate.
- (h) The City of Lakeshire does hereby establish and fix, effective June 1, 2020, the salary of the Building Commissioner of the City of Lakeshire, Missouri at the rate of \$488.54 per month.

#### Section 110.055 - - Occupancy Permit Coordinator

The Occupancy Permit Coordinator shall be appointed by the Mayor with the approval of a majority of the members of the Board of Alderman for a term of two years

beginning on the first day of May and ending on the thirtieth day of April each even numbered year. The Occupancy Permit Coordinator may be removed during his or her term of office, without cause being shown, by the Mayor with the consent of two-thirds vote of all members elected to the Board of Alderman independently of the Mayor's approval or recommendation.

The duties of the Occupancy Permit Coordinator shall be as follows:

- (a) He or she shall report to the Office of the Building Commissioner.
- (b) He or she need not attend all regular meetings of the Board of Aldermen but shall submit a written report to the Building Commissioner concerning the performance of his or her duties during the preceding month.
- (c) He or she shall review, control and supervise all requests for inspection, including the inspection, inspection report, inspection fee, and any permit or violation resulting from the inspection.
- (d) The Occupancy Permit Coordinator shall perform such additional duties not herein specifically set out as required by law, by ordinance by the Board of Aldermen, or Mayor.
- (e) The City of Lakeshire does hereby establish and fix, effective June 1, 2020, the salary of the Occupancy Permit Clerk of the City of Lakeshire, Missouri at the rate of \$439.68 per month.

#### Section 110.060 - - Public Works Director

The Public Works Director shall be appointed by the Mayor with the approval of a majority of the members of the Board of Aldermen for a term of two years beginning on the first day of May and ending on the thirtieth day of April each even numbered year. The Public Works Director may be removed during his term of office, without cause being shown, by the Mayor with the consent of a two-thirds vote of all members elected to the Board of Aldermen or by a two-thirds vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation.

The duties of the Public Works Director shall be as follows:

- (a) He shall be the operating and directing head of and in charge of all employees, equipment, tools, stocks of materials and property of the Department of Streets, but shall be subject to any direction by the Mayor or the Board of Aldermen given in reference thereto.

- (b) He shall direct the work of the opening, maintaining, cleaning and repair of all streets, drains, bridges, sidewalks, parkways, trees, lawns, and public places in the City. He shall make inspections to see that the streets, drains, bridges, sidewalks, parkways, streets, lawns, and public places are maintained and kept in good condition and free from obstructions and defects which might impair their free and open use by the public or result in injury to persons or property. He shall be directed by ordinance, erect and maintain all street signs, traffic signs and markings. He shall further be responsible for maintaining the entrance areas to the City of Lakeshire including all lighting associated therewith.
- (c) The Public Works Director shall attend all meetings of the Board unless excused by the Mayor, and provide timely reports to the Board regarding the needs of the Street Department. He shall provide sealed bids for the consideration of the Board regarding snow removal, street repairs, grass cutting, trash hauling, and any other concern of the Street Department.
- (d) He shall have charge of the physical construction and improvement of all parks, parkways, playgrounds and other City-owned land and buildings to be used for recreational purposes.
- (e) The Director of Public Works shall perform such additional duties not herein specifically set out as required by law, by ordinance by the Board of Aldermen or Mayor.
- (f) The City of Lakeshire does hereby establish and fix, effective June 1, 2020, the salary of the Public Works Director of the City of Lakeshire, Missouri at the rate of \$463.29 per month.

#### Section 110.070 - - Municipal Judge

The Municipal Judge shall be appointed by the Mayor with the approval of the majority of the Board of Aldermen for the term of two (2) years beginning on the first day of May and ending on the thirtieth day of April every second year. Municipal Judge may be removed during his term of office for cause as provided by the laws of the State of Missouri and Ordinances of the City of Lakeshire. The Municipal Judge shall be an attorney admitted to the bar of the State of Missouri and having been duly licensed to practice law in the State of Missouri for at least three (3) years prior to his appointment.

The powers and duties of the Municipal Judge shall be as follows:



- (a) He shall have exclusive original jurisdiction to hear and determine all offenses against the ordinances of the City of Lakeshire.
- (b) He shall have the power to approve bonds, to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under the ordinances of the City.
- (c) He shall convene and preside at a minimum of one session of the Municipal Court per month on a date as prescribed by ordinance as well as at any special trial settings as required.
- (d) He shall have all the powers and duties granted to Municipal Judges under the laws of the State of Missouri.
- (e) The City of Lakeshire does hereby establish and fix, effective June 1, 2020, the salary of the Municipal Judge of the City of Lakeshire, Missouri at the rate of \$287.38 per month.

#### Section 110.075 - - Provisional Municipal Judge

There is hereby created the office of provisional municipal judge of the City of Lakeshire Municipal Court. The position of provisional municipal judge shall have the same qualifications, authority, powers, appointment process and term as those for the municipal judge. The provisional municipal judge shall serve a term of office of two (2) years concurrent with the municipal judge, beginning on the first day of May and ending on the thirtieth day of April every second year and until a successor is appointed and qualified.

- (a) The duties of the provisional municipal judge shall be to serve as municipal judge in all cases in which the Lakeshire Municipal Judge shall be disqualified or unable to serve, and to preside over sessions of the Lakeshire Municipal Division for which the municipal judge is unavailable.
- (b) In the event the provisional municipal judge shall perform the duties of the municipal judge due to the absence or unavailability of the municipal judge, the municipal judge shall receive no compensation for performing such duties, rather the provisional municipal judge shall receive that compensation which would otherwise have been paid to the municipal judge for those duties. In the event the provisional municipal judge shall preside over one (1) or more cases due to the disqualification or other removal of the municipal judge, the provisional municipal judge shall

receive such compensation as may be provided by the Board of Aldermen by ordinance from time to time.

#### Section 110.080 - - Clerk of the Municipal Court

The Clerk of the Municipal Court shall be appointed by the Mayor with the approval of a majority of the members of the Board of Aldermen. The Clerk of the Municipal Court's term of office shall be for two years commencing on the first day of May and ending on the thirtieth day of April each even numbered year. The Clerk of the Municipal Court may be removed during his term of office, without cause being shown, by the Mayor with the consent of a two-thirds vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation.

The duties of the Clerk of the Municipal Court shall be as follows:

- (a) The Clerk shall attend all sessions of the Municipal Court and prepare the docket for each such session.
- (b) The Clerk shall keep and maintain a docket book in which is kept a record of the names and addresses of each defendant, the offense charged and the disposition of the case.
- (c) The Clerk shall perform such other duties as may be prescribed by the Municipal Judge for the property operation of the Municipal Court.
- (d) The City of Lakeshire does hereby establish and fix, effective June 1, 2020, the salary of the Court Clerk of the City of Lakeshire, Missouri at the rate of \$301.74 per month.

#### 110.090 - - Chief of Police

The Chief of Police shall be appointed by the Mayor with the approval of a majority of the members of the Board of Aldermen. The Chief of Police's term of office shall be for two years commencing on the first day of May and ending on the thirtieth day of April each even numbered year. The Chief of Police may be removed during his term of office, without cause being shown, by the Mayor with the consent of a two-thirds vote of all members elected to the Board of Aldermen or by a two-thirds vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation. The Chief of Police shall be a police officer duly qualified under the laws of the State of Missouri and the ordinances of St. Louis County and the City of Lakeshire.

The duties of the Chief of Police shall be as follows:

- (a) The Chief shall be responsible for the full operational control of the Lakeshire Police Department including scheduling, training, reporting, suspensions and general supervision and discipline of all police officers.
- (b) The Chief shall have both regular patrolling and administrative responsibilities with the amount of time to be spent on patrolling to be specified by the Board of Aldermen.
- (c) The Chief shall submit a written report to the Board of Aldermen at their regular monthly meetings specifying the crimes and violations of the law committed in the City as well as a general summary of the activities of the Police Department during the preceding month.
- (d) The Chief shall be responsible for providing a bailiff at the sessions of the Municipal Court and for acting as or designating a Traffic Violations Bureau Clerk to act in that position during the hours specified by the City.
- (e) The Chief shall be responsible for the general maintenance of all police equipment and shall report to the Board of Aldermen or the Mayor any deficiencies in said equipment and the need to purchase new equipment.
- (f) The Chief shall be responsible for seeing that all the laws of the City of Lakeshire and the State of Missouri are enforced fairly and impartially within the City of Lakeshire.

The qualifications for the Chief of Police shall be as follows:

- (a) He shall be a citizen of the United States and the State of Missouri and shall be more than thirty (30) years of age.
- (b) He shall have been a duly commissioned police officer for more than six (6) years prior to the appointment. Previous supervisory experience shall be given due consideration.
- (c) He shall not have committed any felony under the laws of the United States or any state nor have been convicted of any crime involving moral turpitude.
- (d) He shall have completed at least six hundred (600) hours of police training or have received some equivalent certificate as required by the State of Missouri.

Section 110.100 - - General Qualifications

All appointed officers of the City of Lakeshire shall be qualified voters under the laws and constitution of the State of Missouri. No person shall be appointed to any office except the offices of Municipal Judge, Court Clerk, Chief of Police and City Attorney if he is not a resident of the City of Lakeshire. No resident who is in arrears for any unpaid City taxes shall be appointed to any office in the City.

Section 110.110 - - Inspection and Transfer of Book and Records

The Mayor or the Board of Aldermen shall have the power as often as he or they may deem it necessary, to require any officer of the City to exhibit his accounts or other papers or records, and to make a report to the Board of Aldermen, in writing, touching any matter relating to his office. If requested by the Mayor or the Board of Aldermen, any officer must, upon receiving a proper receipt from them, turn over all books and papers connected with his office to the Mayor or Board of Aldermen.

Section 110.120 - - Penalty for Failure to Transfer Books and Records

If any officer of the City of Lakeshire shall fail to turn over all books, papers and records of his office in proper condition upon being so requested under the provision of Section 110.010 of this ordinance, then he shall be deemed guilty of the violation of a City ordinance of Lakeshire and subject to a fine not to exceed Five Hundred Dollars.

Section 110.130 - - Special Meeting for Appointments and Swearing In Elected Officials

- A. During April of every year after the April Election Certification has been received from the St. Louis County Board of Election Commissioners, the Board of Aldermen and the newly elected Mayor, or the Mayor who is in office during years when an election is not being held for that office, shall hold a special public meeting for the purpose of swearing in newly elected officials and appointing or re-appointing all City officials, except the Municipal Judge in odd-numbered years. The date of said special meeting will be set by the Board of Aldermen at its regular April meeting, but it shall in no case be held prior to receipt of the aforesaid Certification of Election or after April 30. Said appointments of City officials shall not affect their terms of office, which shall commence on May 1 and terminate on April 30 of the succeeding year.
- B. At this special meeting, all newly elected Aldermen, and the Mayor if he is newly elected, will be sworn in by the City Clerk, or if the City Clerk shall be unwilling or

unable to swear them in, then they may be sworn in by any person authorized to administer oaths under the laws of the State of Missouri.

**MUNICIPAL COURT AND**  
**TRAFFIC VIOLATIONS BUREAU**

**CHAPTER 115**

**Section 115.010 - - Establishment of Municipal Court and Creation of Offices of Municipal Judge & Clerk of Municipal Court**

There is herewith established the Lakeshire Municipal Division of the Circuit Court of St. Louis County as well as the Office of Lakeshire Municipal Judge and Clerk of the Municipal Court of the City of Lakeshire.

**Section 115.020 - - Absence or Disability of Judge or Court Clerk**

In the event that the Municipal Judge or the Clerk of the Municipal Court is absent, disabled or unable to serve, the Mayor may immediately appoint a qualified individual for either of these offices and agree to pay said individual reasonable compensation for the services rendered. In the event the absence, disability or inability to perform of the Municipal Judge or the Clerk of the Municipal Court shall continue for more than thirty (30) days then said temporary appointment and compensation must be approved by a majority of the members of the Board of Aldermen.

**Section 115.030 - - Sessions of the Court**

The Lakeshire Municipal Division of the Circuit Court shall hold a session once per month, for eleven months out of the calendar year, on a date and time set at the discretion of the presiding judge. At the conclusion of such session, the Court shall stand in temporary adjournment until the following court date, provided that such Court, on all other days of the week, except Sunday, shall be ready to reconvene should the occasion arise.

The Board of Aldermen shall, by resolution, designate the place in which the Municipal Court shall sit and shall provide a suitable courtroom in which the Municipal Court shall be held.

**Section 115.040 - - Assessing Costs**

Court costs shall be assessed against and collected from the defendant when the defendant enters a plea of guilty or is found guilty by the Court or when the cause against him is dismissed upon condition that he pay the court costs or such portion thereof as may be required by the Judge of the City of Lakeshire. If the defendant is acquitted, the

informant may be adjudged to pay the cost if it appears to the satisfaction of the court that the prosecution was instituted vexatiously or without probable cause.

#### Section 115.050 - - Reducing or Staying Costs

The Judge may reduce the court costs in any case by striking all or any portion of the amounts provided for in this Chapter, or he may stay the costs permanently, or pending his further orders, and upon such conditions as he may deem advisable in the interest of justice.

#### Section 115.055 - - Establishing Court Costs

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

- (a) Court costs shall be Twenty-Two Dollars and Fifty Cents (\$22.50).
- (b) *Crime Victims' Compensation Fund.* Of the court costs outlined in Subsection (a), Seven Dollars and Fifty Cents (\$7.50), shall be paid by the City to the Crime Victims' Compensation Fund, provided that no such cost shall be collected in any proceeding when the proceeding of the defendant has been dismissed by the Court.
- (c) *Statewide Court Automation Fund.* There shall be assessed to each defendant who pleads guilty, or is found guilty, in each proceeding filed in the Lakeshire Municipal Court for the violation of the ordinances of the City, an additional surcharge in the amount of seven dollars (\$7.00) for the statewide court automation fund, provided that no such fee shall be collected in any case that has been dismissed by the Court or where costs have been waived by the Court. All sums collected pursuant to this Subsection shall be paid to the State Director of Revenue to the credit of the statewide court automation fund in accordance with Sections 476.056, 488.012 and 488.027, RSMo.
- (d) On the filing of an affidavit of appeal, the defendant shall pay costs in the amount prescribed by the Circuit Court of St. Louis County.
- (e) *Reimbursement of certain costs of arrest.*
  - 1. Upon a plea or a finding of guilty of violating the provisions of Sections 577.010 or 577.012, RSMo. or any ordinance of the City of Lakeshire involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted

person to reimburse the Police Department for the costs associated with such arrest.

2. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
3. The Chief of Police may establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
4. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.

#### Section 115.060 - - Disposition of Receipts

All fines and costs paid into the Municipal Court shall be paid to and deposited not less frequently than monthly into the municipal treasury. Such funds shall become part of the General Funds of the City of Lakeshire, except for appeal costs, which are to be forwarded to the St. Louis County Circuit Court, and payments to the Crime Victims' Compensation Fund per the provisions of Section 115.055.

#### Section 115.070 - - Failure to Appear and Failure to Pay

- (a) In the event a defendant fails to appear at a regular court session upon proper notification by means of a summons, uniform traffic citation or letter from the Municipal Court, the Municipal Judge may issue a warrant for said defendant's arrest if the court believes defendant will not appear upon a summons, or if defendant has failed to appear upon a summons and an information has been filed.
- (b) When a fine is assessed for the violation of an ordinance, it shall be within the discretion of the Municipal Judge to provide for the payment of fine in installments or to waive or suspend any or all of said fine. In the event a



defendant shall fail to pay a fine, the Municipal Judge may order said defendant to appear at the next regular court session to explain why said fine has not been paid.

#### Section 115.080 - - Rules Governing Procedure and Practice in the Municipal Court

The rules governing the procedure and practice in the Lakeshire Municipal Court shall be those presently promulgated by the Supreme Court of the State of Missouri and the 21<sup>st</sup> Judicial Circuit of the State of Missouri and such subsequent rules as the Supreme Court and the 21<sup>st</sup> Judicial Circuit shall from time to time establish and promulgate and any provisions in the Municipal Code or Ordinances of the City of Lakeshire which shall be in conflict with such rules are hereby repealed.

#### Section 115.090 - - Docket and Records of Municipal Court and Contempt Power

The Judge of the Lakeshire Municipal Division shall be a conservator of the peace. He shall be responsible for the work of the Clerk of the Municipal Court in keeping a docket in which shall be entered every case commenced before the Municipal Judge and the proceedings therein. He shall be responsible that all such other records be kept as required. Such docket and records shall be retained as well as all books and papers pertaining to his office. Said books, papers and records shall be handed over to his successor in office or to the presiding judge of the circuit court. The Municipal Judge shall have the power to administer oaths and enforce due obedience to all orders, rules and judgments made by him, and may fine or imprison for contempt committed before him while holding court, in the same manner and to the same extent as a circuit judge.

All prosecutions for violations of City ordinances shall be entitled "The City of Lakeshire against \_\_\_\_\_," (naming the person or person charged). The Municipal Judge shall state in his docket the name of the complainant, nature and character of offense, date of trial, names of all witnesses sworn and examined, findings of the court or jury, judgment (fine and costs), date of payment or date of issuing the commitment, if any, and every other fact necessary to show the whole proceedings in each case.

#### Section 115.100 - - Disqualification of Judge

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

#### Section 115.110 - - Forfeiture of Bonds

- (a) If there is a breach of a condition of a bond, the judge before whom the case is pending may declare a forfeiture of the bond. The judge may direct that a forfeiture be set aside under conditions he may impose, if it appears justice does not require the enforcement of the forfeiture.
- (b) If forfeiture is not set aside, the prosecutor may motion the court without the necessity of an independent action for a judgment of default and execution. Upon the prosecutor's motion a hearing date shall be set and the obligors notified.
- (c) The motion and notice of the hearing for bond forfeiture shall be served on the clerk of the court who shall immediately mail a copy of the notice to each of the obligors on the bond.
- (d) All money recovered from bond forfeiture shall be paid over to the municipal treasury to the general revenue fund of the municipality.

#### Section 115.120 - - Trial De Novo

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

#### Section 115.130 - - Information and Charges

All prosecutions for the violation of municipal ordinances shall be institute by information and may be based upon a complaint. Proceedings shall be in accordance with the Supreme Court rules and the rules of the Circuit Court of St. Louis County governing practice and procedure in proceedings before municipal judges.

The information shall be in writing setting forth the offense in plain and concise terms, giving the section violated and the facts against the peace and dignity of the City and may contain one or more counts for the same or different offenses and be governed by the rules of civil procedure, except if shall be sworn to either by the City Attorney or any other person, that the facts herein stated are true or upon the information and belief of the person so verifying or making the complaint for warrant shall be issue for the arrest of

the defendant or person accused, but the Chief of Police or other police officer of the City of Lakeshire whose duty it is to make arrests or preserve the peace and dignity of the City shall make arrests of any person who commits an offense in his presence without a warrant, but such officer shall before the trial file a written complaint as herein provided.

The complaint or information mentioned herein may be sworn to or affirmed before the Judge, the Court Clerk, any deputy Clerk, notary public, or other person designated by the Judge to receive such oath or affirmation.

#### Section 115.140 - - Ordinances as Evidence

In the trial of municipal ordinance violation cases, a copy of a municipal ordinance which is certified by the Clerk of the municipality shall constitute prima facie evidence of such ordinance. If such certified copy is on file with the clerk serving the Judge hearing a case and readily available for inspection by the parties, the Judge may take judicial notice of such ordinance without further proof.

#### Section 115.150 - - Witnesses

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

#### Section 115.160 - - When Person Charged May Elect To Appear At Traffic Violations Bureau

1. Any person charged with an offense for which payment of a fine may be made to the traffic violations bureau shall have the option of paying such fine within the time specified in the uniform traffic citation or City of Lakeshire summons at the traffic violations bureau upon entering a plea of guilty and upon waiving appearance in court.
2. The payment of a fine to the bureau shall be deemed an acknowledgment of conviction of the alleged offense, and the bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

#### Section 115.170 - - Duties of Traffic Violations Bureau

The following duties are hereby imposed upon the traffic violations bureau in reference to traffic offenses:

1. It shall accept designated fines, issue receipts, and represent in court such violators as are permitted and desire to plead guilty, waive court appearance, and give power of attorney;
2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting office and witnesses, if any, to be present.

#### Section 115.180 - - Traffic Violations Bureau To Keep Records

The traffic violations bureau shall keep records and submit summarized monthly reports to the municipal court of all notices issued and arrests made for violations of the traffic laws and ordinances in the City and of all the fines collected by the traffic violations bureau or the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances.

#### Section 115.190 - - Additional Duties of Traffic Violations Bureau

The traffic violations bureau shall follow such procedure as may be prescribed by the traffic ordinances of the City or as may be required by any laws of this state.

#### Section 115.200 - - Forms and Records of Traffic Citations and Arrests

1. The municipal court shall provide books containing uniform traffic tickets as prescribed by Supreme Court rules. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by Supreme Court rule.
2. The municipal court shall issue such books to the Chief of Police or his duly authorized agent and shall maintain a records of every book so issued and shall require a written receipt for every such book.
3. The Chief of Police shall be responsible for the issuance of such books to individual members of the police department.

The Chief of Police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

#### Section 115.210 - - Procedure of Police Officers

Except when authorized or directed under state law to immediately take a person before the judge of the city court for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall issue to him a uniform traffic ticket which shall be proceeded upon in accordance with Supreme Court rules.

#### Section 115.220 - - Uniform Traffic Ticket to be Issued When Vehicle Illegally Parked or Stopped

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the City or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a uniform traffic ticket for the driver to answer to the charge against him.

#### Section 115.225 - - Requirement to Appear and Punishment for Failure to Appear

- A. Any person who has promised to appear, or who has been notified or directed to appear, before the court of the Twenty-First Judicial Circuit, Lakeshire Municipal Division, by either a summons, bail, recognizance, bond or other legal notice, shall appear at the time and date so specified in such document or notice.
- B. Any person who fails to appear in court pursuant to his/her promise or legal direction or notice to do so as required by paragraph A. Of this section shall be guilty of violating this section and, upon conviction thereof, the violator shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail not to exceed ninety days.
- C. Nothing contained in this section shall prevent the exercise by the judge of his power to lawfully punish for contempt of court.

#### Section 115.300 - - Search Warrants

- (a) The municipal judge of the City of Lakeshire shall have the authority to issue search warrants for searches or inspections to determine the existence of violations of any ordinance whose violation is punishable by fine or jail or both.

- (b) Warrants and searches or inspections made pursuant thereto shall conform to and be governed by the following provisions:
- (1) Any police officer, the city attorney, or prosecuting attorney of the City of Lakeshire may take application for the issuance of a search warrant.
  - (2) The application shall:
    - a. Be in writing;
    - b. State the time and date of making the application;
    - c. Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
    - d. State facts sufficient to show probable cause for the issuance of a search warrant to search for violations of any provision of the ordinances of the City of Lakeshire specified in the application;
    - e. Be verified by the oath or affirmation of the applicant; and
    - f. Be filed in the Municipal Court of the City of Lakeshire.
  - (3) The application shall be supplemented by written affidavits verified by oath or affirmation. Such affidavits shall be considered in determining whether there is probably 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-adversarial 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 probably cause to inspect or search for violations of any specified provision of the ordinances of the city, 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 application 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 Lakeshire police officer;
  - c. State the time and date the warrant is issued;
  - d. Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
  - e. Command that the described property or places be searched and that any photographs of violations found thereon or therein be brought, within twenty (20) days after issuance of the warrant, to the municipal judge who issued the warrant to be dealt with according to law; and
  - f. Be signed by the municipal judge, with his or 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.
- (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 issuance of the warrant.
- (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 municipal judge who issued the warrant. The return shall show the date and manner of execution and the name of the possessor and of the owner of the property or places searched when he is not the same person, if known.
- (10) A search warrant shall be deemed invalid:
- a. If it is not issued by a judge of the municipal court of the City of Lakeshire; 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 municipal judge who issued it; or
  - g. If it is not executed within twenty (20) days after the date upon which the warrant was issued.
- (11) An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as would be justified if the warrant were valid.
  - (12) The officer may summon as many persons as deemed necessary to assign in executing the warrant. Such persons shall not be held liable as a result of the illegality of the search and seizure.
  - (13) If any property is seized, the officer shall give the person from whose possession it is taken, if the person is present, a copy of the warrant and an itemized receipt for the property taken. If no person is present, the officer shall leave the copy and the receipt at the site of the search.
  - (14) A copy of the itemized receipt of any property taken shall be delivered to the office of the city attorney or the prosecuting attorney within five (5) working days of the search.
  - (15) The disposition of the property seized pursuant to a search warrant under this section shall be in accordance with Section 542.301 of the Revised Statutes of Missouri.



**ELECTIONS AND QUALIFICATION OF  
MUNICIPAL OFFICIALS**

**CHAPTER 120**

Section 120.010 - - Date of General Election

A general election for the elective officers of the City shall be held on the first municipal election date in April of each year.

1. On the first municipal election date in April of even numbered years, an election shall be held by the qualified voters of each ward in the City for mayor and one alderman from each ward, who shall hold their respective offices for the term of two years or until their successors shall be elected and qualified.
2. On the first municipal election date in April of odd numbered years, an election shall be held by the qualified voters of each ward of this City for the election of a second alderman from each ward who shall hold their respective offices for the term of two years or until their successors shall be elected and qualified.

Section 120.020 - - Filing of Candidates for Office

1. Any person desiring to file a declaration of candidacy for any City elective office at any City general election, may do so by filing said declaration with the City Clerk after 8:00 a.m. the fifteenth Tuesday prior to the election date. The declaration of candidacy shall include the candidate's name and address. The closing date for filing shall be 5:00 p.m. on the eleventh Tuesday prior to the election date.
2. The place for filing declarations of candidacy shall be at the City Hall from 8:00 a.m. to 10:00 a.m. and 6:00 p.m. to 8:00 p.m. on the fifteenth Tuesday prior to the election, and thereafter, at the City Hall or the home of the City Clerk between 8:00 a.m. and 8:00 p.m. on prior notice to the Clerk. The Clerk shall keep a permanent record of the names of the candidates and the date and time of their filing, and their names shall appear on the ballot in the order of their filing.
3. The City shall, before the fifteenth Tuesday prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing, and the closing

filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision.

#### Section 120.030 - - Qualifications Challenged

Any person who is not qualified for his office as provided by this Code or the laws of the State of Missouri shall not be entitled to have his name printed on the ballot. The qualifications of a candidate for office shall be determined by the Board of Aldermen upon hearing given, and upon its own motion or upon written affidavit by some person that a named candidate is not qualified as such for the office sought.

#### Section 120.040 - - Withdrawal of Candidacy

A candidate may not withdraw his candidacy after the certification of the notice by the City Clerk to the election authority. A candidate's name may be removed after that time only upon death or order of a court of record.

#### Section 120.050 - - Conformance of City Elections with State Law

All City elections shall be conducted and held in conformance with the provisions of the laws of the State of Missouri and the regulations of the St. Louis County Election Board.

#### Section 120.060 - - Conduct of Election by Election Board

The St. Louis County Election Board, as the designated election authority, shall conduct all City elections.

#### Section 120.070 - - Notice of City Elections

The City shall comply with all provisions concerning the giving of notice of elections contained in Sections 115.125 and 115.127 RSMo. And all amendments thereto, as well as any special regulations as prescribed by the St. Louis County Election Board.

#### Section 120.080 - - Voters, Qualifications

All residents of the City who are qualified, and timely and properly registered voters in accordance with the laws of the State of Missouri and the regulations of the election authority, shall be entitled to vote at City elections.

#### Section 120.090 - - Designation of Polling Places and Judges; Election Costs

The election authority shall designate the polling places in all City elections. The election authority shall appoint all election judges in accordance with state law. The City shall pay all the election costs required by state law to the election authority conducting its election.

#### Section 120.100 - - City Police Officers, Assistance

It shall be the duty of the City police officers to give any assistance or protection required by the election authority, any employee of the election authority or any election judge, and to comply with all lawful requests and directions of the election authority relating to such assistance.

#### Section 120.110 - - Vacancy in Elected Office, How Filled

If a vacancy occurs in any elective office, the mayor or the person exercising the duties of the mayor shall cause a special meeting of the Board of Aldermen to convene, where a successor to the vacant office shall be selected. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

#### Section 120.120 - - Certification of Election Results

As soon as practicable after each City election, the election authority shall verify the count and certify the results of the election. The verification board shall issue a statement announcing the results of each election and shall certify the returns to the City Clerk. The City Clerk shall issue to each person each person elected a certificate of election.

#### Section 120.130 - - Qualification of Alderman

No person shall be an alderman unless he or she be at least eighteen years of age, a citizen of the United States, and a resident of the City for one year next preceding his or her election, and a resident of the ward from which he or she is elected for at least the 90 days immediately preceding his or her election. Whenever there shall be a tie in the election of aldermen, the Board of Aldermen shall select the person to fill the office from among the candidates who received the equal number of votes. A majority of the members of the Board of Aldermen voting “yes” or “nay” shall be required to select the person to fill the office of alderman.

#### Section 120.140 - - Qualifications of Mayor

No person shall be mayor unless he or she be at least twenty-five years of age, a citizen of the United States, and a resident of the City for one year next preceding his or her election. When two or more persons shall have an equal number of votes for the office of mayor, the Board of Aldermen shall select the person to fill the office from among the candidates who received the equal number of votes. A majority of the members of the Board of Aldermen voting “yes” or “nay” shall be required to select the person to fill the office of mayor.

## **TAX COLLECTION**

### **CHAPTER 150**

#### Section 150.010 - - Tax and Rate Established

There is hereby levied on all real property within the City of Lakeshire a tax rate of ten cents on each one hundred dollars of assessed valuation as shown on the assessment books of St. Louis County as corrected and amended by the Board of Equalization and Certified to by the County Clerk, for the calendar year of 1984. Said rate shall be set each year by ordinance passed by the Board of Aldermen of the City of Lakeshire.

#### Section 150.020 - - Deputy Collector Appointed

In order to collect and distribute the tax specified in Section 150.010 it is necessary that a Deputy Collector be appointed and that an office be established and maintained in St. Louis County. The Mayor of the City of Lakeshire is hereby empowered to appoint a deputy collector and enter into a tax collection contract as specified by the ordinances of the City of Lakeshire.

## **OFFENSES CODE**

### **CHAPTER 215**

#### Section 215.000 - - Short Title

This Chapter shall be known as the Code of Offenses of the City of Lakeshire hereinafter referred to as the Code.

#### Section 215.005 - - Separability

If any part of provision of this Chapter or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons or circumstances.

#### Section 215.010 - - Classification of Offenses

1. An offense defined by this chapter for which a sentence of imprisonment is authorized, shall constitute a “violation.”
2. An offense defined by this chapter constitutes an “infraction” if it is so designated or if no other sentence than a fine or fine and forfeiture or other civil penalty is authorized upon conviction.
3. An infraction does not constitute a crime and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a crime.

#### Section 215.015 - - Offenses Must be Defined by Ordinance

No conduct constitutes an offense unless made so by this chapter or other applicable ordinance and chapters of this municipal code.

#### Section 215.020 - - Application to Offenses Committed Before and After Enactment

1. The provisions of this code shall govern the construction and punishment for any offense defined in this code and committed after April 1<sup>st</sup>, 1985, as

well as the construction and application of any defense to a prosecution for such an offense.

2. Offenses defined outside of this chapter and not repealed shall remain in effect, but unless otherwise expressly provided, the provisions of this code shall not govern the construction of any such offenses, nor shall the construction and application of any defense to a prosecution for such offenses be affected.
3. The provisions of this code do not apply to or govern the construction of and punishment for any offense committed prior to 1985, or the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this chapter had not been enacted.

#### Section 215.025 - - Time Limitations

1. Except as otherwise provided in this section, prosecutions for offenses must be commenced within the following periods of limitation:
  - a. For any violation, one year.
  - b. For any infraction, six months.
2. If the period described in Subsection (1) has expired, a prosecution may nevertheless be commenced for:
  - a. Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by the aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years; and
  - b. Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years.
3. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the person's complicity

therein is terminated. Time starts to run on the day after the offense is committed.

4. A prosecution is commenced for a misdemeanor or ordinance violation when the information is filed.
5. The period of limitation does not run:
  - a. During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or
  - b. During any time when the accused is concealing himself from justice either within or without this state;
  - c. During any time when a prosecution against the accused for the offense is pending in this state; or
  - d. During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020.

#### Section 215.030 - - Limitation on Conviction for Multiple Offenses

When the same conduct of a person may establish the commission of more than one offense he may be prosecuted for each such offense. He may not, however, be convicted of more than one offense if

1. One offense is included in the other, as defined in Section 215.035; or
2. Inconsistent findings of fact are required to establish the commission of the offenses; or
3. The offense differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct; or
4. The offense is defined as a continuing course of conduct and the person's course of conduct was uninterrupted, unless the law provides that specific periods of such conduct constitute separate offenses.

#### Section 215.035 - - Conviction of Included Offenses



1. A defendant may be convicted of an offense included in an offense charged in the indictment or information. An offense is so included when:
  - a. It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or
  - b. It is specifically denominated by section as a lesser degree of the offense charged; or
  - c. It consists of an attempt to commit the offense charged or to commit an offense otherwise included therein.
2. The court shall not be obligated to charge the jury with respect to an included offense unless there is a basis for a verdict acquitting the defendant of the offense charged and convicting him of the included offense.

Section 215.040 - - Burden of Injecting the Issue

When the phrase “The defendant shall have the burden of injecting the issue,” is used in this code, it means

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 a trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

Section 215.045 - - Affirmative Defense

When the phrase “affirmative defense” is used in the code, it means

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.

Section 215.050 - - Code Definitions

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

1. “Affirmative Defense” has the meaning specified in Section 215.045.
2. “Burden of injecting the issue” has the meaning specified in Section 215.040.
3. “Confinement”: A person is in confinement when he 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 him authorizes his/her release without guard and without condition that he/she return to confinement;
  - D. A person is not in confinement if
    - (1) The person is on probation or parole, temporary or otherwise; or
    - (2) 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 him to or from a place of confinement.
4. “Consent”: Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:
  - A. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such incapacity is manifest or known to the actor; or
  - B. It is given by a person who by reason of youth, mental disease or defect, or 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

- C. It is induced by force, duress or deception.
- 5. “Criminal Negligence” has the meaning specified in Section 215.150.
- 6. “Custody”: a person is in custody when he/she has been arrested but has not been delivered to a place of confinement.
- 7. “Forcible Compulsion” means either:
  - A. Physical force that overcomes reasonable resistance, or
  - B. 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.
- 8. “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.
- 9. “Inhabitable Structure” has the meaning specified in Section 215.410.
- 10. “Knowingly” has the meaning specified in Section 215.150.
- 11. “Infraction” has the meaning specified in Section 215.010.
- 12. “Law Enforcement Officer” means any public servant having both the power and the duty to make arrests for violations of the laws of this City.
- 13. “Violation” has the meaning specified in Section 215.010.
- 14. “Offense” means any ordinance violation, misdemeanor, or infraction.
- 15. “Physical Injury” means physical pain, illness, or any impairment of physical condition.
- 16. “Place of Confinement” means any building or facility and the ground thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.
- 17. “Public Servant” means any person employed in any way by the government of this city who is compensated by the government by reason

of such person's employment, and 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 both regular and special or reserve law enforcement officers. It does not include witnesses.

18. "Purposely" has the meaning specified in Section 215.150.
19. "Recklessly" has the meaning specified in Section 215.150.
20. "Serious Physical Injury" means physical injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss of impairment of the function of any part of the body.
21. "Voluntary Act" has the meaning specified in Section 215.145.

#### Section 215.055 - - Authorized Dispositions

1. Every person found guilty of an offense defined by this Chapter shall be dealt with by the court in accordance with the provisions of this chapter.
2. Whenever any person has been found guilty of a violation the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:
  - A. Sentence the person to a term of imprisonment as authorized by Sections 215.075 through 215.085.
  - B. Sentence the person to pay a fine as authorized by Sections 215.120 through 215.140.
  - C. Suspend the imposition of sentence, with or without placing the person on probation.
  - D. Pronounce sentence and suspend its execution, placing the person on probation.
  - E. Impose a period of detention as a condition of probation, as authorized by Section 215.105.

3. Whenever any person has been found guilty of an infraction, the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may
  - A. Sentence the person to pay a fine as authorized by Sections 215.075 through 215.085.
  - B. Suspend the imposition of sentence, with or without placing the person on probation.
  - C. Pronounce sentence and suspend its execution, placing the person on probation.
4. Whenever any organization has been found guilty of an offense, the court shall make one or more of the following dispositions of the organization in any appropriate combination. The court may
  - A. Sentence the organization to pay a fine as authorized by Sections 215.120 through 215.140;
  - B. Suspend the imposition of sentence, with or without placing the organization on probation;
  - C. Pronounce sentence and suspend its execution, placing the organization on probation;
  - D. Impose any special sentence or sanction authorized by law.
5. This chapter shall not be construed to deprive the court of any other authority which has, or may be, conferred by law to decree a forfeiture of property; suspend or cancel a license, remove a person from office, or impose any other civil penalty. An appropriate order exercising such authority may be included as part of any sentence.

#### Section 215.060 - - Classification of Offenses

1. Violation are classified for the purpose of sentencing into the following three categories.
  - A. Class A Violation,
  - B. Class B Violation, and

C. Class C Violation

2. Infractions are not further classified.

Section 215.065 - - Application of Provisions to Offenses Outside of this Chapter

The provisions of this Chapter, including but not limited to definition, defense, principles of liability, sentencing and penalty provisions, shall have no effect on or application to any offense defined outside of this Chapter unless such provisions shall specifically state that is hall have effect and application beyond this Chapter or unless an offense defined outside of this Chapter shall specifically state that a provision of this Chapter shall have effect on or application to that offense.

Section 215.070 - - Pre-sentence Investigation and Report

1. When a probation officer is available to the court, the officer shall, if directed by the court, make a pre-sentence investigation and report to the court before any authorized disposition under Section 215.055.

The report shall not be submitted to the court or its contents disclosed to anyone until the defendant has pleaded guilty or been found guilty.

This section shall not be construed as to require the appointment of a probation officer.

2. The pre-sentence investigation report shall be prepared, presented and utilized as provided by rule of court except that not court shall prevent the defendant or the attorney for the defendant from having access to the complete pre-sentence investigation report and recommendations before any authorized disposition under Section 215.055.

3. The defendant shall not be obligated to make any statement to a probation officer in connection with any pre-sentence investigation hereunder.

Section 215.075

1. The authorized terms of imprisonment, including both prison and conditional release terms are:

- A. For a Class A Violation, a term not to exceed ninety days,

B. For a Class B Violation, a term not to exceed forty-five days,

C. For a Class C Violation, a term not to exceed fifteen days.

2. A sentence of imprisonment for a violation shall be for a definite term and the court shall commit the defendant to the county jail or other authorized penal institution for the term of his sentence or until released under procedures established elsewhere by law.

Section 215.085 - - Calculation of Terms of Imprisonment -Credit for Jail Time Awaiting Trial

1. A person convicted of a crime in this city shall receive as credit toward service of sentence of a sentence of imprisonment all time spent by him in jail because awaiting trial for such crime. Time required by law to be credited upon some other sentence shall be applied to that sentence alone, except that

A. Time spent in jail awaiting trial for an offense because of a detainer for such offense shall be credited toward service of a sentence of imprisonment for that offense even though the person was confined awaiting trial for some unrelated bailable offense; and

B. Credit for jail time shall be applied to each sentence if they are concurrent.

2. The officer required by law to deliver a convicted person to jail shall endorse upon the commitment papers the period of time to be credited as provided in subsection (1) of this section.

3. If a sentence of imprisonment is vacated and a new sentence is imposed on the defendant for the same offense, the new sentence is calculated as if it had commenced at the time the vacated sentence was imposed, and all time served under the vacated sentence shall be credited against the new sentence.

Section 215.090 - - Eligible for Probation, When

The court may place a person on probation for a specific period upon conviction of any offense or upon suspending imposition of sentence if, having regard to the nature and circumstances of the offense and to the history and character of the defendant, the court is of the opinion that

1. Institutional confinement of the defendant is not necessary for the protection of the public; and

2. The defendant is in need of guidance, training or other assistance which, in his case, can be effectively administered through probation supervision.

#### Section 215.095 - - Terms of Probation

1. Unless terminated as provided in Section 215.115, the terms during which probation shall remain conditional and be subject to revocation are:
  - A. A term not less than six months and not to exceed one year for a violation.
  - B. A terms not less then three months and not to exceed six months for an infraction.
2. The court shall designate a specific term of probation at the time of sentencing or at the time of suspension of imposition of sentence.

#### Section 215.100 - - Conditions of Probation

1. The conditions or probation shall be such as the court in its discretion deems reasonably necessary to insure that the defendant will not again violate the law. When a defendant is placed on probation, he shall be given a certificate explicitly stating the conditions on which he is being released.
2. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

#### Section 215.105 - - Detention Condition of Probation

Except in infraction cases, when probation is granted, the court, in addition to conditions imposed under Section 215.100 may require as a condition of probation that the defendant submit to a period of detention in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate.

1. In violation cases, the period of detention under this section shall not exceed the shorter of fifteen days or the maximum term of imprisonment authorized for the violation by Sections 215.075 through 215.085.
2. If probation is revoked and a term of imprisonment is served by reason thereof, the time spent in jail or other institution as a detention condition of



probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed.

#### Section 215.110 - - Transfer to Another Court

Jurisdiction over a probationer may be transferred from the court which imposed probation to a court having equal jurisdiction over offenders in any other part of the state, if any, with the concurrence of both courts. Retransfers of jurisdiction may also occur in the same manner. The court to which jurisdiction has been transferred under this section shall be authorized to exercise all powers permissible under this chapter over the defendant, except that the term of probation shall not be terminated without the consent of the sentencing court.

#### Section 215.115 - - Duration of Probation - Revocation

1. A term probation commences on the day it is imposed. Multiple terms of probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole terms for another offense to which the defendant is or becomes subject during the period, unless otherwise specified by the court.
2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under Section 215.095 if warranted by the conduct of the defendant and the ends of justice. Procedures for termination and discharge may be established by rule of court.
3. If the defendant violates a condition of probation at anytime prior to the expiration or termination of the probation term, the court may continue him on the existing conditions, with or without modifying or enlarging the conditions, or, if such continuation, modification, or enlargement is not appropriate, may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under Section 215.055. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation.
4. Probation shall not be revoked without giving the probationer notice and an opportunity to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court.

5. Any probation officer, if he has probable cause to believe that the probationer has violated a condition of probation, may arrest the probationer without a warrant, or may deputize any other officer with the power of arrest to do so by giving him a written statement of the circumstances of the alleged violation, including a statement that the probationer has, in the judgment of the probation officer, violated the conditions of his probation. The written statement, delivered with the probationer to the official in charge of any jail or other detention facility, shall be sufficient authority for detaining the probationer pending a preliminary hearing on the alleged violation.

6. If the probationer is arrested under the authority granted in subsections 5 and 6, he shall have the right to a preliminary hearing on the violation charged. He shall be notified immediately in writing of the alleged probation violation. If he is arrested in the jurisdiction of the sentencing court, and the court which placed him on probation is immediately available, the preliminary hearing shall be heard by the sentencing court. Such preliminary hearings shall be conducted as provided by rule of court. It is appears that there is probable cause to believe that the probationer has violated a condition of his probation, or if the probationer waives the preliminary hearing, the judge shall order the probationer held for further proceedings in the sentencing court from holding a hearing on the question of the probationer's alleged violation of a condition of probation nor from ordering the probationer to be present at such a hearing. Provisions regarding release on bail of person charged with offenses shall be applicable to probationers arrested and ordered held under this provision.

7. Upon such arrest and detention, the probation officer shall immediately notify the sentencing court and shall submit to the court a written report showing in what manner the probationer has violated the conditions of probation. Thereupon, or upon arrest by warrant, the court shall cause the probationer to be brought before it without unnecessary delay for a hearing on the violation charged. Revocation hearings shall be conducted as provided by the rule of court.

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

#### Section 215.120 - - Fines for Violations

1. Except as otherwise provided for an offense outside this code, a person who has been convicted of a violation or infraction may be sentenced to pay a fine which does not exceed:

- A. For a Class A violation, one thousand dollars.
- B. For a Class B violation, six hundred dollars.
- C. For a Class C violation, four hundred dollars.
- D. For driving under the influence in violation of this Code, one thousand dollars.

#### Section 215.125 - - Fines for Corporation

1. A sentence to pay a fine, when imposed on a corporation for an offense defined in this code or for any offense defined outside this code for which no special corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, not exceeding:

- A. Five hundred dollars, when the conviction is of a Class A violation.
- B. Four hundred dollars, when the conviction is of a Class B violation.
- C. Three hundred dollars, when the conviction is of a Class C violation.
- D. Two hundred dollars, when the conviction is of an infraction.

2. In the case of an offense defined outside the code, if a special fine for a corporation is expressly specified in the section that defines the offense, the fine fixed by the court shall be an amount within the limits specified in the section that defines the offense.

#### Section 215.130 - - Imposition of Fines

1. In determining the amount and the method of payment of a fine, the court shall, insofar as practicable, proportion the fine to the burden that payment will impose in view of the financial resources of an individual. The court shall not

sentence an offender to pay a fine in any amount which will prevent him from making restitution or reparation to the victim of the offense.

2. For municipal ordinance violations committed within a twelve-month period beginning with the first violation:

- A. The maximum allowable fine is two hundred dollars for the first offense;
- B. Two hundred seventy-five dollars for the second offense;
- C. Three hundred dollars for the third offense; and
- D. Four hundred fifty dollars for the forth and subsequent offenses.

3. When any other disposition is authorized by statute, the court shall not sentence an individual to pay a fine only unless, having regard to the nature and circumstances of the offense and the history and character of the offender, it is of the opinion that the fine alone will suffice for the protection of the public.

4. The court shall not sentence an individual to pay a fine in addition to any other sentence authorized by Section 215.055 unless

- A. He has derived a pecuniary gain from the offense; or
- B. The court is of the opinion that a fine is uniquely adapted to deterrence of the type of offense involved or to the correction of the defendant.

5. When an offender is sentenced to pay a fine, the court may provide for the payment to be made within a specified period of time or in specified installment. If no such provision is made a part of the sentence, the fine shall be payable forthwith.

6. When an offender is sentenced to pay a fine, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to nonpayment shall be determined only after the fine has not been paid, as provided in Section 215.135.

#### Section 215.135 - - Response to Non-payment

1. When an offender sentenced to pay a fine defaults in the payment of the fine or in any installment, the court may issue a warrant for arrest or a summons for his appearance.

3. If it appears that the default in the payment of a fine is excusable, the court may enter an order allowing the offender additional time for payment, reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion in whole or in part.

4. When a fine is imposed on a corporation it is the duty of the person or persons authorized to make disbursement of the assets of the corporation and their superiors to pay the fine from the assets of the corporation. The failure of such persons to do so shall render them subject to imprisonment under subsections 1 and 2.

5. Upon default in the payment of a fine or any installment thereof, the fine may be collected by any means authorized for the enforcement of money judgments.

#### Section 215.140 - - Revocation of a Fine

A defendant who has been sentenced to pay a fine may at any time petition the sentencing court for a revocation of a fine or any unpaid portion thereof. If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine no longer exist or that it would otherwise be unjust to require payment of the fine, the court may revoke the fine or the unpaid portion in whole or in part or may modify the method of payment.

#### Section 215.145 - - Voluntary Act

1. A person is not guilty of an offense unless his liability is based on conduct which includes a voluntary act.

2. A “voluntary act” is:

A. A bodily movement performed while conscious as a result of effort or determination; or

B. An omission to perform an act of which the actor is physically capable.

3. 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

control for a sufficient time to have enabled him to dispose of it or terminate his or her control.

4. 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.

#### Section 215.150 - - Culpable Mental State

1. Except as provided in Section 215.160 a person is not guilty of an offense unless he acts with a culpable mental state, that is, unless he acts purposely or knowingly or recklessly or with criminal negligence, as the statute defining the offense may require with respect to the conduct, the result thereof or the attendant circumstances which constitute the material elements of the crime.

2. A person “acts purposely”, or with purpose, with respect to his conduct or to a result thereof when it is his conscious object to engage in that conduct or to cause that result.

3. A person “acts knowingly”, or with knowledge,

A. With respect to his conduct or to attendant circumstances when he is aware of the nature of his conduct or that those circumstances exist; or

B. With respect to a result of his conduct when he is aware that his conduct is practically certain to cause that result.

4. A person “acts recklessly” or is reckless when he consciously disregards 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.

5. A person “acts with criminal negligence” or is criminally negligent when he/she fails 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.

#### Section 215.155 - - Culpable Mental State, Application

1. If the definition of an offense prescribes a culpable mental state but does not specify the conduct, attendant circumstances or result to which it applies, the prescribed culpable mental state applies to each such material element.

2. Except as provided in Section 215.160 if the definition of an offense does not expressly prescribe a culpable mental state, a culpable mental state is nonetheless required and is established if a person acts purposely or knowingly or recklessly, but criminal negligence is not sufficient.

3. If the definition of an offense prescribes criminal negligence as the culpable mental state, it is also established if a person acts purposely or knowingly or recklessly. When recklessness suffices to establish a culpable mental state, it is also established if a person acts purposely knowingly. When acting knowingly suffices to establish a culpable mental state, it is also established if a person acts purposely.

4. Knowledge that conduct constitutes an offense, or knowledge of the existence, meaning or application of the statute defining an offense is not an element of an offense unless the section clearly so provides.

#### Section 215.160 - - Culpable Mental State, When Not Required

A culpable mental state is not required

1. If the offense is an infraction and no culpable mental state is prescribed by the section defining the offense; or

2. If the section defining the offense clearly indicates a purpose to dispense with the requirement of any culpable mental state as to a specific element of the offense.

#### Section 215.165 - - Ignorance and Mistake

1. A person is not relieved of criminal liability for conduct because he engages in such conduct under a mistaken belief of fact or law unless such mistake negatives the existence of the mental state required by the offense.

2. A person is not relieved of criminal liability for conduct because he believes his conduct does not constitute an offense unless his belief is reasonable and

A. The offense is defined by an administrative regulation or order which is not known to him and has not been published or otherwise made reasonably available to him, and he could not have acquired such knowledge by the exercise of due diligence pursuant to facts known to him; or

B. He acts in a reasonable reliance upon an official statement of the law, afterward determined to be invalid or erroneous, contained in

- (1) a statute or ordinance;
- (2) an opinion or order of an appellate court;
- (3) an official interpretation of the statute, regulation or order defining the offense made by a public official or agency legally authorized to interpret such statute, regulation or order.

3. The burden of injecting the issue of reasonable belief that conduct does not constitute an offense under subdivisions A and B of subsection 2 is on the defendant.

#### Section 215.170 - - Accountability for Conduct

A person with the required culpable mental state is guilty of an offense if it is committed by his own conduct or by the conduct of another person for which he is criminally responsible, or both.

#### Section 215.175 - - Responsibility for the Conduct of Another

1. A person is criminally responsible for the conduct of another when

A. The section defining the offense makes him so responsible; or

B. Either before or during the commission of an offense with the purpose of promoting the commission of an offense, he aids or agrees to aid or attempts to aid such other person in planning, committing or attempting to commit the offense.

2. However, a person is not so responsible if:

A. He is the victim of the offense committed or attempted;

B. The offense is so defined that his conduct was necessarily incident to the commission or attempt to commit the offense. If his conduct constitutes a related but separate offense, he is criminally responsible for that offense but not for the conduct or offense committed or attempted by the other person;



C. Before the commission of the offense he abandons his purpose and gives timely warning to law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.

3. The defense provided by subdivision C of subsection 2 if an affirmative defense.

#### Section 215.180 - - Defense Precluded

It is not defense to any prosecution for an offense in which the criminal responsibility of the defendant is based upon the conduct of another that

1. Such other person has been acquitted or has not been convicted or has been convicted of some other offense or degree of offense or lacked criminal capacity or was unaware of the defendant's criminal purpose or is immune from prosecution or is not amenable to justice; or

2. The defendant does not belong to that class of persons who was legally capable of committing the offense in an individual capacity.

#### Section 215.185 - - Conviction of Different Degrees of Offenses

Except as otherwise provided, when two or more persons are criminally responsible for an offense which is divided into degrees, each person is guilty of such degree as is compatible with his own culpable mental state and with his own accountability for an aggravating or mitigating fact or circumstances.

#### Section 215.190 - - Liability of Corporations and Unincorporated Associations

1. A corporation is guilty of a violation if

A. The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporation by law; or

B. The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of his employment and in behalf of the corporation, and the offense is a misdemeanor or an infraction, or the offense is one defined by a section that clearly indicates a legislative intent to impose such criminal liability on a corporation; or

C. The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and in behalf of the corporation.

2. An unincorporated association is guilty of an offense if

A. The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the association by law; or

B. The conduct constituting the offense is engaged in by an agent of the association while acting within the scope of his employment and in behalf of the association and the offense is one defined by section that clearly indicates a legislative intent to impose such criminal liability on the association.

C. The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and in behalf of the corporation.

2. An unincorporated association is guilty of an offense if

A. The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the association by law; or

B. The conduct constituting the offense is engaged in by an agent of the association while acting within the scope of his employment and in behalf of the association and the offense is one defined by a section that clearly indicates a legislative intent to impose such criminal liability on the association.

3. As used in this section:

A. “Agent” means any director, officer or employee of a corporation or unincorporated association or any other person who is authorized to act in behalf of the corporation or unincorporated association;

B. “High Managerial Agent” means an officer of a corporation or any other agent in a position of comparable authority with respect to the

formulation of corporate policy of the supervision in a managerial capacity of subordinate employees.

Section 215.200 - - Liability of Individual for Conduct of Corporation or Unincorporated Association

A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or in behalf of a corporation or unincorporated association to the same extent as if such conduct were performed in his own name or behalf.

Section 215.205 - - Entrapment

1. The commission of acts which would otherwise constitute an offense is not criminal if the actor engaged in the prescribed conduct because he was entrapped by a law enforcement officer or a person acting in cooperation with such an officer.
2. An “entrapment” is perpetrated if a law enforcement officer or a person acting in cooperation with such an officer, for the purpose of obtaining evidence of the commission of an offense, solicits, encourages or otherwise induces another person to engage in conduct when he was not ready and willing to engage in such conduct.
3. The relief afforded by subsection 1 is not available as to any crime which involves causing physical injury to or placing in danger of physical injury a person other than the person perpetrating the entrapment.
4. The defendant shall have the burden of injecting the issue of entrapment.

Section 215.210 - - Duress

1. It is an affirmative defense that the defendant engaged in the conduct charged to constitute an offense because he was coerced to do so, by the use of, or threatened imminent use of, unlawful physical force upon him or a third person, which force or threatened force a person of reasonable firmness in his situation would have been unable to resist.
2. The defense of “duress” as defined in subsection 1 is not available as to any offense when the defendant recklessly places himself in a situation in which it is probable that he will be subjected to the force or threatened force described in subsection 1.

#### Section 215.215 - - Intoxicated or Drugged Condition

1. A person who is in an intoxicated or drugged condition whether from alcohol, drugs, or other substance, is criminally responsible for conduct unless such condition

A. Negatives the existence of the mental states of purpose or knowledge when such mental states are elements of the offense charged or of an included offense; or

B. Is involuntarily produced and deprived him of the capacity to know or appreciate the nature, quality or wrongfulness of his conduct or to conform his conduct to the requirements of law.

2. The defendant shall have the burden of injecting the issue of intoxicated or drugged condition.

#### Section 215.220 - - Infancy

1. No person shall be convicted of any offense unless he had attained his fourteenth birthday at the time the offense was committed.

2. The defendant shall have the burden of injecting the issue of infancy.

#### Section 215.225 - - Lack of Responsibility Because of Mental Disease or Defect

1. A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he did not know or appreciate the nature, quality or wrongfulness of his conduct or was incapable of conforming conduct to the requirements of law.

2. The procedures for the defense of lack of responsibility because of mental disease or defect are governed by the applicable provisions of Chapter §522 RSMo.

#### Section 215.120 - - Definitions

As used in Section 215.230 through 215.280.

1. “Deadly Force” means physical force which the actor uses with the purpose of causing or which he knows to create a substantial risk of causing death or serious physical injury.

2. “Dwelling” means any building or inhabitable structure, though movable or temporary, or a portion thereof, which is for the time being the actor’s home or place of lodging.
3. “Premises” includes any building, inhabitable structure and any real property.
4. “Private person” means any person other than a law enforcement officer.

#### Section 215.235 - - Civil Remedies Unaffected

The fact that conduct is justified under Sections 215.230 through 215.280 does not abolish or impair any remedy for such conduct which is available in any civil actions.

#### Section 215.240 - - Execution of Public Duty

1. Unless inconsistent with the provisions of Sections 215.230 through 215.280 defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when such conduct is required or authorized by a statutory provision or by a judicial decree. Among the kinds of such provisions and decrees are:
  - A. Laws defining duties and functions of public servants;
  - B. Laws defining duties of private persons to assist public servants in the performance of their functions;
  - C. Laws governing the execution of legal process;
  - D. Laws governing the military services and the conduct of war;
  - E. Judgments and orders of courts.
2. The defense of justification afforded by subsection 1 of this section applies:
  - A. When a person reasonably believes his conduct to be required or authorized by the judgment or directions of a competent court or tribunal or in the legal execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process;

B. When a person reasonably believes his conduct to be required or authorized to assist a public servant in the performance of his duties, notwithstanding that the public servant exceeded his legal authority.

3. The defendant shall have the burden of injecting the issue of justification under this section.

#### Section 215.245 - - Justification Generally

1. Unless inconsistent with other provisions of this chapter defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute any crime or murder is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault of the actor, and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability of avoiding the injury outweighs the desirability of avoiding the injury sought to be prevented by the section defining the crime charged.

2. The necessity and justifiability of conduct under subsection 1 may not rest upon considerations pertaining only to the mortality and advisability of the section either in its general application or with respect to its application to a particular class or cases arising thereunder. Whenever evidence relating to the defense of justification under this section is offered, the court shall rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a justification.

3. The defense of justification under this section is an affirmative defense.

#### Section 215.250 - - Use of Force in Defense of Persons

1. A person may, subject to the provisions of subsection 2, use physical force upon another person when and to the extent he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

A. The actor was the initial aggressor; except that in such case his use of force is nevertheless justified provided:

(1) he has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter

persists in continuing the incident by the use or threatened use of unlawful force; or

(2) he is a law enforcement officer and as such is an aggressor pursuant to Section 563.046 RSMo.; or

(3) the aggressor is justified under some other provision of this chapter or other provision of law;

B. Under the circumstances as the actor reasonably believes them to be, the person whom he seeks to protect would not be justified in using such protective force;

C. The actor was attempting to commit, committing, or escaping after the commission of a forcible felony.

2. A person may not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless:

A. He or she reasonably believes that such deadly force is necessary to protect himself, or herself, or her unborn child, or another against death, serious physical injury, or any forcible felony;

B. Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or

C. Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual, or is occupied by an individual who has been given specific authority by the property owner to occupy the property, claiming a justification of using protective force under this section.

3. A person does not have a duty to retreat:

A. From a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining;

B. From private property that is owned or leased by such individual;  
or

C. If the person is in any other location such person has the right to be.

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. The defendant shall have the burden of injecting the issue of justification under this section.

#### Section 215.255 - - Use of Physical Force in Defense of Premises

1. A person in possession or control of premises or a person who is licensed or privileged to be thereon, may, subject to the provisions of subsection 2, use physical force upon another person when and to the extent that he reasonably believes it necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission of the crime of trespass by the other person.

2. A person may not use deadly force under circumstances described in subsection 1 unless the use of deadly force is authorized under state or federal law.

3. The defendant shall have the burden of injecting the issue of justification under this section.

#### Section 215.260 - - Use of Physical Force in Defense of Property

1. A person may, subject to the limitations of subsection 2, use physical force upon another person when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the commission or attempted commission by such person of stealing, property damage or tampering in any degree.

2. A person may not use deadly force under circumstances described in subsection 1 unless the use of deadly force is authorized under state or federal law.

3. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

4. The defendant shall have the burden of injecting the issue of justification under this section.

#### Section 215.265 - - Law Enforcement Officer's Use of Force in Making an Arrest



1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, he is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

2. A law enforcement officer in effecting the arrest or in preventing an escape from custody is not justified in using deadly force unless the use of deadly force is authorized by federal and state law and the Police Procedures Manual of the City of Lakeshire.

3. The defendant shall have the burden of injecting the issue of justification under this Section.

#### Section 215.270 - - Private Person's Use of Force in Making an Arrest

1. A private person who has been directed by a person he reasonably believes to be a law enforcement officer to assist such officer to effect an arrest or to prevent escape from custody may, subject to the limitations of subsection 3, use physical force when and to the extent that he reasonably believes such to be necessary to carry out such officer's direction unless he knows or believes that the arrest or prospective arrest is not or was not authorized.

2. A private person acting on his own account may, subject to the limitations of subsection 3, use physical force to effect arrest or to prevent escape only when and to the extent such is immediately necessary to effect the arrest, or to prevent escape from custody, of a person whom he reasonably believes to have committed a crime and who in fact has committed the crime.

3. A private person in effecting an arrest or in preventing an escape from custody is not justified in using deadly force unless the use of deadly force is authorized under state or federal law.

4. The defendant shall have the burden of injecting the issue of justification under this section.

#### Section 215.275 - - Use of Force to Prevent Escape from Confinement

1. Except as provided in Section 215.270 a guard or other law enforcement officer may, subject to the provisions of subsection 2, use physical force when he reasonably believes such to be immediately necessary to prevent escape from confinement or in transit thereto or therefrom.

2. A guard or other law enforcement officer may not use deadly force under circumstances described in subsection 1 unless the use of deadly force is authorized under state or federal law.

3. The defendant shall have the burden of injecting the issue of justification under this section.

Section 215.280 - - Use of Force by Persons with Responsibility for Care, Discipline or Safety of Others

1. The use of physical force by an actor upon another person is justifiable when the actor is a parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person or when the actor is a teacher or other person entrusted with the care and supervision of a minor for a special purpose; and

A. The actor reasonably believes that the force used is necessary to promote the welfare of a minor or incompetent person, or, if the actor's responsibility for the minor is for special purposes, to further that special purpose or to maintain reasonable discipline in a school, class or other group; and

B. The force used is not designed to cause or believed to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain or extreme emotional distress.

2. The use of physical force by an actor upon another person is justifiable when the actor is a person responsible for the operation of or the maintenance of order in a vehicle or other carrier of passengers and the actor reasonably believes that such force is necessary to prevent interference with its operation or to maintain order in the vehicle or other carrier, except that deadly force may not be used unless the use of deadly force is authorized by state and federal law.

3. The use of physical force by an actor upon another person is justified when the actor is a physical or a person assisting at his direction; and

A. The force is used for the purpose of administering a medically acceptable form of treatment which the actor reasonably believes to be adapted to promoting the physical or mental health of the patient; and

B. The treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of the parent, guardian, or other person legally competent to consent on his behalf, or the treatment is administered in an emergency when the actor reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

4. The use of physical force by an actor upon another person is justifiable when the actor acts under the reasonable belief that

A. Such other person is about to commit suicide or to inflict serious physical injury upon himself; and

B. The force used is necessary to thwart such result.

5. The defendant shall have the burden of injecting the issue of justification under this section.

#### Section 215.285 - - Attempt

1. A person is guilty of 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.

2. It is no defense to a prosecution under this section that the offense attempted was, under 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.

3. Unless otherwise provided, an attempt to commit an offense is a Class C violation if the offense attempted is a violation of any degree.

#### Section 215.290 - - Conspiracy

1. Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purposes 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.

2. 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.

3. 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.

4. 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.

A. No one shall be convicted of conspiracy if, after conspiring to commit the offense, he prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his criminal purpose.

B. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under subdivision A of this subsection.

5. Exceptions:

A. 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.

B. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under Subsection (E)(1).

6. For the purpose of time limitations on prosecutions:

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;

B. 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 abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.

7. A person may 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.

8. Unless otherwise provided, a conspiracy to commit an offense is a Class C violation if the object of the conspiracy is a violation of any degree.

#### Section 215.300 - - Assault

1. A person commits the crime of assault if:

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

B. With criminal negligence the person causes physical injury to another person by means of a firearm; or

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

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

E. The person knowingly causes physical contact with another person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or

F. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

2. Assault is a Class A violation unless committed under subdivision C or E of subsection 1 in which case it is a Class C violation.

## Section 215.305 - - Consent as a Defense

1. When conduct is charged to constitute an offense because it causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a defense only if:
  - A. The physical injury consented to or threatened by the conduct is not serious physical injury; or
  - B. The conduct and the harm are reasonably foreseeable hazards of
    - (1) the victim's occupation or profession; or
    - (2) joint participation in a lawful athletic contest or competitive sport.
  - C. The consent establishes a justification for the conduct under Sections 215.230 through 215.280.
2. The defendant shall have the burden of injecting the issue of consent.

## Section 215.310 - - Harassment

1. 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, including but not limited to:
  - A. Communicating in writing or by telephone a threat to commit any felony as defined by state or federal law; or
  - B. Making a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility; or
  - C. Making a telephone call anonymously; or
  - D. Making repeated telephone calls.
2. Harassment is a Class A offense.

## Section 215.315 - - Lack of Consent in Crimes Involving Restraint

1. It is an element of the offenses described in Section 215.320 that the confinement movement or restraint be committed without the consent of the victim.
2. Lack of consent results from:
  - A. Forcible compulsion; or
  - B. Incapacity to consent.
3. A person is deemed incapable of consent if he is
  - A. Less than fourteen years old; or
  - B. Incapacitated.

Section 215.320 - - False Imprisonment

1. A person commits the crime of false imprisonment if he knowingly restrains another unlawfully and without consent so as to interfere substantially with his liberty.
2. False imprisonment is a Class A offense.

Section 215.325 - - Defenses to False Imprisonment

1. A person does not commit false imprisonment under Section 215.320 if the person restrained is a child under the age of seventeen and
  - A. A parent, guardian or other person responsible for the general supervision of the child's welfare has consented to the restraint; or
  - B. The actor is a relative of the child; and
    - (1) the actor's sole purpose is to assume control of the child; and
    - (2) the child is not taken out of the state of Missouri
2. For the purpose of this section, "relative" means a parent or stepparent, ancestor, sibling, uncle or aunt, including an adoptive relative to the same degree through marriage or adoption.

3. The defendant shall have the burden of injecting the issue of defense under this section.

#### Section 215.330 - - Interference with Custody

1. A person commits the crime of interference with custody if, knowing that he has no legal right to do so, he takes or entices from lawful custody any person entrusted by order of a court to the custody of another person or institution.
2. Interference with custody is a Class A offense.

#### Section 215.335- - Definitions

1. As used in Sections 215.335 through 215.360.
  - A. "Sexual intercourse" means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results;
  - B. "Deviate sexual intercourse" means any sexual act involving the genitals of one person and the mouth, tongue, hand or anus of another person;
  - C. "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person.
2. Spouses living apart pursuant to a Judgment of legal separation are not married to each other for the purposes of this chapter.

#### Section 215.340- - Mistake as to Incapacity or Age

1. Whenever in Sections 215.335 through 215.260 the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.
2. Whenever in Sections 215.335 through 215.360 the criminality of conduct depends upon a child's being fourteen or fifteen years of age, it is an affirmative defense that the defendant reasonably believed that the child was sixteen years old or older.



#### Section 215.345- - Sexual Misconduct

1. A person commits the crime of sexual misconduct if:
  - A. Being less than seventeen years old, he has sexual intercourse with another person to whom he is not married who is fourteen or fifteen years old; or
  - B. He engages in deviate sexual intercourse with another person to whom he is not married and who is under the age of seventeen years; or
  - C. He has deviate sexual intercourse with another person of the same sex.
2. Sexual misconduct is a Class A violation.

#### Section 215.350 - - Sexual Abuse

1. A person commits the crime of sexual abuse if he subjects another person to whom he is not married to sexual contact, when the other person is incapacitated or twelve or thirteen years old.
2. Sexual abuse is a Class A offense.

#### Section 215.355 - - Sexual Abuse in the Second Degree

1. A person commits the crime of sexual abuse in the second degree if he subjects another person to whom he is not married to sexual contact without that person's consent.
2. Sexual abuse in the second degree is a Class B offense unless in the course thereof the actor displays a deadly weapon in a threatening manner, in which case the crime is a Class A offense.

#### Section 215.360 - - Indecent Exposure

1. A person commits the crime of indecent exposure if he knowingly exposes his genitals under circumstances in which he knows that his conduct is likely to cause affront or alarm.
2. Indecent exposure is a Class A offense.

## Section 215.365 - - Definitions

As used in Sections 215.355 through 215.385.

1. "Promoting prostitution", a person "promotes prostitution" if, acting other than as a prostitute or a patron of a prostitute, he 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

E. Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he participates or is to participate in proceeds of prostitution activity; or

F. Engages in any conduct designed to institute, aid or facilitate act or enterprise of prostitution.

2. "Prostitution", a person commits "prostitution" if he 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.

3. "Patronizing prostitution", a person "patronizes prostitution" if

A. Pursuant to a prior understanding, he gives something of value to another person as compensation for that person or a third person having engaged in sexual conduct with him or with another; or

B. He gives or agrees to give something of value to another person on an understanding that in return therefore that person or a third person will engage in sexual conduct with him or with another; or

C. He solicits or requests another person to engage in sexual conduct with him or with another, or to secure a third person to engage in sexual conduct with him or with another, in return for something of value.

4. "Sexual conduct" occurs when there is

A. "Sexual intercourse" which means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results; or

B. "Deviate sexual intercourse" which means any sexual act involving the genitals of one person and the mouth, tongue or anus of another person; or

C. "Sexual contact" which means any touching, manual or otherwise, of the anus or genitals of one person by another, done for the purpose of arousing or gratifying sexual desire of either party.

5. "Something of value" means any money or property, or any token, object or article exchangeable for money or property.

#### Section 215.370 - - Prostitution

1. A person commits the crime of prostitution if he performs an act of prostitution.

2. Prostitution is a Class A offense.

#### Section 215.375 - - Patronizing Prostitution

1. A person commits the crime of patronizing prostitution if he patronizes prostitution.

2. Patronizing prostitution is a Class A offense.

#### Section 215.380 - - Prostitution and Patronizing Prostitution - Sex of Parties No Defense, When

In any prosecution for prostitution or patronizing a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that

1. Both persons were of the same sex; or

2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

For the purposes of this section:

1. "Sexual intercourse" means any penetration, however slight, of the female sex organ by the male sex organ;
2. "Deviate sexual intercourse" means any act of sexual gratification between persons not lawfully married to one another, involving the genitals of one person and the mouth, tongue or anus of another.

Section 215.365- - Prostitution Houses Deemed Public Nuisances

1. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 215.365 or any unlawful prostitution activity prohibited by this chapter is a public nuisance.
2. The 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 sexual contact for pay or unlawful 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 year.
3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the Jurisdiction of the court.
4. Appeals shall be allowed from the Judgment of the court as in other civil actions.

Section 215.390 - - Criminal Nonsupport

1. A husband commits the crime of nonsupport if he knowingly fails to provide, without good cause, adequate support for his wife; a parent commits the crime of nonsupport if such parent knowingly fails to provide, without good cause, adequate support which such parent is legally obligated to provide for his minor child or his stepchild.
2. For purposes of this Section:

A. "Support" means food, clothing, lodging, and medical or surgical attention;

B. "Child" means any natural or adoptive, legitimate or illegitimate child;

C. "Good cause" includes any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support;

D. It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. The defendant shall have the burden of injecting the issues raised by subdivisions C and D of subsection 2.

4. Criminal nonsupport is a Class A offense.

#### Section 215.400 - - Endangering the Welfare of a Child

1. A person commits the crime of endangering the welfare of a child if he/she:

A. With criminal negligence act in a manner that creates a substantial risk to the life body or health of a child less than seventeen (17) years old;

B. 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 Section 211.031, RSMo.;

- C. 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
- D. 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.

2. 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.

3. Endangering the welfare of a child is a Class A offense.

#### Section 215.405 - - Unlawful Transactions With a Child

1. A person commits the crime of unlawful transactions with a child if:

- A. Being a pawnbroker, Junk dealer in secondhand goods, or any employee of such person, he with criminal negligence buys or receives any personal property other than agricultural products from an unemancipated minor, unless the child's custodial parent or guardian has consented in writing to the transaction; or
- B. He knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances, as defined in Chapter p, RSMo, is maintained or conducted; or
- C. He with criminal negligence sells blasting caps, bulk gunpowder, or explosives to a child under the age of seventeen, or fireworks as defined in Section 320.110, RSMo, to a child under the age of fourteen, unless the

child's custodial parent or guardian has consented in writing to the transaction. Criminal negligence as to the age of the child is not an element of this crime.

2. Unlawful transactions with a child is a Class B offense.

#### Section 215.410 - - Definitions

As used in Sections 215.410 through 215.460.

1. "Inhabitable structure" includes a ship, trailer, sleeping car, airplane, or other vehicle or structure;
  - A. Where any person lives or carries on business or other calling; or
  - B. Where people assemble for purposes of business, government, education, religion, entertainment or public transportation; or
  - C. Which is used for overnight accommodation of persons. Any such vehicle is "inhabitable" regardless of whether a person is actually present.
2. "Of another", property is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has possessory or proprietary interest therein;
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";
4. "Utility", an enterprise which provides gas, electric, steam, water, sewerage disposal, communication services and any common carrier. It may be either publicly or privately owned or operated;
5. "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.
6. "Enter unlawfully or remain unlawfully", a person "enters unlawfully or remains unlawfully" in or upon premises when he is not licensed or privileged to do so. A person who, regardless of his 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 defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or by other authorized

person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

#### Section 215.412 - - Open Burning Prohibited

No person shall burn or permit any other person to burn garbage, refuse, yard waste or other combustible materials upon any property which such person owns, leases or otherwise controls. This prohibition shall not apply to any person burning wood or charcoal in any barbecue pit or other barbecue apparatus for the purpose of cooking food, nor will the prohibition apply to any person burning wood using a detached fire pit or chiminea apparatus on a solid surface deck or patio. Fire pits and chimineas are not permitted on grassy or dirt yard surfaces. Garbage, refuse, and yard waste are not permitted to be burned at any time by any resident.

#### Section 215.415 - - Reckless Burning or Exploding

1. A person commits the crime of reckless burning or exploding when he knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.
2. Reckless burning or exploding is a Class A offense.

#### Section 215.420 - - Negligent Burning or Exploding

1. A person commits the crime of negligent burning or exploding when he with criminal negligence causes damage to property of another by fire or explosion.
2. Negligent burning or exploding is a Class A offense.

#### Section 215.425 - - Property Damage in the First Degree

1. A person commits the crime of property damage in the first degree if:
  - A. He knowingly damages property of another to an extent exceeding five hundred dollars; or
  - B. He damages property to an extent exceeding five hundred dollars for the purpose of defrauding an insurer.
2. Property damage in the first degree is a Class A offense.



Section 215.430 - - Property Damage in the Second Degree

1. A person commits the crime of property damage in the second degree if:
  - A. He knowingly damages property of another; or
  - B. He damages property for the purpose of defrauding an insurer.
2. Property damage in the second degree is a Class B offense.

Section 215.435 - - Claim of Right

1. 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 does so under a claim of right and has reasonable grounds to believe he has such a right.
2. The defendant shall have the burden of injecting the issue of claim of right.

Section 215.440 - - Trespass in the First Degree

1. A person commits the crime of trespass in the first degree if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
2. A person does not commit the crime of trespass in the first degree 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:
  - A. Actual communication to the actor; or
  - B. Posting in a manner reasonably likely to come to the attention of intruders.
3. Trespass in the first degree is a Class B offense.

Section 215.445 - - Trespass in the Second Degree

1. A person commits the offense of trespass in the second degree if he enters unlawfully upon real property of another. This is an offense of absolute liability.
2. Trespass in the second degree is an infraction.

#### Section 215.450 - - Tampering

1. A person commits the crime of tampering if he:
  - A. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or
  - B. Unlawfully operates or rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle.
2. Tampering is a Class A offense.

#### Section 215.455 - - Tampering With a Utility

1. A person commits the crime of tampering with a utility if he:
  - A. Tampers or makes connection with property of a utility; or
  - B. Knowingly shall accept, or receive the use or benefit of gas, electric current, steam, water, sewage disposal, communication service or cable television service.
    - (1) when such gas, electric current, steam, water, sewage disposal, communication service or cable television service should pass through a meter but has been directed therefrom; or
    - (2) when such gas, electric current, steam, water, sewage disposal, communication service or cable television service shall have been obtained by diversion of same without authorization from the utility producing or providing such service.
2. For the purposes of this section, the presence on a meter or other property of a utility of any wire, pipe or other device whatsoever which affects the diversion of gas, electric current, steam, water, sewage disposal, communication service or cable television service without the proper measurement or registration of such service, or which shall have been installed or attached without the authorization of the utility providing such service shall be prima facie evidence of

knowledge thereof on the part of the person who has custody or control of the building or portion of building to which the use or benefit of such service shall have been diverted and shall further be prima facie evidence of the intent of such person to accept or receive the use of such service.

3. Tampering with a utility is a Class A offense.

#### Section 215.460 - - Peeping Toms

Whoever shall be found in the city trespassing upon the premises of another whereon is located a dwelling house during the hours between one hour after sunset and one hour before sunrise, such person being upon such premises and being then and there engaged in peeping or peering into such dwelling house, or being upon such premises with the intention of peeping or peering into such dwelling house, shall be deemed guilty of a Class A offense.

#### Section 215.465 - - Definitions

As used in Sections 215.465 through 215.520.

1. "Adulterated" means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this city or this state lawfully filed, or if none, as set by commercial usage.
2. "Misabeled" means varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this city or state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled.
3. "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of.
4. "Coercion" means a threat, however communicated:
  - A. To commit any crime; or
  - B. To inflict physical injury in the future on the person threatened or another; or
  - C. To accuse any person of any crime; or

- D. To expose any person to hatred, contempt or ridicule; or
- E. To harm the credit or business reputé of any person; or
- F. To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or
- G. To inflict any other harm which would not benefit the actor.

A threat of accusation, lawsuit or other invocation of official action is not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat.

5. "Credit Device" means 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.

6. "Dealer" means a person in the business of buying and selling goods,

7. "Deceit" means purposely making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise.

8. "Deprive" means:

- A. To withhold property from the owner permanently; or
- B. To restore property only upon payment of reward or other compensation; or
- C. To use or dispose of property in a manner that makes recovery of the property by the owner unlikely.

9. "Of another" property or services 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, 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.

10. "Property" means anything of value whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument.

11. "Receiving" means acquiring possession, control of title or lending on the security of the property.

12. "Services" includes transportation, telephone, electricity, gas, water or other public service, accommodation in hotels, restaurants, or elsewhere, admission to exhibitions and use of vehicles.

13. "Writing" includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

#### Section 215.470 - - Stealing

A person commits the crime of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion. Stealing is a Class A offense.

#### Section 215.475 - - Lost Property

1. A person who appropriates lost property shall not be deemed to have stolen that property within the meaning of Section 215.170 unless such property is found under circumstances which gave the finder knowledge of or means of inquiry as to the true owner.

2. The defendant shall have the burden of injecting the issue of lost property.

#### Section 215.480 - - Claim of Right

1. A person does not commit an offense under Section 215.470 if, at the time of the appropriating he

A. Acted in the honest belief that he had the right to do so; or

B. Acted in the honest belief that the owner, if present, would have consented to the appropriation.

2. The defendant shall have the burden of injecting the issue of claim of right.

#### Section 215.485 - - Receiving Stolen Property

1. A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he received, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. Evidence of the following is admissible in any criminal prosecution under this section to prove the requisite knowledge or belief of the alleged receiver:

A. That he was found in possession or control of other property stolen on separate occasions from two or more persons.

B. That he received other stolen property in another transaction within the year preceding the transaction charged.

C. That he acquired the stolen property for a consideration which he knew was far below its reasonable value.

3. Receiving stolen property is a Class A offense.

#### Section 215.490 - - Issuing a False Instrument or Certificate

1. A person commits the crime of issuing a false instrument or certificate when, being authorized by law to take proof or acknowledgment of any instrument which by law may be recorded, or being authorized by law to make or issue official certificates or other official written instruments, he issues the same with the purpose that it be issued, knowing:

A. That -it contains a false statement or false information; or B, That it is wholly or partly blank.

2. Issuing a false instrument or certificate is a Class B offense.

#### Section 215.495 - - Passing Bad Checks

1. A person commits the crime of passing a bad check when, with purpose to defraud, he issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee.
2. If the issuer has an account with the drawee, failure to pay the check or order within ten days after notice in writing that it has not been honored because of insufficient funds or credit with the drawee is prima facie evidence of his purpose to defraud and of his knowledge that the check or order would not be paid.
3. Notice in writing means notice deposited as first class mail in the United States mail and addressed to the issuer at his address as it appears on the dishonored check or to his last known address.
4. Passing bad checks is a Class B offense.

#### Section 215.500 - - Deceptive Business Practice

1. A person commits the crime of deceptive business practice if in the course of engaging in a business, occupation or profession, he recklessly
  - A. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or
  - B. Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or services; or
  - C. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or
  - D. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
  - E. Makes a false or misleading written statement for the purpose of obtaining property or credit.
2. Deceptive business practice is a Class B offense.

#### Section 215.510 - - False Advertising

A person commits the crime of false advertising if, in connection with the promotion of the sale of, or to increase the consumption of, property or services, he recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

#### Section 215.515 - - Bait Advertising

1. A person commits the crime of bait advertising if he advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:
  - A. At the price which he offered them; or
  - B. In the quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
  - C. at all.
2. Bait advertising is a Class B offense.

#### Section 215.520 - - Defrauding Secured Creditors

1. A person commits the crime of defrauding secured creditors if he destroys, removes, conceals, encumbers, transfers or otherwise deals with the property subject to a security interest with purpose to defraud the holder of the security interest.
2. Defrauding secured creditors is a Class B offense.

#### Section 215.525 -- Definitions

As used in Sections 215.525 through 215.550.

1. "Pornographic", any material or performance is pornographic if, considered as a whole, applying contemporary community standards:
  - A. Its predominant appeal is to prurient interest in sex; and
  - B. It depicts or describes sexual conduct in a patently offensive way; and
  - C. It lacks serious literary, artistic, political or scientific value.



In determining whether any material or performance is pornographic, it shall be judged with reference to its impact upon ordinary adults.

2. "Material" means anything printed or written, or any picture, drawing, photograph, motion picture film, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates and other latent representational objects;

3. "Performance" means any play, motion picture film, dance or exhibition performed before an audience;

4. "Promote" means to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, public, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same;

5. "Furnish" means to issue, sell, give, provide, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

6. "Wholesale promote" means to manufacture, issue, sell, provide, mail, deliver, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale;

7. "Minor" means any person under the age of eighteen.

8. "Pornographic for minors", any material or performance is "pornographic for minors" if it is primarily devoted to description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse and;

A. Its predominant appeal is to prurient interest in sex; and

B. It is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

C. It lacks serious literary, artistic, political, or scientific value for minors.

9. "Nudity" means the showing of post-pubertal human genitals or pubic area, less than a fully opaque covering;

10. "Sexual conduct" means acts of human masturbation, deviate sexual intercourse, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, public area, buttocks or the breast of a female in an act of apparent sexual stimulation or gratification;

11. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal;

12. "Sadomasochistic abuse" means flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

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

14. "Displays publicly" means exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others.

#### Section 215.530 - - Promotions Pornography in the Second Degree

1. A person commits the crime of promoting pornography in the second degree if, knowing its content and character, he:

A. Promotes or possesses with the purpose to promote any pornographic material for pecuniary gain; or

B. Produces, presents, directs or participates in any pornographic performance for pecuniary gain.

2. Promoting pornography in the second degree is a Class A offense.

#### Section 215.535 - - Furnishing Pornographic Materials to Minors

1. A person commits the crime of furnishing pornographic material to minors if, knowing its content and character, he:

A. 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

B. 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.

2. Furnishing pornographic material to minors is a Class A offense.

#### Section 215.540 - - Evidence in Pornography Cases

1. In any prosecution under this Chapter evidence shall be admissible to show:

A. What the predominant appeal of the material or performance would be for ordinary adults or minors;

B. The literary, artistic, political or scientific value of the material or performance;

C. The degree of public acceptance in this state and in the local community;

D. The appeal to prurient interest in advertising or other promotion of the material or performance;

E. The purpose of the author, creator, promoter, furnisher, or publisher of the material or performance.

2. Testimony of the author, creator, promoter, furnisher, publisher, or expert testimony, relating to factors entering into the determination of the issues of pornography, shall be admissible.

#### Section 215.545 - - Public Display of Explicit Sexual Material

1. A person commits the crime of public display of explicit sexual material if he knowingly;

A. Displays publicly explicit sexual material; or

B. 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 offense.

Section 215.550 - - Injunctions and Declaratory Judgments

1. Whenever material or a performance is being or is about to be promoted, furnished or displayed in violation of Sections 215.535, 215.540, 215.545, a civil action may be instituted in the Circuit Court by the City.

Section 215.555 - - 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 physically on the same premises by:

a. 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 violent response by a reasonable recipient; or

b. Tending to incite a fight; or

c. Fighting.

2. He/she is in a public place or on private property of another without consent and unreasonably and knowingly causes alarm to another person or persons by:

A. 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 violent response by a reasonable recipient; or

B. Tending to incite a fight; or

C. Fighting.

3. He/she is in a public place or on his/her own or another's private property and creates loud and unusual noises, other than speech, that would unreasonably disturb a person of normal and ordinary sensibilities.
4. He/she is in a public place or on the private property of another without consent and intentionally and unreasonably obstructs vehicular or pedestrian traffic or the free ingress and egress from public or private places.
  - A. It shall be unlawful and a Class B offense for any person to commit an act of peace disturbance.

#### Section 215.560 - - Private Peace Disturbance.

1. 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:
  - A. Fighting.
2. It shall be unlawful and a Class B offense for any person to commit an act of private peace disturbance.

#### Section 215.565 - - Peace Disturbance Definitions

For the purposes of Sections 215.555 and 215.560

1. "Property of another" means any property in which the actor does not have a possessory interest;
2. "Private property" means any place which at the time is not open to the public. It includes property which is owned publicly or privately;
3. "Public place" means any place which at the time is open to the public. It includes property which is owned publicly or privately;
4. If a building or structure is divided into separately occupied units, such units are separate premises.

#### Section 215.570 - - Unlawful Assembly

1. A person commits the crime of unlawful assembly if he knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this city, this state or of the United States with force or violence
2. Unlawful assembly is a Class B offense.

Section 215.575 - - Rioting

1. A person commits the crime of rioting if he knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this city, 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.
2. Rioting is a Class A offense.

Section 215.580 - - Refusal to Disperse

1. A person commits the crime of refusal to disperse if, being present at the scene of an unlawful assembly, or at the scene of a riot, he 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.
2. Refusal to disperse is a Class A offense.

Section 215.585 - - Keeping Disorderly Premises

A person commits the crime of keeping a disorderly premises if he shall permit, allow or encourage any peace disturbance, as defined in Sections 215.555 and 215.560, to occur or continue on premises owned or controlled by him. Keeping disorderly premises is a Class A offense.

Section 215.590 - - Definitions

The following definitions shall apply to Sections 215.590 through 215.705.

1. "Affidavit" means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths;
2. "Government" means any branch or agency of the government of this state or of any political subdivision thereof;

3. "Judicial proceeding" means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court;
4. "Juror" means a grand or petit Juror, including a person who has been drawn or summoned to attend as a prospective juror;
5. "Official proceeding" means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;
6. "Public record" means any document which a public servant is required by law to keep;
7. "Testimony" means any oral statement under oath or affirmation.

#### Section 215.595 - - Hindering Prosecution

1. A person commits the crime of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another person for conduct constituting a crime, he or she:
  - A. Harbors or conceals such person; or
  - B. 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
  - C. Provides such person with money, transportation, weapon, disguise or other means to aid him in avoiding discovery or apprehension; or
  - D. 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.
2. Hindering prosecution is a Class A violation.

#### Section 215.600 - - False Affidavit

1. A person commits the crime of making a false affidavit if, with purpose to mislead any person, he, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made.
2. For the purposes of subsection 1 of this Section, the following shall apply:

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

B. Knowledge of the materiality of the statement is not an element of this crime, and it is no defense that:

(1) the defendant mistakenly believed the fact to be immaterial; or

(2) the defendant was not competent, for reasons other than mental disability or immaturity, to make the statement.

3. It is a defense to a prosecution under subsection 1 of this Section that the actor retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:

A. The falsity of the statement was exposed; or

B. Any person took substantial action in reliance on the statement.

4. The defendant shall have the burden of injecting the issue of retraction under subsection 3 of this Section.

5. Making a false affidavit is a Class A offense if done for the purpose of misleading a public servant in the performance of his duty; otherwise making a false affidavit is a Class C offense.

#### Section 215.605 - - False Declarations

1. A person commits the crime of making a false declaration if, with the purpose to mislead a public servant in the performance of his duty, he:

A. Submits any written false statement, which he does not believe to be true

(1) in an application for any pecuniary benefit or other consideration; or

(2) on a form bearing notice, authorized by law, that false statements made therein are punishable; or



B. Submits or invites reliance on

(1) any writing which he knows to be forged, altered or otherwise lacking in authenticity; or

(2) any sample, specimen, map, boundary mark, or other object which he believes to be false.

2. The falsity of the statement or the item under subsection 1 of this section must be as to a fact which is material to the purpose for which the statement is made or the item submitted.

3. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statements or item but this defense shall not apply if the retraction was made after:

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

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

4. The defendant shall have the burden of injecting the issue of retraction under subsection 3 of this section.

5. Making a false declaration is a Class B offense.

#### Section 215.610 - - Proof of Falsity of Statements

No person shall be convicted of a violation of Sections 215.595, 215.600, or 215.605 based upon the making of a false statement except upon proof of the falsity of the statement by:

1. The direct evidence of two witnesses; or

2. The direct evidence of one witness together with strongly corroborating circumstances; or

3. Demonstrative evidence which conclusively proves the falsity of the statement; or

4. A directly contradictory statement by the defendant under oath together with

- A. The direct evidence of one witness; or
- B. Strongly corroborating circumstances; or

5. A judicial admission by the defendant that he made the statement knowing it was false. An admission, which is not a judicial admission, by the defendant that he made the statement knowing it was false may constitute strongly corroborating circumstances.

#### Section 215.615 - - False Reports

- 1. A person commits the crime of making a false report if he/she knowingly:
  - A. Gives false information to a law enforcement officer for the purpose of implicating another person in a crime;
  - B. Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or
  - C. 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.
- 2. It is a defense to a prosecution under Subsection (1) 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.
- 3. The defendant shall have the burden of injecting the issue of retraction under Subsection (2) of this section.
- 4. Making a false report is a Class B offense.

#### Section 215.620 - - False Bomb Report

- 1. A person commits the crime of making a false bomb report, if he knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle.
- 2. Making a false bomb report is a Class A offense.

#### Section 215.625 - - Tampering With Physical Evidence

1. A person commits the crime of tampering with physical evidence if he/she:
  - A. Alters, destroys, suppresses or conceals any record, documents or thing with purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
  - B. Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.
2. Tampering with physical evidence is a Class A offense.

#### Section 215.630 - - Tampering With a Public Record

1. A person commits the crime of tampering with a public record if the purpose is to impair the verity, legibility or availability of a public record;
  - A. He knowingly makes a false entry in or falsely alters any public record; or
  - B. Knowing he lacks authority to do so, he destroys, suppresses or conceals any public record.
2. Tampering with a public record is a Class A offense.

#### Section 215.635 - - False Impersonation

1. A person commits the crime of false impersonation if he:
  - A. Falsely represents himself to be a public servant with purpose to induce another to submit to his pretended official authority or to rely upon his pretended official acts, and
    - (1) performs an act in that pretended capacity; or
    - (2) causes another to act in reliance upon his pretended official authority; or

B. Falsely represents himself 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

(1) performs an act in that pretended capacity; or

(2) causes another to act in reliance upon such representation.

2. False impersonation is a Class B offense unless the person represents himself to be a law enforcement officer, in which case false impersonation is a Class A offense.

#### Section 215.640 - - Simulating Legal Process

1. A person commits the crime of simulating legal process if, with purpose to mislead the recipient and cause him to take action in reliance thereon, he delivers or causes to be delivered:

A. A request for the payment of money on behalf of any creditor that in form and substance simulated any legal process issued by any court of this state; or

B. Any purported summons, subpoena or other legal process knowing that the process was not issued or authorized by any court.

2. This section shall not apply to a subpoena properly issued by a notary public.

3. Simulating legal process is a Class B offense.

#### Section 216.645 - - Resisting or Interfering With Arrest

1. A person commits the crime of resisting or interfering with arrest if, knowing that a law enforcement officer is making an arrest, for the purpose of preventing the officer from effecting the arrest, he:

A. Resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from such officer; or

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

2. This section applies to arrests with or without warrants and to arrests for any crime or section violation.
3. It is no defense to a prosecution under subsection 1 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.
4. Resisting or interfering with arrest is a Class A offense.

#### Section 215.650 - - Interference With Legal Process

1. A person commits the crime of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he interferes with or obstructs such person.
2. “Process” includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.
3. Interference with legal process is a Class B offense.

#### Section 215.655 - - Refusing to Make an Employee Available for Service of Process

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

#### Section 215.660 - - Failure to Execute an Arrest Warrant

1. A law enforcement officer commits the crime of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, he fails to execute any arrest warrant, capias, or other lawful process ordering apprehension or confinement of such person, which he is authorized and required by law to execute.
2. Failure to execute an arrest warrant is a Class A offense.

Section 215.665 - - Refusal to Identify as a Witness

1. A person commits the crime 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 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.
2. Refusal to identify as a witness is a Class C offense.

Section 216.670 - - Escape From Custody

1. A person commits the crime of escape from custody if, while being held in custody after arrest for any crime, he escapes from custody.
2. Escape from custody is a Class A offense.

Section 215.675 - - Interfering With a Prisoner or Aiding Escape of a Prisoner

1. A person commits the crime of interfering with a prisoner or aiding escape of a prisoner if he:
  - A. Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime; or
  - B. Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.
  - C. Gives away or sells, or attempts to give away or sell, to any person confined in any city jail or in custody of any peace officer in the city anything whatsoever without the consent of the person in charge of such jail or person having such custody.
2. Interfering with a prisoner or aiding escape of a prisoner is a Class A offense.

Section 215.680 - - Disturbing a Judicial Proceeding

1. A person commits the crime of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness, and thereby to influence a judicial proceeding, he 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.

2. Disturbing a judicial proceeding is a Class A offense.

#### Section 215.685 - - Tampering With a Witness

1. A person commits the crime of tampering with a witness if, with purpose to induce a witness or a prospective witness in an official proceeding to disobey a subpoena or other legal process, or to absent himself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he:

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.

2. Tampering with a witness is a Class A offense.

#### Section 215.690 - - Improper Communication

1. A person commits the crime of improper communication if he 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.

2. Improper communication is a Class B offense.

#### Section 215.705 - - Misconduct in Administration of Justice

1. A public servant, in his public capacity or under color of his office or employment, commits the crime of misconduct in administration of justice if:

- A. He is charged with the custody of any person accused or convicted of any crime of municipal ordinance violation and he coerces, threatens, abuses or strikes such person for the purpose of securing a confession from him;
- B. He knowingly seizes or levies upon any property or dispossesses anyone of any lands or tenements without due and legal process, or other lawful authority;
- C. He is a judge and knowingly accepts a plea a guilty from any person charged with a violation of a statute or section at any place other than at the place provided by law for holding court by such judge;
- D. He is a law enforcement officer and violates the provisions of Section 544.170 RSMo, by knowingly
  - (1) refusing to release any person in custody who is entitled to such release; or
  - (2) refusing to permit a person in custody to see and consult with counsel or other persons; or
  - (3) transferring any person in custody to the custody or control of another, or to another place, for the purposes of avoiding the provisions of that section; or
  - (4) preferring against any person in custody a false charge for the purpose of avoiding the provisions of that section.

- 2. Misconduct in the administration of justice is a Class A offense.

#### Section 215.710 - - Obstructing Government Operations

- 1. A person commits the crime of obstructing government operations if he purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle.
- 2. Obstructing governmental operations is a Class B offense.



## Section 215.715 - - Official Misconduct

1. A public servant, in his public capacity or under color of his office or employment, commits the crime of official misconduct if:
  - A. He knowingly discriminates against any employee or any applicant for employment on account of race, creed, color, sex or national origin, provided such employee or applicant possesses adequate training and educational qualifications;
  - B. He knowingly demands or receives any fee or reward for the execution of any official act or the performance of a duty imposed by law or by the terms of his employment, that is not due, or that is more than is due, or before it is due;
  - C. He knowingly collects taxes when none are due, or exacts or demands more than is due;
  - D. He is a city treasurer, city clerk, or other municipal officer, or judge of a municipal court, and knowingly orders the payment of any money or draws any warrant, or pays over any money for any purpose other than the specific purpose for which the same was assessed, levied and collected, unless it is or shall have become impossible to use such money for that specific purpose.
  - E. He is an officer or employee of any court and knowingly charges, collects or receives less fee for his services than is provided by law;
  - F. He is an officer or employee of any court and knowingly directly or indirectly buys, purchases or trades for any fee taxed or to be taxed as costs in any court of this state, or any county warrant, at less than par value which may be by law due or to become due to any person by or through any such court;
2. Official misconduct is a Class A offense.

## Section 215.720 - - Misuse of Official Information

1. A public servant commits the crime of misuse of official information if, in contemplation of official action by himself or by a governmental unit with which

he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, he knowingly:

- A. Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or
- B. Speculates or wagers on the basis of such information or official action; or
- C. Aids, advises or encourages another to do any of the foregoing with purpose of conferring a pecuniary benefit on any person.

- 2. Misuse of official information is a Class A offense.

#### Section 215.725 - - Deceiving a Law Enforcement Officer

- 1. A person commits the offense of deceiving a law enforcement officer if he shall knowingly deceive a law enforcement officer for the following purposes:
  - A. To prevent discovery of any offense or crime which has been or is being committed by any person; or
  - B. To prevent or hinder investigation, apprehension, prosecution, conviction or punishment of any person for conduct constituting an offense under the sections of the City of Lakeshire or the laws of the State of Missouri.
- 2. It is a defense to a prosecution under this Section that the actor retracted the false information or removed the deception but this defense shall not apply if the retraction or removal was made after:
  - A. The falsity of the information or the deception was exposed; or
  - B. Any law enforcement officer took substantial action in reliance on the false information or deception.
- 3. The defendant shall have the burden of injecting the issue of retraction or removal under subsection 2 of this section.
- 4. Deceiving a law enforcement officer is a Class A offense.

#### Section 215.730 - Driving while under influence of intoxicating liquor or drugs prohibited

No person may operate a vehicle on the streets while under the influence of intoxicating liquor or drugs. By the term “under the influence of intoxicating liquor or drugs” is meant that degree of influence which affects to an appreciable degree the ability of the operator to operate his vehicle in a manner in which an ordinarily prudent and cautious person in full possession of his faculties would operate his vehicle under like conditions. Any person who by reason of thickness of speech, or incoherence, or visible degree of lack of muscular coordination, or by other, customary indicia of excessive use of alcohol or drugs shall be prima facie considered to be “under the influence.”

#### Section 215.732 - Alcohol content in blood

No person shall drive a motor vehicle when the person has eight-hundredths of one percent or more by weight of alcohol in his blood. 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 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 tests shall be conducted in accordance with the provisions of sections 577.020 to 577.041 of the Revised Statutes of Missouri, as amended.

A person shall not be convicted under sections 215.730 and 215.732, but shall be convicted under only one of said sections.

#### Section 215.736 - - Procedure on Arrest

Any arrest for driving while intoxicated shall be handled as an other arrest for an offense of the same severity, except as follows:

1. As soon as practicable following such arrest, the police department shall obtain the driving record of the person arrested.
2. No person who has a prior state conviction for driving while intoxicated or driving with excessive blood alcohol content within ten years of the date of the present alleged offense shall be prosecuted through the municipal court until after the state prosecuting attorney shall have had the opportunity to review the case and to consider filing appropriate state charges.
3. No person, regardless of his prior conviction record, shall be prosecuted through the municipal court where it appears possible that a charge of vehicular manslaughter (RSMo §577.008) might be sustained, until after the state prosecuting attorney shall have had the opportunity to review the case and to consider filing appropriate charges.

4. In all other cases, the city prosecuting attorney shall have the discretion to file the appropriate charge with the municipal court or he may refer the case to the state prosecuting official.
5. The procedures described herein shall be directory and not mandatory. The failure to follow the procedures provided for in this section shall not invalidate any prosecution or be cause to overturn any conviction for violations of Sections 215.730 or 215.732 above, but may be reason for discipline of the city official(s) violating this section.

#### Section 215.737 - - Procedure in Municipal Court

A person charged with driving while intoxicated (Section 215.730) or driving with blood alcohol content (Section 215.732) shall have his case heard in municipal court except in accordance with the following procedure:

1. The defendant must either be represented by an attorney, or must voluntarily waive his right to such representation by execution of written waiver. If the defendant chooses to do neither (or if because he is an indigent is unable to employ an attorney), the prosecution of the case shall be suspended and the case referred to the state prosecuting official. Only if the state prosecuting official declines to proceed with a state criminal prosecution shall the municipal prosecution be resumed.
2. Neither the municipal judge nor any other municipal officer shall have the power to revoke any operator's or chauffeur's license.

#### Section 215.738 - - Driving School

Effective January 1, 1984, the municipal court may, in connection with the disposition of any offense which is a "point offense" resulting in the assessment of 1, 2 or 3 or 4 points by the state Director of Revenue under the provisions of RSMo §302.302(1), (2), or (4), order the staying of the assessment of points upon satisfactory completion of a driver improvement program approved by the state director of the Department of Public Safety, as provided by RSMo §302.302.4.

#### Section 215.739 - - Consumption of Alcoholic Beverages While Operating a Motor Vehicle

1. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the highways, as defined in Section 301.010, RSMo.

2. Consuming alcoholic beverages while operating a moving motor vehicle is a Class D offense.

Section 215.740 - - Chemical Tests, Results Admitted Into Evidence, When, Effect Of

1. Upon the trial of any person for violation of any of the provisions of sections 215.730-215.749 or upon the trial or any violations or municipal ordinances arising out of acts alleged to have been committed by any person while driving a motor vehicle while in an intoxicated condition, the amount of alcohol in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, saliva, or urine is admissible in evidence and the provisions of subdivision (5) of section 491.060 RSMo, shall not prevent the admissibility or introduction of such evidence if otherwise admissible. If there was ten-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.
2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood.
3. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.
4. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection 1 of this section, shall have been performed as provided in sections 577.020 to 577.041 RSMo and in accordance with methods and standards approved by the state division of health.
5. Any charge alleging a violation of section 577.010 or 577.012 RSMo or any municipal ordinance prohibiting driving while intoxicated, driving under the influence of alcohol or driving with excessive blood alcohol content shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 RSMo and rules promulgated thereunder by the state division of health demonstrate that there was less than ten-hundredths of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

- A. There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;
- B. There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or
- C. There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.

#### Section 215.745 - - Arrest Without Warrant

An arrest without a warrant by a law enforcement officer, including a uniformed member of the state highway patrol, for a violation of section 215.730 or 215.732 is lawful whenever the arresting officer has reasonable grounds to believe that the person to be arrested has violated the section, whether or not the violation occurred in the presence of the arresting officer; provided, however, that any such arrest without warrant must be made within one and one-half hours after such claimed violation occurred.

#### Section 215.747 - - Reimbursement of Costs of Arrest, When, Limitations

Upon a plea of guilty or a finding of guilty for a first offense of violating the provisions of Section 215.730 or 215.732 of violations of municipal ordinances involving alcohol or drug related traffic offenses, the court may, in addition to imposition of any penalties provided bylaw, order the convicted person to reimburse the City or other local law enforcement agency which made the arrest for the costs associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The City may establish a schedule of such costs, however, the court may order the costs reduced if it determines that the costs are excessive.

#### Section 215.748 - - Refusal to Submit to Chemical Test

If a person under arrest refuses upon the request of the arresting officer to submit to any test allowed under Section 215.735, then none shall be given and evidence of the refusal shall be admissible in a proceeding under Section 215.730 or 215.32. The request of the arresting officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of his refusal to take the test may be used against him and that his license may be evoked upon his refusal to take

the test. If a person when requested to submit to any test allowed under Section 215.735 requests to speak to an attorney, he shall be granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the arresting officer, if he so believes, shall make a sworn report to the director of revenue that he has reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition and that, on his request, refused to submit to the test. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person arrested be a nonresident, his operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

#### Section 215.749 - - Alcohol Related Traffic Offender Program

1. Upon a plea of guilty of a finding of guilty for a first offense of violating the provisions of section 215.730 - 215.740 or violations of county or municipal codes involving alcohol or drug related traffic offenses, the court may, as a condition for suspending any permissible portion of any sentence or in addition to imposition of any penalties provided by law, section 557.011, RSMo, to the contrary notwithstanding, order the convicted person to participate in and successfully complete an alcohol or drug related traffic offender education or rehabilitation program which meets or exceeds minimum standards established by the department of public safety and the department of mental health. Such a program may be used as a condition for suspending any permissible portion of any sentence only one time.
2. The cost of the program shall be paid by the person attending the program.
3. The clerk of the court which orders any person to participate in an alcohol education or rehabilitative program shall send a record of the participation and completion of the program to the Missouri state highway patrol for inclusion in the Missouri uniform law enforcement systems records.

#### Section 215.750 - - Littering

1. Definitions. For the purpose of this section, the following terms shall have the meaning given herein.

Litter - the scattering or dropping of rubbish or trash or other matter.

Rubbish - any type of debris or rejected matter.

Trash - worn out, used, broken up or worthless matter or material.

2. It shall be unlawful for any person, firm association or corporation to drive, move or propel a vehicle, or to allow a vehicle owned by such person, firm, association or corporation to be driven, moved, propelled in such a manner as to cause to be spilled, dropped or jostled onto any street, highway, thoroughfare, sidewalk or other public place in the City of Lakeshire any trash or rubbish, or to load or allow a vehicle to be so loaded so that the contents, or any portion of the contents of such vehicle shall be spilled, dropped or jostled from such vehicle. Vehicles, including trucks loaded with or transporting any construction material, dirt, earth, clay, stone, macadam, brick, paper, cement, sand, fuel, coal, wood, refuse or garbage shall be loaded and the vehicle shall be in such condition so that none of the contents shall be loosed or spilled along the route which the vehicle is traveling.
3. It shall be unlawful for any person to throw or cause to be thrown, or permit anyone in his or her employ to throw, onto any public highway, thoroughfare, street, sidewalk, or other public place any kind of wire, scrap paper, or any ashes, cans or glass of any character, or animal, vegetable or any other substance whatever, or any type of advertising matter, or to distribute or cause to be distributed, or permit anyone in his or her employ to distribute, any type of advertising matter in a manner as to cause the littering of any public highway, thoroughfare, street, sidewalk or other public place. It shall further be unlawful for any person to sweep or cause to be swept, or cause anyone in his or her employ to sweep, from any building or residence, any refuse or dirt from such building onto any public highway, thoroughfare, street, sidewalk, or other public place in the City of Lakeshire.
4. It shall be unlawful for any person operating a vehicle or being a passenger in any vehicle to throw or cause to be thrown from such vehicle onto any public highway, thoroughfare, street, sidewalk or other public place in the City of Lakeshire any rubbish or trash, fruit or fruit particles, wrappers, containers, papers, paper products, bottles, glass, cans, hulls, hand bills, confetti, shavings, shells, stalks, animals, cloth or any other material of any kind which would render such public highway, thoroughfare, street, sidewalk or other public place unsightly, unsafe, unclean, or unsanitary.
5. The owner or person in control of any private property shall at all times maintain the premises free of litter. No person shall throw or deposit litter on any private property in the City of Lakeshire, whether owned by such person or not;



provided, however, that the owner or person in control of private property may maintain authorized private receptacles for the deposit of rubbish or other waste materials, in such a manner that waste materials will be prevented from being carried or deposited onto any public or private property.

6. Any person, firm, association or corporation who violates any of the provisions of this section shall be deemed guilty of a Class C offense.

#### Section 215.755 - - Abandoning Motor Vehicle

1. A person commits the crime of abandoning a motor vehicle if he abandons any motor vehicle on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without his consent.
2. Abandoning a motor vehicle is a Class A offense.

#### Section 215.760 - - Abandonment of Airtight or Semi-airtight Containers

1. A person commits the crime of abandonment of airtight icebox if he abandons, discards, or knowingly permits to remain on premises under his 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 cubic feet or more and an opening of fifty 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.
2. Subsection 1 of this section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
3. The defendant shall have the burden of injecting the issue under subsection 2 of this section.
4. Abandonment of an airtight icebox is a Class B offense.

#### Section 215.765 - - Impeding the Use of Streets, Sidewalks or Alleys

A person commits the offense of impeding the use of streets, sidewalks or alleys if he shall interfere with, impede, or obstruct the free use of any street, sidewalk or alley by another by:

1. Coasting, roller skating, ice skating or skate boarding on any street, sidewalk or alley; or
2. Flying kites on any street, sidewalk or alley; or
3. Playing baseball, football, soccer or any other game or sport on any street, sidewalk or alley; or
4. Sitting, standing, lying or loitering on any street, sidewalk or alley; or
5. By any other conduct which impedes or obstructs the free use of any street, sidewalk or alley by another; or by conduct which causes others to obstruct streets, sidewalks or alleys.
6. Impeding the use of streets, sidewalks or alleys is a Class C offense.

#### Section 215.775 - - Handbills

It shall be unlawful for any person to distribute or place, or cause to be distributed or placed on any street or sidewalk of the City any loose bills or circulars of an advertising nature. It shall further be unlawful for any person to distribute or place, or cause to be distributed or placed, on or in any private property or in automobiles or other vehicles, any loose bills or circulars of an advertising nature without having secured the prior consent of the owner thereof.

Any violation of this Section is a Class C offense.

#### Section 215.780 - - Carrying Concealed Weapons

1. No person within the confines of the City of Lakeshire, Missouri, shall wear or carry concealed upon or about his person, or display in a threatening manner or have in his possession when intoxicated, or directly or indirectly sell, deliver, barter, loan or otherwise give to any minor person without the consent of the parent or guardian of such minor, any dangerous or deadly weapon of any kind of description, which shall include but not be limited to any kind of fire-arm of the type or size that can be concealed upon the body of a person, or missile propelling gun operated by gas, air or spring, or slingshot, or cross-knuckles or knuckles of

metal or other hardened material, or bowie knife, spring-back knife, switchblade knife, razor, sword cane, dagger, dirk, bayonet, sap, billie sling-shot, chain length. Hand fire-arms loaded with gunpowder and bullets and carried in a motor vehicle shall be considered as concealed whether the same be visible or not.

2. Carrying concealed weapons shall be a Class A offense as shall be any other violation of this section.

#### Section 215.781 - - Concealed Weapons in Public Buildings Prohibited

1. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Section 571.094 RSMo or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City.
2. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the City stating that carrying of firearms is prohibited. Where the City owns, leases or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.
3. This section shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges, or private dwellings owned, leased or controlled by the city.
4. Any person violating this section may be denied entrance to the building or ordered to leave the building. Any city employee violating this section may be disciplined. No other penalty shall be imposed for a violation of this section.
5. No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the Director of Revenue begins issuing concealed carry endorsements in July, 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City.

#### Section 215.782 - - City Employees Prohibited From Carrying Firearms While on Duty

1. No City employee, except police officers, including those who have been issued a concealed carry endorsement by the Missouri Director of Revenue under

Section 517.094 RSMo or who have been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm any place in the City of Lakeshire while that employee is on duty.

2. Any employee violating this section may be disciplined in accordance with the City of Lakeshire's Personnel Rules and Regulations.

#### Section 215.785 - - Possession of Burglar Tools

1. No person within the confines of the City of Lakeshire, Missouri, shall possess any nippers, known as burglars nippers, any lock pick, skeleton key, key to be used with bit or bits, jimmy claw or crowbar, or any other similar instruments or tools of any nature, kind or description, unless it be shown that such possession is innocent or for any lawful purpose.
2. Possession of Burglar tools shall be a Class A offense as shall be any other violation of this section.

#### Section 215.790 - - Hindering Fire Department Employees

1. No person shall in any way hinder, obstruct, or prevent any fireman or other employee of a duly constituted fire protection district from performing his lawful duties upon public or private property within the City of Lakeshire.
2. No person shall drive any type of vehicle over a fire hose on public or private property without the permission of a fire protection district employee.
3. Any violation of this section shall be a Class B offense.

#### Section 215.795 - - Compliance With Lawful Order of Police of Fire Department

1. No person shall refuse to obey and comply with any lawful order or requirement communicated to him or her by a duly appointed police officer or an employee of a duly constitute fire protection district and made pursuant to the official duties by such officer or employee.
2. Any violation of this Section shall be a Class A offense.

#### Section 215.800 - - Regulations of the Use, Possession, Sale, and Ownership of Flobert Rifles, Air Guns, Spring Guns, and Arrows

1. It shall be unlawful for any person to discharge on the streets and ways of the City, or in any park of playground or vacant lot, unless archery or target practice be permitted in the park or playground, any air rifle, air gun or pistol, spring gun, or gun or rifle containing a gas-propelled cartridge, or any other similar weapon, whether such be classed as a toy or not, which impels with force a metal pellet of any kind of on the same areas and under the same circumstances to propel any metal or sharp pointed arrow; provided that nothing herein shall prevent the use of discharge of firearms by any police or peace officer lawfully acting as such, or any other person otherwise authorized by ordinance or executive order.
2. It shall be unlawful for any dealer or merchant to sells toys, firearms, guns, or similar weapons, to sell, deliver or give any air rifle, air gun or pistol, spring gun, or gun or rile operated with a gas-propelled cartridge, metal or sharp pointed arrow, or any other similar weapon to any minor under the age of seventeen (17) years.
3. It shall be unlawful for any person under the age of seventeen (17) years to have in his possession while on the streets or ways of the City or in any park, playground, or vacant lot, unless archery or target practice be permitted in such park of playground, any air rifle, air gun or pistol, spring guns, or gun or rifle containing a gas-propelled cartridge, metal or sharp pointed arrow, or any similar weapon.
4. It shall be unlawful for any person upon private premises to discharge, operate, propel, or use any air rifle, air gun or pistol, spring gun, or gun or rifle containing a gas-propelled cartridge, metal or sharp pointed arrow in such a manner and under such circumstances as to cause the projectile to go beyond such particular premises and enter or land upon other private premises on the streets, ways, and public places of the City of Lakeshire.
5. Violation of this section is a Class B offense.

#### Section 215.805 - - Stink Bomb Unlawful

1. No person within the confines of the City of Lakeshire, Missouri, shall have in his possession or control or manufacture, offer to sell, give away or otherwise dispose of to another or others, or break, open, explode or otherwise use, or aid another to use, any stink bomb or any stinking, offensive, smelling or injurious substance contained in any bomb, vial, capsule, or other container which is so devised as to be broken, exploded, or otherwise opened for the purpose of

emanating an unpleasant, offensive, or injurious odor for the purpose of annoying, pestering, offending or injuring another or his property.

2. Violation of this Section is a Class B offense.

#### Section 215.815 - - Unsightly Objects

1. No person or persons shall place, store, or display articles, items, or other objects on private premises within the City of Lakeshire if such placing, storing, or displaying is unsightly and offensive to the view of average, reasonable persons.
2. If any person or persons is determined by the Board of Aldermen of the City of Lakeshire to be in violation of these provisions, such person or persons shall be given written notification by the Board of Aldermen of such determination.
3. If, in the opinion of the Board of Alderman, such person or persons have failed to eliminate the offensive and unsightly condition within 48 hours after receipt of the written notification from the Board of Aldermen, then the Board of Aldermen shall so inform the City Attorney who shall then issue a summons for said person to appear in Municipal Court.
4. Any violation of this Section is a Class C offense.

#### Section 215.820 - - Drunkenness in Public Places Prohibited

1. No person within the confines of the City of Lakeshire, Missouri, shall be found in a state of intoxication in any public place or upon the private property of another to the annoyance of any other person. Refusal of a person to submit to proffered blood-alcohol test shall be deemed an admission of intoxication by that person.
2. Any violation of this Section is a Class C offense.

#### Section 215.825 - - Purchase of Auto Accessories from Minor Prohibited

1. No person within the confines of the City of Lakeshire, Missouri, shall when engaged in business as pawnbroker, junk dealer, agent in second hand goods or other merchant, himself or by agent, buy, receive or otherwise take into his possession any auto accessories, junk or other personal property of any value whatsoever from a minor without the consent of such minor's parent or guardian so to do, had in writing.

2. Any violation of this Section is a Class C offense.

#### Section 215.830 - - Throwing of Missiles

1. No person within the confines of the City of Lakeshire, Missouri, shall throw any stone, snowball or any other missile of any nature whatsoever upon or at any vehicle, building, tree, or other public or private property or upon or at any person, in any public or private way or place, with the intent to annoy, pester, offend, or injure another or his property.
2. Any violation of this Section is a Class C offense.

#### Section 215.835 - - Fireworks

1. The words “fireworks” and “fireworks displays” includes all items, and objects as are commonly designated and considered to be included within the meaning of these terms. The word City as hereafter used shall mean the City of Lakeshire.
2. No person, corporation, or partnership, association, or group of any other designation or nature shall at any time make any purchase, sale, or delivery of any fireworks display (with the exception of the fireworks hereinafter designated and listed) at any time whatsoever, within the limits and environs of the City.
3. No person, corporation, partnership, association or group of any other designation or nature shall at any time transport into or within the City any fireworks or fireworks display (with the exception of the fireworks hereinafter designated and listed) for the purpose of sale, purchase, delivery, exploding, setting off, use or display of said fireworks and fireworks display within the limits and environs of the City.
4. No person or group shall at any time explode, set off, use or display fireworks or fireworks displays (with the exception of the fireworks hereinafter designated and listed) except in the manner hereinafter provided.
5. Provided, however, that nothing contained in this Chapter shall be deemed to regulate or prohibit the sale, purchase, delivery, explosion, setting off, use or display of any of the following fireworks or fireworks display: Sparklers, colored flares; box fires and torches; cylindrical fountains with handle, base, or spindle, colored cone fires; wheels and magic snakes; toy cap pistols; cone fountains, and colored shells that are not designed to produce an audio effect.

6. Nothing contained in this Chapter shall prevent the Board of Aldermen, upon application being made, from granting permission and license, to operate an organized fireworks display, upon the Board of Aldermen being satisfied that such organized display will be conducted without danger to the spectators or inhabitants.

Section 215.845 - - Non-Domestic Animals Not To Be Kept in City

1. It shall be unlawful to house or keep work animals, animals normally considered wild, animals normally raised for human consumption, such as horses, mules, steers, cows, rabbits and chickens, or snakes in excess of 6 feet long, within the limits of the City of Lakeshire. Nothing in this Section shall prohibit the keeping of dogs, cats, birds or other domestic pets.
2. Any violation of this Section is a Class C offense.

Section 215.850 - - Cruelty to Animals

1. No person within the confines of the City of Lakeshire, Missouri, shall needlessly kill, torture, beat, mutilate, poison, shoot, wound, or abandon without cause, or fail to provide food and shelter without cause, any animal when the same is done in a cruel and inhuman manner, or to cause any of such acts to be done.
2. Any violation of this Section is a Class C offense.

Section 215.855 - - Vulgar Language

1. No person within the confines of the City of Lakeshire, Missouri, shall use vulgar, profane, or indecent language on any public street, place or other area frequented by the public.
2. Any violation of this Section is a Class C offense.

Section 215.860 - - Purchase or Possession by a Minor

1. It shall be unlawful for a person under the age of twenty-one (21) years to purchase or attempt to purchase, or have in his possession, any intoxicating liquor. The definition of intoxicating liquor as used in this Section shall be the same as that used in the laws of the State of Missouri.
2. Any violation of this Section is a Class B offense.



Section 215.865 - - Leaving the Scene of an Auto Accident

1. No person operating a motor vehicle which has been involved in any accident, shall leave the scene of such accident without stopping and giving his name, residence, motor vehicle number and operator or chauffeur's license number to an interested party or to a police officer or reporting the same to the nearest station or officer.
2. Any violation of this Section is a Class A offense.

Section 215.870 - - Vagrancy

1. No person within the confines of the City of Lakeshire, Missouri, shall wander from place to place or loiter in, about, or upon any street, alley or other public way or public place, or private or business property of another, while having no lawful means of employment and no lawful means of support realized solely from lawful occupations or sources.

Section 215.875 - - Posting Bills, Painting Signs, Etc.

1. It shall be unlawful for any person to post or cause to be posted any bill, or paint, write or print or cause to be painted, written, or printed, any sign or device on any sidewalk, street, bridge, viaduct, pole, tree, post or on any wall, building or structure, or other property of another, unless in the case of private property, the prior consent of the owner thereof has been secured.

For the purposes of this section, the presence of any bill, sign, device, painting, or printing in a location prohibited by this section which contains or includes the name of a business or corporation or the name by which a business or corporation is doing business, shall be prima facie evidence that both the business or corporation and its manager(s), officer(s), and director(s) had knowledge thereof and had posted, painted, written, printed such bill, sign, device, painting or printing in such location or caused the same to be posted, painted, written, printed in such location. Further for the purposes of this section, the presence of any bill, sign, device, painting or printing in a location prohibited by this section which shall contain or include the name of any person shall be prima facie evidence that such person had knowledge thereof and had posted, painted, written, printed such bill, sign, device, printing or painting in such location or caused the same to be posted, painted, written, printed in such location.

2. Any violation of this Section is a Class C offense.

#### Section 215.880 - - Excavations

Any person, officer or contractor making an excavation in any street, alley, or public place, or on any premises adjacent to any alley, street or public place and not separated by a fence or structure, shall guard and protect the same by barriers, and at night shall outline the same with red lights.

Any violation of this Section is a Class C offense.

#### Section 215.886 - - Fences - Barbed Wire

No person shall construct, or cause or permit to be constructed, any fence composed in whole or in part of barbed wire, along the line of any street, alley or sidewalk within the city; and whoever shall violate the provisions of this section shall be deemed guilty of a Class C offense.

#### Section 215.890 - - Fences - Charged With Electricity

No person shall construct or cause or permit to be constructed, any fence charged with electricity at any place within the limits of the city, and whoever shall violate the provisions of this section shall be deemed guilty of a Class C offense.

#### Section 215.900 - - Massage Establishment Code

1. Citation of Section - this Section shall be cited as the “Massage Establishment Code”.
2. Definitions.
  - A. “Massage” - Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body, for medical or hygienic purposes, with the hands or with the aid of any mechanical or electrical apparatus or appliances with liniments, antiseptics, oils, powders, creams, lotions, ointments, unguents or other similar preparations commonly used in this practice.
  - B. “City” - The City of Lakeshire, Missouri.
  - C. “Board” - Board of Aldermen of City of Lakeshire, Missouri.

- D. “Massage Establishment” - Any establishment having a fixed place of business, wherein massage is given, engaged in, carried on, for any form of consideration.
- E. “Masseur or Masseuse” - Any person who administers to another person, for any form of consideration, massage.
- F. “Outcall Massage Service” - Any business not licensed as massage establishment under the provisions of this section wherein massage is given, engaged in or carried on, or permitted to be given, engaged in, or carried on, for any form of consideration, not at a fixed location but at a location designated by the masseur or masseuse, customer or client.
- G. “Clerk” - Clerk of the City of Lakeshire, Missouri, who issues licenses, or his authorized representative.
- H. “Employee” - Any person, other than a masseur or masseuse, who renders any service to the permittee, who receives compensation or any consideration, and who has no physical contact with the permittee’s customers or clients.
- I. “Permittee” - Any person receiving a permit to operate a massage establishment or outcall massage service under the provisions of this section.
- J. “Person” - Any individual, co-partnership, firm, association, company, corporation, or combination of individuals of whatever form or character.
- K. “Applicant” - Any person who applies for a permit as required by this Chapter.

- 3. Provisions not applicable - To Whom. - The provisions of this section shall not apply to hospitals, nursing homes, sanitariums, persons holding an unrevoked certificate of entitlement to practice the healing arts under the laws of the State of Missouri, barbers and beauticians duly licensed by the State of Missouri, athletic trainers, or persons working under the direction and control of such persons or in any such establishment.
- 4. Permit Required - Massage Establishment - Outcall Massage Service.

- A. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a massage establishment or an out-call massage service as herein defined without first having obtained a permit duly issued by the Director as set forth herein.
- B. Application for a permit to engage in the business of a massage establishment or outcall massage service shall be obtained from the clerk and shall contain the following information:
- (a) The two (2) previous addresses (if any) within the three (3) years immediately prior to the present address of applicant;
  - (b) Written proof that the individual or partnership applicant is over the age of eighteen (18) years.
  - (c) Individual or partnership applicant's heights, weight, color of eyes, hair and sex;
  - (d) Two (2) portrait photographs at least 2 inches by two inches.
  - (e) Businesses, occupations, or employments of the applicant for the three (3) years immediately preceding the date of the application.
  - (f) The history of applicant in the operation of a massage establishment, outcall massage service or similar business or occupation.
  - (g) All criminal violations other than misdemeanor traffic violations and lawful pardons or rehabilitative activity related thereto.
  - (h) The name and address of each masseur, masseuse, or employee who is or will be employed in said establishment or service, or work as an independent contractor therein, and the terms and conditions of such employment or contract.
  - (i) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

- (j) If the applicant is a corporation, the names and residence of each of the officers and directors of said corporation and of each stockholder owning more than ten percent (1) of the stock of the corporation.
- C. All applications for a massage establishment or outcall massage service permit shall be accompanied by an investigation fee of Fifty Dollars (\$50.00) no part of which shall be refundable.
- D. Upon the receipt of said application, the Director shall refer the application to the Health Commissioner and the Police Department. Each of these departments shall within thirty (30) days from the date of said application review records or make an inspection of the premises proposed to be used as a massage establishment and shall make a written recommendation to the Board concerning compliance with the respective requirements to make recommendation to the Clerk.
- E. The Clerk shall issue said permit if it is found:
  - (a) That the operation, as proposed by applicant, complies or would comply with all applicable laws and chapters, including but not limited to, the City's building code, zoning laws, and health regulations.
  - (b) That applicant, or if applicant is a corporation, the officers, directors, and stockholders as stated herein, be of good moral character.

Otherwise, said permit shall be denied. In the event of denial, notification and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of certified mail or hand delivery.

- F. An appeal may be taken by any aggrieved party to the Circuit Court of St. Louis County, pursuant to the provisions of Section 536.150, RSMo.

## 5. Display of Permits - Written Listing

- A. The permittee shall display the massage establishment or outcall massage service permit issued in an open and conspicuous location on the premises or in the principal place of business.

B. The permittee shall maintain a written listing of all masseurs, masseuses or employees, whether employed by him or her or as independent contractors. Such written list shall be available for inspection during regular business hours.

6. Suspension or Revocation of Permit

A. Any massage establishment's or outcall massage service's permit issued under this chapter shall be subject to suspension for up to ninety (90) days or revocation by the Director for violation of any provision of this section or for any grounds that would warrant the denial of the issuance of such permit in the first instance.

B. The permittee shall be entitled to a hearing, before the Board prior to the suspension or revocation of any permit under this chapter. At such hearing evidence will be received for the purpose of determining whether the permit may be retained.

C. The permittee shall be notified by certified mail or hand delivery of the decision of the Board. Said decision shall be accompanied by findings of fact and conclusions of law.

D. An appeal may be taken by an aggrieved party to the Circuit Court of St. Louis County, in accordance with provision of Chapter 536.100, et seq. RSMo.

7. Sanitation Requirements - Rules and Regulations

A. The Health Commissioner is authorized to promulgate reasonable rules and regulations pertaining to the sanitary requirements for the operation of massage establishment and outcall services.

B. Permittee shall comply with all reasonable rules and regulations which have been or may be promulgated by the Health Commissioner pertaining to the operation of massage establishments or outcall massage services.

8. Sexual conduct for Compensation or other Consideration Prohibited

A. "Sexual Conduct" as used herein shall mean acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's

clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

B. A masseur or masseuse, or an employee, shall not engage in or offer or agree to engage in sexual conduct in return for compensation or other consideration.

9. Inspection - Officials of Lakeshire shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, electrical, plumbing, or health regulations, and for the purpose of determining that the provisions of this chapter, and other provisions of law or codes are being complied with.

10. Transfer of permit - No massage establishment or outcall massage service permit shall be transferable except upon first having obtained a new permit from the Clerk pursuant to all the requirements for a new application, and shall be accompanied by a filing and investigation fee of fifty dollars (\$50.00), no part of which shall be refundable. The application for such transfer shall contain the same information as required herein for an initial application for such permit.

11. Penalties - Any person, organization, association, corporation or any other legal entity who violates any of the provisions of this section shall upon conviction be sentenced to not more than three months in the County Jail or fined not more than \$500 or punishment may be both such sentence and fine.

Section 215.910 - - Offenses Relating to the Possession of Drugs and the Possession, Manufacture, Delivery, Sale, and Advertising for Sale of Drug Paraphernalia

1. For the purposes of Section 215.910 the following terms are defined:

a. "City's Drug Ordinance" means Section 215.910 of the Municipal Code of the City of Lakeshire in effect upon passage and approval of this Ordinance.

b. "Controlled Substance" as used herein shall be defined and include the following:

i. "Marijuana" means all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and

every compound, manufacture, salt, derivative mixture or preparation of the plant, its seeds or resin. It shall not include the mature stalks of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

- ii. “Controlled Substances” as defined and enumerated in Chapter 195 of the Missouri Revised Statutes in effect upon the passage of this Ordinance.
- c. “Controlled Substances Act” means Chapter 195 of the Missouri Revised Statutes in effect upon the passage of this Ordinance.
- d. “Drug Paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of the City’s drug possession ordinance or the Controlled Substances Act. It includes, but is not limited to:
  - i. 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
  - ii. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
  - iii. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
  - iv. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances;
  - v. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
  - vi. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;



- vii. 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;
- viii. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- ix. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- x. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- xi. Hypodermic syringes needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- xii. 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:
  - 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - 2. Water pipes;
  - 3. Carburetion tubes and devices;
  - 4. Smoking and carburetion masks;
  - 5. 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;
  - 6. Miniature cocaine spoons, and cocaine vials;
  - 7. Chamber pipes;
  - 8. Carburetor pipes;
  - 9. Electric pipes;
  - 10. Air-driven pipes;
  - 11. Chillums;
  - 12. Bongs;
  - 13. Ice pipes or chillers.

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

- 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;
- c. The proximity of the object, in time and space, to a direct violation of the City's drug possession ordinance or the Controlled Substances Act;
- d. The proximity of the object to controlled substances;
- e. The existence of any residue of 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 whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the City's drug possession ordinance of the Controlled Substances Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the City's drug possession ordinance or the Controlled Substances Act 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 uses;
- 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(s) to 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.

## 2. Drugs – Prohibited.

A person shall not have in his possession, custody, or control Marijuana or any Controlled Substances each is defined by the State of Missouri. This Section shall not apply to any person who may be specifically authorized by law to possess, sell, prescribe, administer, dispense, distribute, or give away Marijuana or any Controlled Substance.

## 3. Possession of Drug Paraphernalia

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 in violation of the City's drug possession ordinance or the Controlled Substances Act.

4. Manufacture or Delivery of Drug Paraphernalia

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body, a controlled substance in violation of the City's drug possession ordinance or the Controlled Substances Act.

5. Delivery of Drug Paraphernalia to a Minor

Any person eighteen (18) years of age or over who violates Section 215.910 by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a special offense and upon conviction shall be fined a minimum of Two Hundred and Fifty Dollars (\$250.00).

6. Advertisement of Drug Paraphernalia

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

7. Severability

If any provision of this Article or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Article which can be given without the invalid provision or application, and to this end the provisions of this Article are severable.

8. Any violation of this Section is a Class A offense

Section 215.915 - - Curfew Regulations and Procedures for Violation Thereof

1. It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll or to drive or ride in an automobile, or play in or upon the public streets, highways, roads, parks, playgrounds, or other public grounds, public places and public buildings, 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 County time; except on Fridays and Saturdays when the hours shall be 12:00 midnight to 6:00 A.M. of the following day, official County time, provided, however, that the provisions of this Section do not apply to a minor accompanied by his or her parent, guardian or other person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this Section shall constitute a separate offense.
2. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, parks, playgrounds, or other public grounds, public places and public buildings, 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 County Time; provided, however, that the provisions of this Section do not apply when the minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this Section shall constitute a separate offense.
3. Any violation of this Section shall be a Class C offense.

**DOMESTIC AND FAMILY VIOLENCE CODE**

Section 215.920 Definitions.

Unless the context otherwise requires, as used in this chapter:

1. “Domestic or family violence” means the occurrence of one or more of the acts listed under Section 215.925, and done by a family or household member, but does not include acts of self-defense.

2. “Family or household members” include:

1. Persons who are current or former spouses;
2. Persons who live together or who have lived together;
3. Persons who are dating or who have dated;
4. Persons who are engaged in or who have engaged in a sexual relationship;
5. Persons who are related by blood or adoption;
6. Persons who are related or formerly related by marriage; and
7. Persons who have a child in common.

For the purposes of this section, minor children who are 17 years of age or under of a person in a relationship that is described in paragraphs (1) through (7) can be included as victims; and minor children who are 17 years of age or under of a person in a relationship that is described in paragraphs (1) through (5) can be included in the list of perpetrators.

3. “Program of intervention for perpetrators” means a specialized program that accepts perpetrators of domestic or family violence into batterer intervention programs that are members of the Association of Batterer Intervention Programs to satisfy court orders, and offers them classes or instruction.

4. “Program for victims of domestic or family violence” means a specialized program for victims of domestic or family violence and their children that provides advocacy, shelter, crisis intervention, social services, treatment, counseling, education, or training.

5. “Safety plan” means a written or oral outline of actions to be taken by a victim of domestic or family violence to secure protection and support after making an assessment of the dangerousness of the situation.

#### Section 215.925 “Offense Involving Domestic or Family Violence.”

Defined. An “Offense involving domestic or family violence” occurs when a family or household member commits one or more of the following offenses as listed under this chapter against another family or household member:

1. Domestic Assault;

2. Domestic Destruction, Damage, or Vandalism of Property;
3. Domestic Petty Larceny
4. Domestic Unlawful Possession of Stolen Property;
5. Domestic Peace Disturbance;
6. Domestic Peace Disturbance—Loud Noise;
7. Domestic Trespassing
8. Domestic Harassment;
9. Domestic Stalking;
10. Domestic Tampering with a Victim or Witness;
11. Violation of Orders of Protection.

#### Section 215.930 Adult Abuse.

Definitions. For the purpose of prosecutions under Section 215.940 for violating an adult order of protection, the following terms, in accordance with Section 455.010 R.S.Mo., shall have the meanings ascribed to them herein, unless the context clearly indicates otherwise:

1. Abuse. Abuse includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be protected under a valid protective order issued by the State of Missouri or any other state within the United States.
  - A. Assault. Purposely or knowingly placing or attempting to place another in fear of physical harm.
  - B. Battery. Purposely or knowingly causing physical harm to another with or without a deadly weapon.
  - C. Coercion. Compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain.
  - D. Harassment. Engaging in a purposeful or knowing course of conduct involving more than one (1) incident that alarms or causes distress to another person and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress

to the petitioner. Such conduct might include, but is not limited to the following:

- (a). Following another about in a public place or places;
  - (b). Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
  - (c). Sexual assault. Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;
  - (d). Unlawful imprisonment. Holding, confining, detaining or abducting another person against that person's will.
- 2. Adult. Any person eighteen (18) years of age or older or otherwise emancipated.
  - 3. Court. The circuit or associate circuit judge or a family court commissioner.
  - 4. Ex parte order of protection. An order of protection issued by a court before the respondent has received notice of the petition or an opportunity to be heard on it.
  - 5. Family or household member. Spouses, former spouses, persons related by blood or marriage, persons who are presently residing together or have resided together in the past, a person who is or has been in a continuing social relationship of a romantic nature with the victim, and persons who have a child in common regardless of whether they have been married or have resided together at any time.
  - 6. Full order of protection. An order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard.
  - 7. Order of protection. Either an ex parte order of protection or a full order of protection.
  - 8. Petitioner. A family or household member or a person who has been the victim of domestic violence who has filed a verified petition under the provisions of RSMo 455.020.
  - 9. Respondent. The family or household member or person alleged to have committed an act of domestic violence, against whom a verified petition has been filed.

10. Stalking. When a person purposely and repeatedly harasses or follows with the intent of harassing another person. As used in this paragraph, “harass” means to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress. As used in this subdivision, “course of conduct” means a pattern of conduct composed of a series of acts 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”.

#### Section 215.935 Child Protection Orders

Definitions. For the purpose of prosecutions under Section 215.935 for violation of a child order of protection, the following terms, in accordance with Section 455.010 R.S.Mo., shall have the meanings ascribed to them herein, unless the context clearly indicates otherwise:

1. “Abuse,” any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by an adult household member, or stalking of a child. Discipline including spanking, administered in a reasonable manner shall not be construed to be abuse.
2. “Adult household member,” any person eighteen years of age or older or an emancipated child who resides with the child in the same dwelling unit.
3. “Child,” any person under eighteen years of age.
4. “Court,” the circuit or associate circuit judge or a family court commissioner.
5. “Ex parte order of protection,” an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it.
6. “Full Order of Protection,” an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard.
7. “Order of protection,” either an ex parte order of protection or a full order of protection.
8. “Petitioner,” a person authorized to file a verified petition under the provision of Sections 455.503 and 455.505 RSMo.
9. “Respondent,” the adult household member, emancipated child or person stalking the child against whom a verified petition has been filed.



10. “Stalking,” purposely and repeatedly harassing or following with the intent of harassing a child. As used in this subdivision, “harassing” means engaging in a course of conduct direct at a specific child that serves no legitimate purpose, that would cause a reasonable adult to believe the child would suffer substantial emotional distress. As used in this subdivision, “course of conduct” means a pattern of conduct composed of a series of acts 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”.
11. “Victim,” a child who is alleged to have been abused by an adult household member.

#### Section 215.940 Violation of Orders of Protection.

1. The respondent of an ex parte or full order of protection for an adult, of which the respondent has notice, shall not violate the terms and conditions of such order with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner’s dwelling unit.
2. The respondent of an ex parte or a full order of protection for a child, of which the respondent has notice, shall not violate the terms and conditions of such order with regard to abuse, child custody, or entrance upon the premises of the victim’s dwelling unit.

#### Section 215.945 Domestic Assault.

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;
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.

#### Section 215.950 Domestic Destruction, Damage or Vandalism of Property.

No person shall willfully destroy, damage or injure any property of a family or household member of any kind whatsoever which does not belong to the said person.

#### Section 215.955 Domestic Petty Larceny.

No person shall steal, take, or carry away any article of value which is the property of a family or household member.

#### Section 215.960 Domestic Unlawful Possession of Stolen Property.

1. No person shall buy or in any way receive or possess any personal property which has been unlawfully taken from a family or household member.
2. Proof that any personal property has been unlawfully taken from the possession or control of a family or household member and that within six (6) months after said unlawful taking said property has been in the possession or under the control of the accused shall be deemed sufficient evidence to authorize conviction unless possession of said property is satisfactorily explained by proof that either:
  - A. Before buying or receiving or coming into possession of said property, a diligent and good faith inquiry was made as to the source of said property sufficient to provide a reasonable belief that said property had not been taken unlawfully from another; or
  - B. The property was acquired at a price and under circumstances sufficient to provide a reasonable belief that said property had not been taken unlawfully from another; or
  - C. The accused complied with Section 447.010 RSMo. relating to the duty of persons finding lost property.

#### Section 215.965 Domestic Disturbance of the Peace.

No person shall unreasonably and knowingly disturb or alarm any family or household member by: threatening or offensive language addressed in a face-to-face manner to that individual and uttered under circumstances which are likely to produce an immediate violent

response from a reasonable recipient; or by physically threatening or challenging or fighting that person.

#### Section 215.970 Domestic Disturbance of the Peace – Loud Noise.

1. No person shall play any radio, music player such as a “boom box,” tape cassette, disc player, television, audio system or musical instrument in a manner or at a volume that disturbs the peace of any other reasonable family or household member; except, however, that nothing herein shall be construed to prohibit an otherwise lawful public concert or public performance.
2. It shall be unlawful to speak, shout, sing or create any noise at a volume that disturbs the peace of any other reasonable family or household member, except that nothing herein shall be construed to prohibit the summoning of assistance in an emergency.
3. For the purpose of prosecution under this section, it shall be presumed that any speech, song or noise, or the playing of any radio, music player such as a “boom box,” tape cassette, disc player, television, audio system or musical instrument, is disturbing to the peace of another reasonable family or household member if the volume is such that it is plainly audible to persons more than fifty (50) feet away from the source of the noise.

#### Section 215.975 Domestic Trespassing.

1. No person without lawful authority, or without the expressed or implied consent of the family or household member or his agent, shall enter any building or enter on any enclosed or improved real estate, lot or parcel of ground; or being upon land of another, shall fail or refuse to leave the same when requested to do so by the family or household member lawfully in possession thereof, his agent or representative.
2. For the purpose of this section, “implied consent,” as it relates to persons making deliveries on private property, extends only to sidewalks or other identifiable walkways, where available, and does not extend to lawns or other private property if such a sidewalk is available.

#### Section 215.980 Domestic Harassment.

No person shall, for the purpose of frightening or disturbing another family or household member:

1. Communicate in writing or by telephone a threat to commit any felony or act of violence; or

2. Make a telephone call or communicate in writing and use coarse language offensive to one of average sensibility; or
3. Make a telephone call anonymously; or
4. Make repeated telephone calls to the same person or telephone number.

Section 215.985 Domestic Stalking.

1. As used in this section, the following terms shall have the meanings ascribed to them:
  - A. Course of conduct. A pattern of conduct composed of a series of acts 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 included picketing or other organized protests.
  - B. Credible threat. A threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to, a person.
  - C. Harass. To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.
2. No person shall purposely and repeatedly harass or follow with the intent of harassing another family or household member or harass another family or household member, and make a credible threat with the intent to place that person in reasonable fear of death or physical injury.

Sec. 215.985 Domestic Tampering With a Victim or Witness.

1. No person, with purpose to induce a family or household member who is a witness or prospective witness in an official proceeding to disobey a subpoena or other legal process, or to induce such family or household member to absent himself or avoid subpoena or other legal process, or to induce such family or household member to withhold evidence, information or documents, or to testify falsely, shall:
  - A. Threaten or cause harm to any person or property; or
  - B. Use force, threats or deception; or

- C. Offer, confer or agree to confer any benefit, direct or indirect, upon such witness; or
  - D. Convey any of the foregoing to another in furtherance of a conspiracy.
2. A person commits the violation of “domestic victim tampering” if, with purpose to do so, he prevents or dissuades or attempts to prevent or dissuade any person who is a family or household member who has been a victim of any ordinance violation or a person who is acting on behalf of any such victim from:
- A. Making any report of such victimization to any peace officer, or state, local or federal law enforcement officer or prosecuting agency or to any judge;
  - 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.
  - D. Holding batterers accountable.

#### Section 215.990 Dismissal of Charges.

Cases involving domestic or family violence shall not be dismissed for the sole reason that a civil compromise or settlement is reached.

#### Section 215.995 Rights of Victims of Domestic or Family Violence.

1. A victim of domestic and family violence is entitled to all rights granted to victims of crime as found in Sections 595.200 to 595.218 RSMo including but not limited to the right to:
- A. Be informed of all hearing dates and continuances.
  - B. Provide the court with a victim-impact statement, victim-opinion statement, and an assessment of the risk of further harm.
  - C. Be present at sentencing and address the court.
  - D. Be advised by the court of conditions of probation required to ensure the safety of the victim and other family or household members.
  - E. Restitution for losses sustained as a direct consequence of any criminal conduct.

- F. Apply for victims' compensation and to be informed of procedures for applying.

## **ANIMAL CONTROL**

### **CHAPTER 225**

#### Section 225.010 - - Purpose of Chapter

The purpose of this Chapter is to regulate the control, possession and ownership of animals within the City of Lakeshire in order to protect the public health, welfare and safety of the inhabitants of the City.

Section 225.030 - - Inoculation Against Rabies

Every resident person who owns, controls, manages, possesses has part interest in any dog or cat kept any time during the year or who permits a dog or cat to come upon, on or in, and to remain in or about his home, place of business or other premises, shall have such dog or cat inoculated against rabies, but such inoculation requirements shall not apply to dogs or cats less than four months of age. Such dogs must be inoculated at least once each year unless a three(3) year type vaccine, approved by the St. Louis County Health Commissioner, is administered, in which case the dogs or cats shall be inoculated at least once every three (3) years.

Section 225.040 - - Kennels Prohibited, Dog and Cat License Plates, Female Dogs and Cats Confined

1. Animal Kennels are hereby prohibited within the City of Lakeshire.
2. All dogs and cats within the City of Lakeshire shall be licensed and the St. Louis County inoculation tag shall constitute proper licensing. Such tag shall be securely fastened on the collars or harnesses of the animal for which the tag is issued and shall be worn at all times.
3. All female dogs and cats shall be kept securely confined in an enclosed place while in heat.

Section 225.050 - - Dogs Confined or Impounded, When

1. The St. Louis County Health Commissioner and the employees of the County Department of Public Health or other persons designated by the County Health Commissioner shall have the power to catch, confine and impound dogs and other animals as follows:
  - A. All dogs and cats which are required to have licenses and which are without a license displayed in the manner provided herein;
  - B. All female dogs and cats, licensed or unlicensed, not securely confined in an enclosed place while in heat;
  - C. All dogs or other animals affected with rabies and all dogs and other animals suspected by him or such employee to be exposed to or affected with rabies including dogs or other animals known to have been bitten by a

rabid animal, whether such dog or other animal is running at large or on a leash and whether it is licensed or unlicensed.

D. All dogs with vicious propensities.

2. Dogs or other animals impounded in accordance with this Section shall be impounded in the County dog pound or elsewhere under the supervision of and in a manner satisfactory to the St. Louis County Health Commissioner.

#### Section 225.060 - - Rabies Control

1. The St. Louis County Health Commissioner or a person designated by him shall dispose of any dog or other animal affected with rabies and he shall have the power to examine and impound any animal bitten by or exposed to any animal affected with rabies. He shall have the power to require the owners of such dogs to take necessary measures to prevent further spread of rabies, and to dispose of any exposed animal if such necessary measures are not taken by the owners.
2. Any dog captured and impounded by the St. Louis County Department of Public Health as authorized herein and determined not to be affected with rabies by the St. Louis County Health Commissioner may be redeemed by the owner or other person having the right of possession of such animal upon the presentation of a proper license and upon payment of a redemption fee provided herein.
3. Whenever rabies become prevalent within any area of St. Louis County which is within a radius of three miles from the limits of the City of Lakeshire, or within the City itself, the St. Louis County Health Commissioner may recommend a quarantine order on any portion or all of the City of Lakeshire. The Board of Aldermen of the City may issue a quarantine order pursuant to such recommendation. The County Health Commissioner shall, during the first week after a quarantine order is issued, take proper measures to inform the people of the City of the existence of the quarantine order and of the penalties attached to the violation of the quarantine order. A quarantine order shall direct the owner or person having custody of any dog, to securely confine or restrain on a least in the hands of a competent person, such animal during the period of quarantine. The quarantine may be terminated by the Board of Aldermen upon the recommendation of the St. Louis County health Commissioner after the necessity therefor no longer exists. No quarantine shall remain effective for more than six months from the date of the adoption of the quarantine order unless such quarantine order is specifically extended by order of the Board of aldermen.



4. It is unlawful for any person to conceal an animal or interfere with the St. Louis county health Commissioner or person designated by him in the performance of their legal duties as provided in this chapter. The St. Louis county health Commissioner or persons designated by im shall have the right of entry to unenclosed lots or lands for the purpose of collecting any stray or unlicensed dog or other animal. The St. Louis County Health Commissioner or his duly appointed representative shall have the right of entry to any property or premises within any quarantined area during the period of such quarantine, for the purpose of examining or obtaining any dog suspected of having rabies or having been exposed to rabies.
5. It is unlawful for any person having ownership, control, management or possession of any animal subject to rabies to abandon such animal in any area of the City. Any person violating any provisions of this sub-section shall, on conviction, be fined not more than One Hundred Dollars, and each such violation shall constitute a separate offense.
6. It shall be the duty of any person bitten by any animal or the parent or guardian of any minor child bitten by an animal to report the same to the St. Louis County Department of Public Health immediately. Such report shall contain the name and address of the owner and of the animal, the day and time bitten, the location where bitten, and a general description of the animal.

The St. Louis County Health Commissioner shall immediately take said animal into custody or have the same confined by the owner thereof for ten days under the supervision of the Department of Public Health to determine whether such animal be affected with rabies. If the owner shall not confine such animal in a manner satisfactory to the County Health Department, such animal shall be forthwith surrendered to the County Health Commissioner or to a person or persons designated by him upon demand.

7. It shall be the duty of every physician to report immediately to the St. Louis county Department of Public Health, the full name, age, and address of any person under his care or observation who has been bitten by an animal affected with rabies or suspected of being affected with rabies, and every veterinarian treating or having under observation any animal affected with rabies, or suspected of being rabid, or suspected of having been exposed to rabies, shall report to the County Health Department of Public Health the license number of such animal and the owner's name and address.
8. Any person destroying an animal affected with rabies or suspected of being affected with rabies shall immediately notify the County Health Department of

Public Health and shall surrender the carcass of such animal upon demand. The owner or custodian of any such destroyed animal shall immediately provide the County Department of Public Health with full particulars thereof, including the time, date, location, the names and addresses of any person bitten by said animal, and also the name and address of the owner or person having custody of any animal exposed to the animal destroyed.

#### Section 225.070 - - Fierce or Dangerous Dogs

When any fierce or dangerous dog or one that has previously bitten any person is kept upon any premises, it shall be the duty of the owner and of the keeper of such dog to post a notice on the premises conspicuously visible to the public and reading in letters not less than two inches high “BAD DOG HERE”, or “BEWARE BAD DOG.” In case a minor is the keeper or owner of such dog the duty of posting this notice shall devolve upon the adult person in whose family the minor lives or who is in charge of the premises where such dog is kept.

#### Section 225.080 - - Leash Regulations

It shall be unlawful for any person or persons owning, controlling, possessing, or having the management or care, in whole or in part of any dog or any cat, whether licensed or not, to permit the dog or cat to go off the premises of the owner or keeper thereof, unless such dog or cat is:

1. Securely tied or lead by a line or leash not more than six feet in length;
2. When at “heel” of a competent person, a competent person herein being described as a human being that is capable of controlling and governing the dog or cat in question, and to whose commands the dog or cat is obedient;
3. When within a vehicle being driven, parked or stopped;
4. When not more than fifty feet from a competent person, if such dog or cat is not annoying or worrying any human being or domestic animal, or trespassing on private property, or in a public area where dogs or cats are forbidden.

The fact that a dog is muzzled shall be no defense for violations of this section. Any person charged with the violation of any provisions of this Section shall, if found guilty of such violation, pay the following fines:

Schedule of Penalty for violation	1 <sup>st</sup> Offense	2nd offense
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For dogs licensed in accordance with this Chapter	\$ 5.00	\$10.00
For dogs not so licensed	\$10.00	\$15.00

Ten additional dollars shall be assessed as a fine for each subsequent offense.

#### Section 225.090 - - Owners Responsibility

In any prosecution charging a violation of Section 225.080 hereunder, proof that a dog was running off the premises in violation of said Section, together with proof that the defendant named in the complaint was, at the time described in the complaint, the owner or keeper of such dog, shall constitute a prima facie presumption that said owner or keeper was the person who permitted said dog to go off the premises.

#### Section 225.100 - - Administration of Chapter

1. The St. Louis County Health Commissioner or his employees, the Chief of Police of the City of Lakeshire, the City Clerk, and the St. Louis County Department of Public Health shall be responsible for the administration of this chapter when appropriate. They shall have the possession of all the powers necessary to the effective administration and enforcement thereof.
2. All powers, rights, duties, and obligations granted or imposed upon the St. Louis County Health Commissioner and his employ shall be extended to an encompassed within the other duties of the Chief of Police of the City of Lakeshire and his deputies.

#### Section 225.110 - - Contract with St. Louis County

The Mayor is hereby empowered and authorized to enter into a contract with St. Louis County and its appropriate officers and departments for the common service of rabies control. All such contracts shall be approved by the Board of Aldermen.

#### Section 225.115 - - Dogs, Cats, Puppies, Kittens and Other Animals Creating a Nuisance, Prohibited.

1. Every person owning, having charge of, or being responsible for a dog, cat, puppy, kitten or other animal shall keep it from creating a nuisance.
2. A dog, cat, puppy, kitten or any other animal creates a nuisance if it:

3. Soils, defiles or defecates on property other than property of a person responsible for the animal, unless such waste is immediately removed by a person responsible for the animal and deposited in a waste container or buried on ground where the person responsible for the animal has permission or the right to bury it.
4. Damages public property or property belonging to a person other than a person responsible for the animal.
5. Causes unsanitary or dangerous conditions.
6. Causes a disturbance by excessive barking, howling, meowing or other noisemaking.
7. Chases vehicles, including bicycles.
8. Molests, attacks, bites or interferes with persons or other animals on public property or property not belonging to a person responsible for the animal.
9. Impedes refuse collection, mail delivery, meter reading, or other public service activities by annoying persons responsible for such activities.
10. Tips, rummages through, or damages a refuse container.
11. Any person who owns, has charge of or is responsible for a dog, cat, puppy, kitten or any other animal and who shall fail to keep said animal from creating a nuisance, as defined herein, shall be guilty of a violation of the Lakeshire Municipal Code and shall be subject to the penalties as provided in Section 225.130.

Section 225.120 - - Limit on Domestic Pets

No more than two domestic pets shall be kept in any one apartment or single-family dwelling within the City. Small bird, fish and small rodents, such as gerbils or mice, are accepted.

Section 225.130 - - Penalty

Any person violating any provisions of this Chapter, where no penalty is otherwise indicated, shall be guilty of a Class B violation as defined in Chapter 215 and subject to the penalties provided herein.

## **TRAFFIC CODE**

### **Chapter 300**

#### **Section 300.010 - - Definitions**

The following words and phrases when used in this ordinance, mean:

- (1) ALLEY or ALLEYWAY: any street with a roadway of less than twenty feet in width;
- (2) AUTHORIZED EMERGENCY VEHICLE: a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police, fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls;
- (3) BUSINESS DISTRICT: the territory contiguous to an including a highway when within any six hundred feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;
- (4) CENTRAL BUSINESS (or TRAFFIC) DISTRICT: all streets and portions of streets within the area described by city ordinance as such;
- (5) COMMERCIAL VEHICLE: Every motor vehicle designed or regularly used for carrying freight and merchandise or more than eight passengers and registered with the State of Missouri as a commercial vehicle with local or beyond local license plates.

- (6) **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;
- (7) **CROSS WALK:**
- (a) 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;
  - (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (8) **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;
- (9) **DRIVER:** every person who drives or is in actual physical control of a vehicle.
- (10) **FREIGHT CURB LOADING ZONE:** a space adjacent to a curb to the exclusive use of vehicles during the loading or unloading of freight (or passengers);
- (11) **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;
- (12) **INTERSECTION:**
- (a) 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 highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
  - (b) Where a highway includes two roadways thirty 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 intersection highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

- (13) LANED ROADWAY: a roadway which is divided into two or more clearly marked lanes for vehicle traffic;
- (14) MOTOR VEHICLE: any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;
- (15) MOTORCYCLE: every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor;
- (16) 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.
- (17) OFFICIAL TRAFFIC CONTROL DEVICES: all signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;
- (18) 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;
- (19) PASSENGER CURB LOADING ZONE: a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers;
- (20) PEDESTRIAN: any person afoot;
- (21) PERSON: every natural person, firm, copartnership, association or corporation;
- (22) 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;

- (23) 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;
- (24) RAILROAD: a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;
- (25) RAILROAD TRAIN: a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;
- (26) 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 feet or more is in the main improved with residences or residences and buildings in use for business;
- (27) RIGHT OF WAY: the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;
- (28) 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 or more separate roadways the term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively;
- (29) 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;
- (30) SIDEWALK: that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;
- (31) 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;
- (32) STOP: when required, complete cessation from movement;
- (33) 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;

- (34) 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;
- (35) 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 ordinance;
- (36) TRAFFIC: pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel;
- (37) TRAFFIC CONTROL SIGNAL: any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed;
- (38) 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.
- (39) VEHICLE: every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

#### Section 300.015 - - Records of Traffic Violations

1. The police department thereof shall keep a record of all violations of the traffic ordinances of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

2. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
3. All such records and reports shall be public records.

#### Section 300.020 - - When Lights Required

No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as this chapter required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.

#### Section 300.025 - - Headlamp on Motor Vehicles

Except as in this chapter provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two approved headlamps mounted at the same level with at least one on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one and not more than two 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 300.030 - - Headlamps-Permissible Substitutes, Speed Limit

Any motor vehicle need not be equipped with approved headlamps provided that every such vehicle during the times when lighted lamps are required is equipped with two lighted lamps on the front thereof displaying white or yellow lights without glare capable of revealing persons and objects seventy-five feet ahead; provided, however, that no such motor vehicle shall be operated at a speed in excess of twenty miles per hour during the times when lighted lamps are required.

#### Section 300.035 - - Single-Beam Headlamps - Intensity, Adjustment

Approved single-beam headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

#### Section 300.040 - - Multiple-Beam Headlamps-Arrangement

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading.
2. There shall be lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

#### Section 300.045 - - Dimming of Lights, When

Every person driving a motor vehicle equipped with multiple-beam rad 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 project 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.

#### Section 300.050 - - Tail lamps, Reflectors

1. 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.

2. 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 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 feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.
3. Every new passenger car, new commercial motor vehicle, motordrawn vehicle and omnibus with a capacity of more than six passengers registered in this state after January 1, 1966, when operated on a highway, shall also carry at the rear at least two approved red reflectors at least one 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 to fifty 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 chapter and shall be mounted upon the vehicle at a height not to exceed sixty inches nor less than fifteen inches above the surface upon which the vehicle stands.

#### Section 300.055 - - Cowl, Fender, Running Board and Backup Lamps and Spot Lamps

Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp; except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

#### Section 300.060 - - Colors of Various Lamps - Restrictions of Red Lamps

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowl lamps and spot lamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.

Section 300.065 - - Limitations on Lamps Other Than Headlamps - Flashing Signals Prohibited Except on Specified Vehicles

Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity, greater than three hundred candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addresses thereof and on emergency vehicles as defined in section 304.022 RSMo., but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

Section 300.070 - - Limitation on Total of Lamps Lighted at One Time

At the times when lighted lamps are required, at least two lighted lamps shall be displayed, one on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with head lamps as in this chapter required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Section 300.075 - - Authority of Police and Fire Department Officials

1. 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.
2. 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.
3. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

Section 300.080 - - Obedience to Police and Fire Department Officials

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

Section 300.085 - - Persons Propelling Push Cars or Riding Animals to Obey Traffic Regulations

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their very nature can have no application.

Section 300.090 - - Repealed

Section 300.095 - - Public Employees to Obey Traffic Regulations

The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance.

Section 300.100 - - Authorized Emergency Vehicles

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
2. The driver of an authorized emergency vehicle may:
  - A. Park or stand, irrespective of the provisions of this ordinance;
  - 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 maximum speed limits so long as he does not endanger life or property.
  - D. Disregard regulations governing direction of movement or turning in specified directions.
3. 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 bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

4. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

#### Section 300.105 - - Operation of Vehicles on Approach of Authorized Emergency Vehicles

1. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only:

- A. The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

- B. Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

#### Section 300.110 - - Immediate Notice of Accident

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of five hundred dollars or more shall immediately by the quickest means of communication give notice of such accident to the police department if such accident occurs within the city.

#### Section 300.115 - - Written Report of Accident

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of five hundred dollars or more shall, within five days after such accident, forward a written report of such accident to the police department. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer which such driver was present thereat.

#### Section 300.120 - - When Driver Unable to Report

1. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in section 300.110 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given, the notice not given by the driver.
2. Whenever the driver is physically incapable of making a written report of an accident as required in Section 300.115 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after the accident make such report not made by the driver.

#### Section 300.125 - - Public Inspection of Reports Relating to Accidents

1. All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other governmental agencies having use for the records for accident prevention purposes, except that the police department or other governmental agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.
2. No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the police department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, and the investigating officers.

#### Section 300.130 - - Authority to Install Traffic Control Devices



The street commissioner shall place and maintain traffic control signs, signals, and devices when and as required under the traffic ordinances of the city to make effective the provisions of said ordinances.

Section 300.135 - - Manual and Specifications for Traffic Control Devices

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the state highway commission or resolution adopted by the legislative body of the city. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of this ordinance shall be official traffic control devices.

Section 300.140 - - Obedience to Traffic Control Devices

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.

Section 300.145 - - When Official Traffic Control Devices Required for Enforcement Purposes

No provision of this ordinance 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 300.150 - - Official Traffic Control Devices - Presumption of Legality

1. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this ordinance, 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.
2. Any official traffic control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence.

Section 300.155 - - Traffic Control Signal Legend

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one 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 cross walk 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 cross walk and to other traffic lawfully using the intersection;

C. Unless otherwise directed by a pedestrian control signal as provided in Section 300.160, 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 cross walk.

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 300.160, 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 cross walk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is show;

B. Unless otherwise directed by a pedestrian control device as provided in Section 300.160, 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 making the stop shall be made at the signal.

#### Section 300.160 - - Pedestrian Control Signals

Whenever special pedestrian control signals exhibiting the words “Walk” or “Don’t Walk” 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 crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

#### Section 300.165 - - Flashing Signals

1. 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:

A. Flashing red (stop signal), when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest cross walk 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;

B. 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.

2. 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 300.295 of this ordinance.

#### Section 300.170 - - Display of Unauthorized Signs, Signals or Markings

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or 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 300.175 - - Interference with Official Traffic Control Devices or Railroad Signs or Signals

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

#### Section 300.180 - - Traffic Lanes

1. The street commissioner is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

2. 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 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.

#### Section 300.185 - - State Speed Laws Applicable

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city, except that the city may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

### Section 300.190 - - Speed Limit

The speed limit for all motor vehicles on the streets and alleys of the City of Lakeshire shall be 25 miles per hour except for such lower speed limits as specifically prescribed in Schedule IV of this Chapter.

### Section 300.195 - - Required Position and Method of Turning at Intersection

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.
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 center line thereof and by passing to the right of such center line 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 center line 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-road roadways: At any intersection where traffic is restricted to one direction on one 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.

### Section 300.200 - - Authority to Place and Obedience to Turning Markers

1. The street commissioner is authorized to place markers, buttons, or signs, within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersection, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
2. 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 300.205 - - Obedience to No-Turn Signs

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

#### Section 300.210 - - Limitations on Turning Around

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interference with other traffic.

#### Section 300.215 - - Authority to Sign One-Way Streets and Alleys

Whenever any ordinance of the city designates any one-way street or alley the street commissioner 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 300.220 - - One-Way Streets and Alleys

Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

#### Section 300.225 - - Stop and Yield Signs - Installation and Maintenance

The street commissioner shall have full authority to install and maintain stop and yield signs at such intersections as designated in Schedule I of this Chapter.

#### Section 300.230 - - Stop and Yield Signs

1. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the cross walk on the near side of the intersection or, in the event there is no cross walk, 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 intersection roadway.

2. 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 cross walk on the near side of the intersection or, in the event there is no cross walk, 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 of the intersecting roadway before entering the intersection.

#### Section 300.235 - - Vehicle Entering Stop Intersection

Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by subsection 2 of Section 300.230, 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 300.240 - - Vehicle Entering Yield Intersection

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.

#### Section 300.245 - - Emerging from Alley, Driveway or Building

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

#### Section 300.250 - - Stop When Traffic Obstructed

No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or cross walk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

#### Section 300.255 - - Obedience to Signal Indicating Approach of Train

1. 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 feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

B. 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;

C. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

2. 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 300.260 - - Following Fire Apparatus Prohibited

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm 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.

#### Section 300.265 - - Crossing Fire Hose

No vehicle shall be driven over any unprotected hose of a fire department 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 department official in command.

#### Section 300.270 - - Driving Through Funeral or Other Procession

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.



#### Section 300.275 - - Driving in Procession

Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

#### Section 300.280 - - When Permits Required for Parades and Processions

No funeral, procession or parade containing fifty or more persons or ten or more vehicles except the forces of the United States army or navy, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

#### Section 300.295 - - Vehicles Shall Not Be Driven on a Sidewalk

The driver of a vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway.

#### Section 300.300 - - Limitations on Backing

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety without interfering with other traffic.

#### Section 300.305 - - Opening and Closing Vehicle Doors

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

#### Section 300.310 - - Riding on Motorcycles

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 person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

#### Section 300.315 - - Riding Bicycle on Sidewalks

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.

#### Section 300.320 - - Clinging to Vehicle

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

#### Section 300.321 - - Bicycle Helmet Required

1. Every person under the age of seventeen (17) years of age, operating or being a passenger on a bicycle, or using in-line skates, roller skates or a skateboard on a public roadway, public bicycle path or other public rights-of-way, shall wear a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.
2. No person operating a bicycle on a public roadway, public bicycle path or other public rights-of-way shall allow anyone under the age of seventeen (17) years of age to ride as a passenger unless the passenger is wearing a bicycle helmet or else is in an enclosed trailer or other device which meets or exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in an accident without the need for a helmet.
3. No parent, custodian or legal guardian of a person under the age of seventeen (17) years of age shall knowingly permit said person to operator or be a passenger on a bicycle, or to use in-line skates, roller skates and skateboards without wearing a bicycle helmet as defined in this chapter.
4. No person operating a bicycle on a public roadway, public bicycle path or other public right-of-way shall allow anyone who is either four (4) years old or younger, weighing forty (40) pounds or less, to ride as a passenger on the bicycle; other than in a seat, which shall adequately retain the passenger in place, and protect the passenger from the bicycle's moving parts.
5. Any operator or passenger found to be in violation of this section may be issued an equipment violation notice as prescribed on a Missouri Uniform Complaint and Summons, the person responsible for payment of the violation may have the violation dismissed, if the person submits a receipt for a proof of

purchase of a bicycle helmet along with the helmet, to the Lakeshire Police Department within five (5) calendar days of the date of the violation notice.

6. Fines assessed to juvenile violators (under the age of seventeen (17) years of age) will be the legal responsibility of the violator's parent, custodian or legal guardian; and therefore any summons issued as a result of a violation committed by such a juvenile, shall be issued to said violator's parent, custodian or legal guardian.

7. This section shall not apply to bicycles, in-line skates, roller skates or skateboards operated on private property.

#### Section 300.325 - - Pedestrians Subject to Traffic Control Devices

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 300.155 and 300.160 of this ordinance, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in Sections 300.325 to 300.355.

#### Section 300.330 - - Pedestrians' Right of Way in Cross Walks

1. 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 cross walk 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.

2. 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.

3. Subsection 1 shall not apply under the conditions stated in subsection 2 of Section 300.340.

4. Whenever any vehicle is stopped at a marked cross walk or at any unmarked cross walk 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 300.335 - - Crossing at Right Angles

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a cross walk.

Section 300.340 - - When Pedestrian Shall Yield

1. Every pedestrian crossing a roadway at any point other than within a marked cross walk or within an unmarked cross walk at an intersection shall yield the right of way to all vehicles upon the roadway.
2. 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.
3. The foregoing rules in this section have no application under the conditions stated in Section 300.345 when pedestrians are prohibited from crossing at certain designated places.

Section 300.345 - - Prohibited Crossing

1. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a cross walk.
2. No pedestrian shall cross a roadway other than in a cross walk in any business district.
3. No pedestrian shall cross a roadway other than in a cross walk upon any street designated by ordinance.
4. 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 300.350 - - Pedestrians Walking Along Roadways

1. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
2. 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 300.355 - - Drivers to Exercise Highest Degree of Care

Notwithstanding the foregoing provisions of Sections 300.155 to 300.355, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

#### Section 300.360 - - Standing or Parking Close to Curb

Except as otherwise provided in Sections 300.360 to 300.365 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 inches of the right-hand curb.

#### Section 300.365 - - Permits for Loading or Unloading at an Angle to the Curb

1. The Chief of Police 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.
2. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

#### Section 300.370 - - Stopping, Standing or Parking Prohibited

1. 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:
  - A. Stop, stand or park a vehicle:
    - (a) On the roadway side of any vehicle stopped or parked at the edge of a curb of a street;
    - (b) On the sidewalk;
    - (c) Within an intersection;

- (d) On a cross walk;
- (e) Between a safety zone and the adjacent curb or within thirty 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.

B. 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 feet of a fire hydrant;
- (c) Within twenty feet of a cross walk at an intersection;
- (d) Within thirty feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;
- (e) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite to the entrance of any fire station within seventy-five feet of said entrance (when properly signposted);
- (f) At any place where official signs prohibit standing.

C. 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 feet of the nearest rail of a railroad crossing;

- (b) At any place where official signs prohibit parking.

Section 300.375 - - Parking not to Obstruct Traffic

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

Section 300.380 - - Parking in Alleys

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten 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 300.385 - - Parking for Certain Purposes Prohibited

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 300.390 - - Stopping, Standing or Parking Restricted or Prohibited on Certain Streets

The provisions of this ordinance 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 300.395 - - Regulations not Exclusive

The provisions of this ordinance 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 300.400 - - Parking Prohibited at All Times on Certain Streets

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Scheduled II of this Chapter.

#### Section 300.405 - - Parking Prohibited During Certain Hours on Certain Streets

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described in Schedule II of this Chapter.

#### Section 300.410 - - Parking Signs Required

Whenever by this ordinance 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 street commissioner 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 300.415 - - Commercial Vehicles Prohibited from Using Certain Streets

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle upon streets or parks of streets so described except those commercial vehicles making deliveries thereon.

#### Section 300.420 - - Parking on Unpaved Streets

1. Definitions: The term “vehicle” shall include automobiles, motorcycles, trucks, boats, all types of trailers and any other motorized or non-motorized means of conveying persons or property.
2. No vehicle shall be parked or stopped on any unpaved surface which is private or public property except on a parking area or drive having a durable surface designed for parking or stopping of vehicles except as hereinafter provided in the case of hardship. Durable surface shall be defined as a hard paved surface such as concrete, asphalt, brick, large paving stones or a minimum of 4 inches of compacted granular rock, known as waterbound macadam. Durable surface shall not include concrete blocks, bricks or patio blocks; nor shall it include the use of any other materials when used to create a small block of pavement only for the wheels of a vehicle to be parked upon. Durable surface shall not include concrete blocks, bricks or patio blocks; nor shall it include the use of any other materials when used to create a small block of pavement only for the wheels of a vehicle to be parked upon.



3. In cases of emergency or hardship on the owner or occupant of private property, said owner or occupant may make written application to the police chief for a permit that it be granted because of an emergency situation or to prevent a hardship. The plice chief shall issue said permit for a period of not longer than three (3) days, and upon such terms and conditions as may be proper under the circumstances stating a specific variance or exemption because of such emergency or hardship.

4. If any vehicle is found to be in violation of any provision of this Section regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determine, the owner, or person in whose name such vehicle is registered shall be prima facia responsible for such violation.

#### Section 300.425 - - Operator and Chauffeurs License

1. It shall be unlawful for any person to drive as a chauffeur any vehicle upon the streets, highways or alleys within the City of Lakeshire unless such person has in his or her possession a valid license as a chauffeur under the provisions of the Revised Statutes of the State of Missouri.

2. It shall be unlawful for any person to drive any motor vehicle upon the streets, highways or alleys within the City of Lakeshire unless such person has in his or her possession a valid license as an operator under the provisions of the Revised Statutes of the State of Missouri, except that any person holding a valid chauffeur's license shall not be required to have an operator's license.

3. Any person holding a valid operator's license shall not be required to have a chauffeur's license for the operation for official use of any motor vehicle owned by the United States, the State of Missouri, or by a municipality or political subdivision of this State, except that any person operating a school bus shall be required to procure a chauffeur's license.

4. It shall be unlawful for any person under the age of sixteen years to operate a motor vehicle on the streets, highways, or alleys within the City of Lakeshire.

5. It shall be unlawful for the owner of any motor vehicle to permit any person under the age of sixteen years to operate such motor vehicle on the streets, highways or alleys within the City of Lakeshire.

6. It shall be unlawful for any person to operate or park a motor vehicle on the streets, highways or alleys within the City of Lakeshire unless there are two

state registration number plates for the current year thereon, one in the front and one in back, and said plates must be entirely unobscured and unobstructed, so fastened as not to swing, and all parts thereof plainly visible and reasonably clean.

7. A street, highway or alley as used in this section shall mean every way or place open for vehicular travel by the public, regardless of its legal status and regardless of whether it has been legally established by constituted authority or by user for the statutory period of time as a public highway.

8. It shall be unlawful for any person to operate any motor vehicle upon the streets, highways or alleys within the City of Lakeshire, if such person's driver or chauffeur license is presently under revocation or suspension by the State of Missouri or any other state, and the person is not operating the vehicle in compliance with the terms and provisions of a valid limited driving privileges order issued by a court of competent jurisdiction in the State of Missouri. In the event a person alleges he has an order for limited driving privileges, he must present said order as a defense to the charge of driving while suspended or revoked, and he shall have the burden of proof to establish that he operated the vehicle in compliance with the specific terms of said order.

#### Section 300.430 - - Motorcycle Operation

1. As used in this section the following terms mean:

A. Director, the State of Missouri collector of revenue acting directly or through his authorized officers and agents;

B. Motorcycle, a motor vehicle operated on two wheels.

2. It shall be unlawful for any person, except those expressly exempted by Missouri statute, to:

A. Operate a motorcycle or other self-propelled two or three wheeled vehicle within the City of Lakeshire unless such person has a valid operator's or chauffeur's license issued by the State of Missouri which shows that he has successfully passed an examination for the operation of a motorcycle as prescribed by the director;

B. Authorize or knowingly permit a motorcycle or other two or three wheeled self-propelled vehicle owned by him or under his control to be driven within the City of Lakeshire by any person whose operator's or chauffeur's license does not indicate that the person has passed the

examination for the operation of a motorcycle or has been issued an instruction permit therefore.

3. Every person operating or riding as a passenger on any motorcycle within the City of Lakeshire 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.

#### Section 300.435 - - Corrective Lenses

No person or individual who has been issued a conditional operator's or chauffeur's license under the provisions of Revised Statutes of Missouri shall drive or operator a motor vehicle within the limits of the City of Lakeshire, without wearing at all times the corrective lenses specified as noted on the license. Any such person shall otherwise operate the motor vehicle only in accordance with the restrictions, specifications, and conditions of said license.

#### Section 300.440 - - Dislodgeable Goods

All motor vehicles, and every trailer and semi-trailer operating upon the public and de facto public highways, streets, and ways of the City of Lakeshire, and carrying goods or materials or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall be a protective cover or be sufficiently secured so that no portion of such goods or material can be dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.

#### Section 300.450 - - Loud Mufflers

No person shall operate a vehicle with an open exhaust, or cause said vehicle to make any unnecessary noises.

#### Section 300.455 - - Following Too Closely

The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and safe, having due regard to the speed of such vehicle and his ability to stop if necessary and the traffic upon and condition of the roadway.

#### Section 300.460 - - Slow Speed

It shall be unlawful for any person unnecessarily to drive at such a slow speed or in such position on the roadway so as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation, or, because upon a grade, or, when the vehicle is a truck, or, truck and trailer, in compliance with laws proceeding at reduced speed.

#### Section 300.465 - - Careful and Prudent Operation

Every person operating a motor vehicle on the streets of the City shall operate or drive the same in a careful and prudent manner and in the exercise of the highest degree of care, and at a rate of speed so as not to endanger the property of another or the life or limb of any person, taking into consideration the time of day, the amount of vehicular and pedestrian traffic, the condition of the street or highway, the atmospheric conditions and location with reference to intersecting streets or highways, curves and residences.

#### Section 300.470 - - Overtaking and Passing School Bus

The driver of a vehicle upon any streets within the City of Lakeshire on meeting or overtaking from either direction any school bus which has stopped 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 the school bus resumes motion, or until signaled by its driver to proceed.

Every bus for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight 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 this Section shall be equipped with a mechanical or electrical signaling device, which will display a signal plainly visible from the front and rear, and indicating intention to stop.

#### Section 300.480 - - Motor Carriers Limited

All persons, firms and corporations engaged in business either as common or contract motor carriers of passengers or freight are hereby prohibited from routing over or permitting their buses, trucks, tractors, trailers, tractor-trailers, or other motorized rolling equipment to use on the streets in the City of Lakeshire, Missouri, except for the purpose of picking up or delivering school children or shipments of freight or merchandise in the City.

#### Section 300.485 - - Child Passenger Restraint System Required

1. As used in this section, the following terms shall mean:
  - A. Child booster seat: A seating system which meets the Federal Motor Vehicle Safety Standards as set forth in 49 CFR 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;
  - B. Child passenger restraint system: a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 CFR 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.
  - C. Driver: a person who is in actual physical control of a motor vehicle.
2. 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 the protection of such child as follows:
  - A. Children less than four 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 pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;
  - C. 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;
  - D. 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.
  - 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. This subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen years of age being transported in a motor vehicle.

3. Any person who violates this section is guilty of an infraction and upon conviction may be punished by a fine of not more than fifty dollars plus court costs. If a Driver receives a citation for violating this section, the charges shall be dismissed if the Driver provides evidence of acquisition of a child passenger restraint system or child booster seat that is satisfactory to the court prior to the hearing.
4. The provisions of this section shall not apply to any public carrier for hire.

#### Section 300.490 - - Continuous Parking Limitation

No motor vehicle, boat, trailer, motorcycle or any other type of vehicle shall be parked or stopped in one location on any public street within the City in excess of 72 consecutive hours. Each 24-hour period beyond the initial limitation period shall constitute a separate offense.

#### Section 300.495 - - Parking Limited on City Hall Lot

No person shall park a motor vehicle on the parking areas located on City property at 10000 Puttington Drive between the hours of 9:00 AM and 5:00 PM on weekdays are not national holidays, except for the purpose of delivering mail within the City, transacting business with the City, or being in City Hall for any duly authorized reason.

#### Section 300.500 - - Seat Belts Required

1. As used in this section, the term “passenger car” means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term “passenger car” shall not include motorcycles, motorized bicycles, motor tricycles and trucks.
2. 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 passenger of a passenger car manufactured after January 1, 1968, operated on a street or alley in the City of Lakeshire shall wear a properly adjusted and fastened safety belt that meets federal national highway, transportation and safety act requirements; except that, a child less than

four years of age shall be protected as required in Section 210.104, RSMo. Each driver of a motor vehicle transporting a child four years of age or more, but less than sixteen years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt. No person shall be stopped, inspected, or detained solely to determine compliance with this section. The provisions of this section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his or her body.

3. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence.

4. Each person who violates the provisions of subsection B of this section after July 1, 1987, shall be guilty of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs may be imposed if court costs have been assessed on any other charge arising out of the same occurrence.

#### Section 300.505 - - Truck, Bus and Recreational Vehicle Parking Limitations

1. The parking of all vehicles having a manufacturer's rated capacity in excess of one ton and all vehicles licensed as buses or recreational vehicles on the streets of the City of Lakeshire between the hours of 11:00 p.m. and 6:00 a.m. is hereby prohibited.

2. The parking of all trucks or vans, which have commercial equipment such as ladders or tools in or on the truck bed or attached to the outside of the vehicle, is hereby prohibited on the streets of the City of Lakeshire between the hours of 11:00 p.m. and 6:00 a.m.

3. Special hardship exemptions for a 48-hour period may be granted from this section by the Chief of Police if the Chief determines that just cause exists for said exemptions.

#### Section 300.510 - - Handicapped Parking

1. The City may designate parking spaces for the exclusive use of vehicles which display a physically disabled distinguishing license plate or card issued pursuant to state law.

2. Owners of private property used for public parking shall designate parking spaces for the exclusive use of vehicles which display a physically disabled distinguishing license plate or card issued pursuant to state law.

3. Designated spaces shall meet the requirements of the Federal Americans with Disabilities Act, as amended, and any rules or regulations established pursuant thereto, and shall be indicated by a sign upon which shall be inscribed the following information: the international symbol of accessibility, and appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a physically disabled distinguishing license plate or card, and “fifty dollars (\$50.00) to three hundred dollars (\$300.00) fine.” Except that the information relating to the monetary fine may be contained in an additional sign posted below or adjacent to the sign containing the other required information; and that nonconforming signs or spaces which are in use prior to the effective date of this section, as enacted by this ordinance, shall not be in violation of this section during the useful life of such sign or space. However, under no circumstances shall the useful life of the nonconforming sign or space 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.

4. It shall be unlawful for any person to park a vehicle which is not displaying a physically disabled distinguishing license plate or card in any space reserved for physically disabled persons.

5. It shall be unlawful for any person who, without authorization, uses a physically disabled distinguishing license late or card to park in a parking space reserved under authority of this section.

6. The police department may cause the removal of any vehicle not displaying a physically disabled distinguishing license plate or card or a “disabled veteran” license plate 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 vehicle which has been removed and which is not properly claimed within thirty (30) days thereafter shall be considered to be an abandoned vehicle.

7. The police department may enter upon private property open to the public to enforce the provisions of this section.



8. Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00).

Section 300.520 - - Vision-Reducing Material Applied to Windshield or Windows Without Permit Prohibited

1. No person shall operate without a permit granted because of physical disorder any motor vehicle on any public street or alley in the City of Lakeshire with any manufactured vision -reducing material applied to any portion of the motor vehicle's windshield, sidewings, or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle. 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.
2. Any person who violates the provisions of this section is guilty of an infraction and upon conviction thereof may be punished by a fine of nor more than \$25.00 and court costs.

Section 300.525 - - Restricting the Parking of Buses, Trucks-Rated Capacity in Excess of One Ton, Tractors, Trailers, and Tractor Trailers, on Private Property

1. The parking of all buses, trucks with a rated capacity in excess of one ton, tractors, trailers, tractor trailers, and all vehicles licensed, as buses, trucks with a rated capacity in excess of one ton, tractors, trailers, tractor trailers anywhere in the City of Lakeshire on private property is prohibited between the hours of 11:00 p.m. and 6:00 a.m. unless said vehicle is in an enclosure which shields it from view.
2. Special hardship exceptions for a period of 48 hours may be granted from this section from the Chief of Police if the Chief determines that just cause exists for said exemption.

Section 300.526 - - Restricting the Parking or Storage of Boats, Trailers and Recreational Vehicles

1. The parking or storage of all boats, trailers and recreational vehicles, shall be prohibited on any private property or public street unless said boat, trailer or recreational vehicle has a current registration or license to an address located within the City of Lakeshire, unless said boat, trailer or recreational vehicle is in an enclosure which shields it from view.
2. All boats, trailers or recreational vehicles that are parked or stored in the City of Lakeshire shall comply fully with all other ordinances of the City.
3. Recreational vehicles, for the purpose of this Section only, shall be defined as any vehicle which is designed to be self-propelled or towable by a truck or other device and which is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonable use.
4. Special hardship exceptions for a period not exceeding forty-eight (48) hours may be granted from this Section by application to the Chief of Police. If the Chief of Police determines that granting the hardship exception will not be unduly disruptive or potentially dangerous to the health, safety, welfare or aesthetics of the City of Lakeshire and its residents then the Chief of Police may issue said hardship exception for the temporary parking or storage of boats, trailers or recreational vehicles within the City of Lakeshire.

Section 300.530 - - Prohibiting the Transportation of an Open Container of Alcoholic Beverages In a Motor Vehicle or the Possession of Alcoholic Beverages in Public Places

1. No person shall knowingly transport in any motor vehicle operating upon a public highway, street or alley 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 cap or cork shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment or any outside compartment which is not accessible to the driver or any other person in such vehicle while it 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 not be considered accessible to the driver or any other person.
2. No driver of a motor vehicle shall allow any alcoholic beverage to be consumed while in a moving vehicle, as defined in this ordinance, nor shall any person consume any alcoholic beverage while in a moving motor vehicle.

3. Nothing in this ordinance shall be construed as to prohibit the otherwise legal consumption of alcoholic beverages by passengers on a privately or publicly owned transit authority that has been chartered and is not being utilized for conveyance of the general public where the operation and control of such conveyance is by a person not in possession of or with ready access to such alcoholic beverage.

4. This section shall not apply to the living quarters of a recreational motor vehicle as defined in this ordinance.

5. It shall be unlawful for any person to be in possession of an alcoholic beverage in an open container when upon or in a public highway, street, alley, public park, public place or public square.

6. Any person found guilty of violating the provisions of this ordinance shall be guilty of a violation and shall be fined not less than \$25.00 or more than \$500.00.

7. Definitions used in this ordinance are as follows:

Recreational Motor Vehicle - Any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping and eating facilities which are permanently attached to the motor vehicle.

Alcoholic Beverage - The term alcoholic beverage shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented and to also include any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other grains or cereals, and yeast and pure water, and having any alcoholic content by weight or volume.

#### Section 300.540 - - Parking Facing Wrong Direction

1. Except as otherwise provided in this Code, every vehicle stopped or parked upon a roadway where two-way traffic movement is permitted, shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb, or if there is no curb, then within eighteen inches of the right-hand edge of said roadway.

2. Except as otherwise provided in this Code, every vehicle stopped or parked upon a roadway where only one-way traffic movement is permitted, shall

park either as specified in sub-section 1 above, or with the left-hand wheels of such vehicle parallel to and within eighteen inches of the left-hand curb, or if there is no curb, then the left-hand edge of the roadway.

LAKESHIRE MODEL TRAFFIC ORDINANCE  
AND SPECIFIC ENFORCEMENT SCHEDULE

SCHEDULE I: STOP SIGNS

<u>Location</u>	<u>To Control</u>
Intersection Lakeshire Drive and Elise Drive	All 4 corners
Intersection Lakeside Drive and Antonia Drive	All 4 corners
Intersections of Antonia Drive, Elise Drive, Stonell Drive and Puttington Drive with Tesson Ferry Road	Only for traffic entering Tesson Ferry Road
Intersections of Parkman Drive, Willdan Drive, Rodium Drive and Puttington Drive with Squire Meadows Drive	Only for traffic entering Squire Meadows Drive
Intersection of Squire Meadows Drive and Tesshire Drive	Only for traffic entering Tesshire Drive
Intersection of Parkman Drive and Puttington Drive	Only for traffic on Parkman entering or Crossing Puttington Drive
Intersection of Lakeshire Drive and Stonell Drive	Only for traffic entering Stonell Drive
Intersection of Lakeside Drive and Lenor Drive	Only for traffic entering Lenor Drive
Intersection of Lenor Drive and Elise Drive	Only for traffic entering Elise Drive
Intersection of Parkman and Buffton Alley between Puttington	Only for traffic

and Buffton

entering Parkman  
Drive

## SCHEDULE II: NO PARKING

### Location

Parkman Drive - Northwest side

Puttington Drive - Northeast side

Wildan Drive - Northeast side

Rodium Drive - Northeast side

Squire Meadows Drive - East side

Puttington Drive - Southwest side from intersection with Parkman to Tesson Ferry

Squire Meadows Drive - West side from first driveway north of Tesshire to intersection with Tesshire.

North and South sides of Lakeside Drive, Elise Drive and Stonell Drive for a distance of approximately 100 feet beginning at the state road maintenance line on Highway 21 (Tesson Ferry Road).

Buffton Drive - Southwest side beginning at the driveway of the building at 10062 Buffton and continuing until Buffton becomes Parkman Drive.

Parkman Drive - Southeast side from a point at the northeast property line of 10316 Parkman to the intersection of Parkman Drive with Puttington Drive.

Tesson Ferry Road (Highway 21) - The west side from the beginning of the City limits at or near 9715 Tesson Ferry Road and continuing along the west side of Tesson Ferry Road at all points through the property located at 9949 Tesson Ferry Road, including all parts of the asphalt shoulder running along the western edge of Tesson Ferry Road (Highway 21) for the length between and including the afore described numbered properties.

Buffton Drive - Southwest side beginning at 10254 Buffton Drive continuing along as Buffton Drive becomes Squire Meadows Drive and ending at the Buffton-Puttington alley.

### SCHEDULE III: ONE-WAY STREETS

<u>Location</u>	<u>Direction</u>
Puttington Drive	North westwardly from Parkman to Squire Meadows Drive
Willdan Drive	North westwardly from Parkman to Squire Meadows Drive
Rodium Drive	North westwardly from Parkman to Squire Meadows Drive

### SCHEDULE IV: SPEED LIMITS

<u>Location</u>	<u>Speed</u>
Any and all public alleys between Buffton Drive and Puttington Drive	15 mph
Any and all public alleys between Willdan Drive and Puttington Drive	15 mph
Any and all public alleys between Willdan Drive and Rodium Drive	15 mph
All city streets	25 mph

#### Section 300.545 - - Financial Responsibility of Motor Vehicle Operators

1. No owner of any motor vehicle registered in this state, required to be registered in this state, or operated in this state shall operate the vehicle within the City of Lakeshire, or authorize any other person to operate the vehicle within the City of Lakeshire, unless the owner maintains the minimum amount of financial responsibility as required by the State of Missouri.

2. Proof of financial responsibility in the form of an insurance identification card shall be carried in all motor vehicles registered and/or operated in the state and operated in the City. The insurance identification card shall include all of the following information:
  - a. The name and address of the insurer;
  - b. The name of the named insured;
  - c. The policy number;
  - d. The effective dates of the policy, including the month, date and year;
  - e. A description of the insured motor vehicle, including year and make or at least five digits of the vehicle identification number, or the word “fleet” if the insurance policy covered five or more vehicles; and
  - f. The statement “THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND” prominently displayed on the card.
3. Where a motor vehicle may be self-insured, the Missouri director of revenue shall furnish each self-insurer, as provided for in Section 303.220 RSMo, an insurance identification card for each motor vehicle so insured. The insurance identification card shall include all the following information:
  - a. The name of the self-insurer;
  - b. The word “self-insured;” and
  - c. The statement, “THIS CARD MUST BE CARRIED IN THE SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND” prominently displayed on the card.

A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the policy information listed above, shall be satisfactory evidence of insurance in lieu of an insurance card.

4. The operator of a motor vehicle shall exhibit an insurance identification card on the demand of any officer who lawfully stops such operator or investigates a motor vehicle accident while that officer is engaged in the performance of the duties of his office.
5. Failure of a motor vehicle operator to exhibit an insurance identification card or produce other satisfactory evidence of insurance in lieu of an insurance card shall constitute prima facie evidence that the vehicle operator, or owner thereof, does not possess the required financial responsibility on the vehicle in question. As such, the officer initiating the traffic stop or investigation may issue a citation to the vehicle operator pursuant to the requirements of this section.

6. No person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met state-mandated financial responsibility requirements at the time the officer wrote the citation.
7. A violation of this section shall be a Class C violation.

Section 300.550 - - Financial Responsibility of Motor Vehicle Operators

1. Every vehicle traveling upon the streets of Lakeshire or parked on the streets of Lakeshire must display an inspection sticker as required by Missouri law.
2. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval, sticker, seal, or other device knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.
3. A violation of this section shall be a Class C violation.

## **HUMAN RIGHTS**

### **Chapter 310**

#### **Section 310.010 – Definitions**

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



- (1) Commission: The Board of Aldermen acting as the Community Relations Advisory Commission of the City of Lakeshire.
- (2) Discriminatory Housing Practice: An act that is unlawful under Chapter 310.
- (3) Dwelling: 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.
- (4) Family: Includes a single individual.
- (5) Gender Identity: The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.
- (6) Person: Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.
- (7) Rent: Includes to lease, to sublease, to let and otherwise grant for a consideration the right to occupy premises not owned by the occupant
- (8) Sexual Orientation: An individual's real or perceived heterosexuality, homosexuality or bisexuality.

#### Section 310.020 – Discrimination in Sale or Rental of Housing

##### A. It shall be unlawful for any person:

1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity.
2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provisions of service or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity or an intention to make any such preference, limitation or discrimination.

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, sexual orientation or gender identity.
4. To represent to any person, because of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. For profit, 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, familial status, sexual orientation or gender identity.

#### Section 310.030 – Discrimination in Financing of Housing

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 to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him/her in the 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, familial status, sexual orientation or gender identity of such person, of any person associated with him/her in connection with the loan or other financial assistance, or of the prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which the loan or other financial assistance is to be made or given; however, nothing contained in this Section shall impair the scope or effectiveness of the exceptions contained in Section 310.090.

#### Section 310.040 – Discrimination in Brokerage Services

It shall be unlawful for any person to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other services, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership or participation, on account of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity.

## Section 310.050 – Discrimination in Public Accommodations Prohibited

- A. All persons within the City of Lakeshire are free and equal and shall be entitled to the following equal use and enjoyment within the City at any place of public accommodation without discrimination or segregation on account of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or 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 §213.010, RSMo., or segregate or discriminate against any such person and the use thereof on the grounds of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity.
- C. The provisions of this Section shall not apply to a private club, 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 §213.010, RSMo.

## Section 310.055 – Discrimination in Public Accommodations Prohibited

No person, group, organization, association, corporation or other entity who has obtained a permit from the City of Lakeshire, pursuant to this Chapter, shall discriminate against any qualified participants in any activities to be undertaken pursuant to such permit on the basis of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity.

## Section 310.060 – Administration

The authority and responsibility for administering this code shall be in the Commission. The Commission shall administer this code in a manner affirmatively to further the policies of this code and to prevent or eliminate discriminatory housing practices. The Commission shall cooperate with and render technical assistance through Federal, State, or other public or private agencies, organizations, and institutions which are formulating or carrying out programs to prevent or eliminate discriminatory housing practices.

## Section 310.070 – Enforcement

- A. Any person who claims to have been injured by a discriminatory housing practice or

who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "complainant") may file a complaint with the Commission. The Commission shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. A complaint shall be filed within sixty (60) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing, shall state the facts upon which the allegations of a discriminatory housing practice are based, and shall contain such information and be in such form as the Commission may require. A respondent may file an answer to the complaint against him. Both complaints and answers shall be verified and may be reasonably and fairly amended at any time.

- B. Within thirty (30) days after receiving a complaint, the Commission shall investigate and determine if cause exists for the allegations made in the complaint. If the Commission finds cause for the complaint, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation and persuasion. The complaint shall be dismissed if the Commission finds no cause, and the complainant shall be notified of the Commission's actions.
- C. If conciliation efforts fail, the Commission shall promptly set a date for hearing of the matters alleged in the complaint and subsequent occurring related matters. A written notice, given at least ten (10) days prior to the hearing, shall be issued and served in the name of the Commission, together with a copy of the complaint, as it may have been amended by the complainant or by the Commission, requiring the respondent to answer the charges of the complaint at a hearing before the Commission, at a time and place to be specified in the notice. Hearings shall be conducted in a fair and impartial manner, and the Commission may promulgate rules of procedure should the need arise. The complainant and respondent may appear at the hearing with or without counsel and may present proof, examine witnesses and in all manners be fully heard. The Commission has the power reasonably and fairly to amend any complaint either prior to or during the hearing in accordance with facts developed by the investigation or adduced in evidence in the hearing, and the respondent has like power to amend his answer in the same manner. The testimony taken at the hearing shall be under oath.
- D. Within thirty (30) days after a hearing pursuant to this Section, the Commission shall make its determination. If a majority of the members of the Commission in attendance of the hearing do not find that a discriminatory act has occurred, the complaint shall be dismissed by the Commission. If a like majority finds that a discriminatory housing practice has occurred, the Commission shall certify the case to the City Prosecutor for appropriate action.

- E. Upon certification by the Commission, the City Prosecutor shall institute a charge in the Municipal Court against the alleged violator and shall prosecute same to a final conclusion.

#### Section 310.080 – Establishment of Fines for Violation

Any person who shall commit a discriminatory housing practice in violation of this Chapter shall, upon conviction thereof, be punished for each violation by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

#### Section 310.090 – 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 310.020, 310.030, and 310.040
  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 310.020 shall apply to:

1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
  - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
  - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period.
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

## **ZONING CODE**

### **Chapter 400**

#### **Section 400.010 - - Zoning Districts and Boundaries Established**

1. In order to classify, regulate and restrict the location of businesses, industries, residences and other land uses and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the City of Lakeshire is hereby divided into five (5) districts. The use, height, and area regulations are uniform in each class of district, and said districts shall be known as:  
  
    “A” Single Family District  
    “B” Single Family District  
    “E” Multiple Family District  
    “L” Local Business District  
    “M” Manufacturing and Light Industrial District
2. These districts and their boundaries are indicated and shown upon the District Map of the City of Lakeshire, which is made a part of this Chapter and marked “ZONING DISTRICT MAP OF THE CITY OF LAKESHIRE, MISSOURI.” The said map and all the notations, references and other matters shown thereon shall be as much a part of this Chapter as if the map, notations, references and other matters set forth by said map were all wholly described herein. The said map has been attested by the City Clerk of the City of Lakeshire, and signed by the Mayor.
3. All territory which may hereafter become a park of the City of Lakeshire, Missouri, shall automatically be classed as lying and being in the “A” Single Family District, until such classification shall be changed by an amendment to this Chapter as provided by law.
4. Whenever any street, alley or other public way or property is vacated, the zoning districts adjoining each side of such street, alley, or other public way or property shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
5. Except as hereinafter provided:

- A. No building shall be erected, maintained, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this Chapter for the district in which the building or land is located.
  - B. The minimum yards and other open spaces, including the intensity of use provisions contained in this Chapter for each and every building existing at the time of passage of this Chapter, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or intensity of use requirements for any other building.
  - C. Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one main building on one lot, except as provided in Section 400.060 of this Chapter.
6. Rules where uncertainty may arise. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made part of this Chapter the following rules apply:
- A. The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Chapter are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
  - B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Chapter are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
  - C. In subdivided property the district boundary lines on the map accompanying and made a part of this Chapter shall be determined by use of the scale appearing on the map.
7. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, morals, prosperity and general welfare. Wherever the regulations of this Chapter require a greater width or size of yards, courts or other open spaces or require a lower height of building or less number of stories or



require a greater percentage of lot to be left unoccupied or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other order or regulation, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of such other order, regulation, private deed restriction or private covenant is the more restrictive, then those requirements shall govern.

#### Section 400.020 - - “A” Single Family District Regulations

1. The regulations contained in this Section are the district regulations in the “A” Single Family District. These regulations are supplemented and qualified by additional general regulations contained elsewhere in this Chapter and are made a part of this Section by reference. All new streets in residential area leading into the City of Lakeshire from Tesson Ferry Road must have stone entrance typical in construction and conforming to the general plan of the stone entrances of Lakeshire Drive and Elise Drive. Provision must be made for land easement surrounding entrance to the City of Lakeshire. Streets at entrances must be tapered to contour of entrance walls and have curbing to highway line. Plans for entrances must be submitted in triplicate to City of Lakeshire for approval by Board of Alderman.
2. Use Regulations. Except as otherwise provided, business and industry are specifically prohibited, and a building or premises shall be used only for the following purposes:
  - A. Single Family Dwelling
3. Height Regulations. No building shall exceed one and one-half (1 ½) stories or twenty-two (22) feet in height.
  - A. Building Lines. Building lines shall be fifty (50) feet from street line with exceptions as noted in Sub-section D-(4). The extreme portion of front of building shall be set on building line and no portion of building, except porch slab, shall project past front of building line, except as expressly ordered by Board of Alderman.
4. Area Regulations
  - A. Front Yard

There shall be a front yard having a depth of not less than fifty (50) feet, unless forty (40) percent or more of the frontage on one side of the street

between two intersecting streets is improved with buildings that have observed a front yard line with a variation in depth of not more than ten (10) feet, in which case no building shall project beyond the average front yard so established. Front yards shall conform to minimum standard widths of streets and roads, and to future streets and high widenings according to the set-back lines herein provided for. Front yards shall be measured from proposed right-of-way lines where set-back lines are herein established, and, otherwise, from an actual or potential right-of-way line of fifty (50) foot wide road, street or highway.

Where lots have a double frontage a required front yard shall be provided for on both streets, except that the buildable width of such lot shall not be reduced to less than forty (40) feet, in which latter event the Board of Aldermen may waive this requirement as to the street which will least affect surrounding property values.

B. Side Yard

There shall be a side yard on each side of the building having a width of not less than eight (8) feet.

C. Rear Yard

There shall be a rear yard having a depth of not less than one hundred (100) feet or forth (40) percent of the depth of the lot, whichever is larger, but it need not exceed one hundred (100) feet.

D. Corner Lots

Regulations (B) and (C) do not apply. Special provision in regard to side and rear yards shall be by special permission of the Board of Aldermen.

5. Intensity of Use

Every lot or tract of land shall have an area of not less than sixteen thousand two hundred (16,200) square feet, except that if a lot or tract has less area than required, and was of record at the time of the passage of this Chapter, that lot or tract may be used for any of the uses permitted by this section, but in no instance shall there be a side yard of less than eight (8) feet.

6. No unattached building or any type shall be allowed except by permission of the Board of Aldermen.

## Section 400.030 - - “B” Single Family District Regulations

1. The regulations contained in this Section are for the District Regulations in the “B” Single Family District. These regulations are supplemented and qualified by general regulations contained elsewhere in this Chapter and are made a part of this Section by reference.

2. Use Regulations

Except as otherwise provided, business and industry are specifically prohibited, and a building or premises shall be used for the following purposes:

Single Family Dwelling

3. Height Regulations

No building shall exceed one and one-half (1 ½) stories or twenty-two (22) feet in height.

4. Area Regulations

- A. Front yard

There shall be a front yard having a depth of not less than thirty (30) feet. Front yards shall be measured from proposed right-of-way lines where setback lines are herein established, and otherwise from the actual or potential right-of-way line of a fifty (50) foot wide road, street or highway. Where lots have a double frontage a required front yard shall be provided for on both streets, except that the buildable width of such lot shall not be reduced to less than forty (40) feet, in which latter event the Building Commissioner may waive this requirement as to the street which will least affect surrounding property values.

- B. Side Yard

There shall be a side yard on each side of the building having a width of not less than six (6) feet.

- C. Rear Yard

There shall be a rear yard having a depth of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever is larger, but it need not exceed thirty-five (35) feet.

D. Lot Frontages

Lots must have a frontage of seventy (70) feet, except that on curves resulting in wider rear yards the frontage may be reduced provided that not more than fifteen percent (15%) of the lots in the subdivision may be so reduced.

5. Intensity of Use

A. Residential lots or tracts shall have areas of eighty-seven hundred fifty (8750) square feet, except that not more than ten percent (10%) of the lots in a subdivision may have an area of not less than seventy-five hundred (7500) square feet, provided that if a lot or tract has less area than required, and was of record at the time of the passage of this Chapter, that lot or tract may be used for any of the uses permitted by this Section, but in no instance shall there be a side yard of less than six (6) feet.

B. No unattached building of any type shall be allowed except by permission of the Board of Aldermen.

6. Off-Street Parking

Single Family residences must provide off-street parking.

7. Building Permit Regulations

A. Building permits in subdivisions created and approved after the adoption of this chapter shall not be issued until all subdivision improvements including the installation of paved streets, sewers approved by The Metropolitan St. Louis Sewer District, and electric, water, gas and telephone facilities have been provided; or, at the option of the Board of Aldermen, a bond or escrow agreement for the installation of such improvements and utilities or any of them is filed and approved by the Board of Aldermen.

B. No building permit shall issue in subdivision created and approved after the adoption of this chapter until sidewalks, when required by the Board of Aldermen, are installed or a bond or escrow deposit made to insure such installation.

- C. In all subdivisions created and approved after enactment of this Chapter, the owner shall ascertain from the Missouri Inspection Bureau the number of fire hydrants required in the subdivision and shall deposit with the Affton Fire Protection District a sum covering the first sixteen (16) months' rental for each of the hydrants required by the Bureau.

#### Section 400.040 - - "E" Multiple Family District Regulations

1. The regulations contained in this Section are for the District Regulations in the "E" Multiple Family District. These regulations are supplemented and qualified by general regulations contained elsewhere in this Chapter and are made a part of this Section by reference.

2. Use Regulations

Except as otherwise provided, business and industry are specifically prohibited, and a building or premises shall be used for the following purposes:

- A. Single family dwellings
- B. Two (2) family flats
- C. Four (4) family flats
- D. Two (2) four (4) family flats on at least two (2) lots may be joined with a fire wall between the two (2) four (4) family sections, or may be located on one (1) lot having a minimum of thirteen thousand seven hundred fifty (13,75) square feet.
- E. Parks and playgrounds

3. Height Regulations

- A. No single family building shall exceed two and one-half (2 ½) stories or thirty feet in height.
- B. No single or double flat shall exceed two (2) stories or thirty (30) feet in height.

4. Area and Yard Requirements - Intensity of Use

- A. Detached single family dwellings shall be situated on lots of at least seventy-five hundred (7500) square feet in area.

- B. Two (2) family dwellings shall be situated on lots of at least seventy-five hundred (7500) square feet in area.
- C. Four (4) family flats shall be situated on tracts of land of at least seventy-five hundred (7500) feet in area.
- D. Two (2) attached four (4) family flats with a fire wall between each four (4) family section shall be located on a lot or lots containing at least thirteen thousand seven hundred fifty (13,750) square feet.

5. Yard Regulations

A. Front Yard

Buildings must be thirty (30) feet back from the street right-of-way line.

B. Side Yard

There shall be a side yard of at least six (6) feet on each side of a flat or single family dwelling, excepting that where two (2) four (4) family dwellings are joined on two (2) lots no side yard shall be required on the side of the common boundary between the lots.

At least one (1) side of a lot on which a multiple dwelling is located must be sufficiently wide to permit a driveway for rear parking.

C. Rear Yard

There shall be a rear yard having a depth of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever is larger.

D. Lot Frontage

Lots containing less than seventy-five hundred (7500) square feet must have a street frontage of at least fifty-five (55) feet.

Lots containing seventy-five hundred (7500) square feet or more must have a street frontage of at least sixty (60) feet.

Two (2) adjoining four (4) family flats located on two (2) lots must be on a tract having a street frontage of at least one hundred ten (110) feet.

6. Signs

All signs are prohibited in this District except by special permit from the Board of Alderman.

7. Off-Street Parking

- A. All single family dwellings shall provide off-street garages or carports.
- B. All multiple dwellings shall provide off-street parking areas for all tenants and occupants at the rate of one and one-half (1 ½) parking space for each dwelling unit.

8. Building Permit Regulations

- A. Building permits in subdivisions created and approved after the adoption of this Chapter shall not be issued until all subdivisions improvements including the installation of paved streets, sewers approved by The Metropolitan St. Louis Sewer District, and electric, water, gas, and telephone facilities have been provided; or, at the option of the Board of Aldermen, a bond or escrow agreement for the installation of such improvements and utilities or any of them is filed and approved by the Board of Aldermen.
- B. No building permit shall issue in subdivisions created and approved after the adoption of this Chapter until sidewalks, when required by the Board of Aldermen, are installed or a bond or escrow deposit made to insure such installation.
- C. In all subdivisions created and approved after enactment of this Chapter, the owner shall ascertain from the Missouri Inspection Bureau the number of fire hydrants required in the subdivision and shall deposit with the Affton Fire Protection District a sum covering the first sixteen (16) months' rental for each of the hydrants required by the Bureau.
- D. Lots created after the adoption of the Chapter establishing the "E" Multiple Family District and having an area of less than seventy-five hundred (7500) square feet, must be combined with another tract to bring the minimum area to seventy-five hundred (7500) square feet before a building permit may issue for single family residences or two (2) or four (4) family flats; and must be combined with other tracts creating a total of at least thirteen thousand seven hundred fifty (13,750) square feet before a

building permit may issue for the construction of two (2) adjoining four (4) family flats.

Section 400.050 - - “L” Local Business District

1. The regulations contained in this Section are the district regulations in the “L” Local Business District. These regulations are supplemented and qualified by additional general regulations contained elsewhere in this Chapter, and are made part of this Section by reference.
2. Use Regulations

A building or premises shall be used only for the following purposes:

- A. Any use permitted in Single Family Districts with the same area, side and rear yard limitations.
- B. Local retail businesses, such as:
  - Antique Shops
  - Appliance Shops
  - Bakeries
  - Clothing Shops
  - Delicatessens
  - Dry Good Stores
  - Gift and Novelty Shops
  - Grocery Stores and Super Markets
  - Hardware Stores
  - Ice Cream Parlors
  - Restaurants and Other Eating Places
  - Retail Gasoline Filling Stations with below ground tanks
  - And other similar small retail stores
- C.
  - Auto Laundries
  - Automobile Sales Rooms
  - Banks
  - Battery and Tire Service Stations
  - Beauty Parlors and Barber Shops
  - Blue Printing, Photostating and similar duplicating
  - Light Repair Shops
  - Launderettes
  - Painting and Decorating Shops
  - Plumbing Shops



Real Estate, Professional and other offices  
Tailoring and Dressmaking Shops  
And other similar small business enterprises and offices

- D. Churches, schools, libraries, provided sufficient off-street parking as determined by the Board of Aldermen shall be provided.

- E. The following businesses, by special permit from the Board of Aldermen:

Automobile Repair Shops  
Dyeing and Cleaning Establishments  
Laundries  
Light Machine or Assembly Shops  
Storage Garages

And other similar small business enterprises and offices, provided however, that the businesses designated in Sub-section 5 and those similar thereto shall only be conducted under special permit from the Board of Aldermen under such conditions and restrictions as may be necessary to insure that the operation of the business or enterprise shall create no noise, dirt, smoke or dangerous, unsightly or other undesirable conditions or traffic congestion in the immediate area, and if in the judgment of the Board the business will not adversely affect nearby residential areas.

- F. Retail and service establishments similar to others listed in this section; provided that enterprise determined by the Board of Aldermen to be similar to those described in Sub-section (5) above shall only be authorized by special permit from the Board of Aldermen, and the Board of Aldermen shall be the sole and final judgment as to whether such enterprise would adversely affect the community.

- G. Special provisions:

Any building used primarily for any of the above enumerated purposes may have not more than forty (40) percent of the floor area devoted to industry or storage purposes incidental to such primary use.

All automobile repairs and servicing must be done within the inside of the building and repair shops and must be at least twenty (20) feet behind the front wall of the building. All businesses authorized under this Section or by any special permit hereafter granted must provide off-street parking sufficient to accommodate all customers, employees and visitors at peak

business hours. Signs can be erected only by special permit from the Board of Aldermen.

3. Height Regulations

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

4. Area Regulations

A. Front Yard

There shall be a front yard having a depth of not less than thirty (30) feet, unless forty (40) percent or more of the frontage on the same side of the street between two intersecting streets is improved with building that have observed a front yard line having a variation in depth of not more than six (6) feet in which case no building shall project beyond the average front yard so established. Front yards shall conform to minimum standard widths of streets, and roads and to future street and highway widenings according to the set-back lines where set-back lines are herein established, and otherwise from an actual or potential right-of-way of fifty (50) foot wide road, street, or highway.

Where a lot is located at the intersection of two (2) or more streets, the front yard requirements shall apply to each street, except that the buildable width of the lot shall be reduced to less than thirty (30) feet in which latter event the Building Commissioner may waive this requirement. No accessory building shall project beyond the front yard line of each street.

B. Side Yard

There shall be a side yard on each side of the building having a width of not less than six (6) feet. In all other cases a side yard is not required except on the side of the lot adjoining a residential or vacant piece of property in which case there shall be a side yard of not less than six (6) feet.

C. Rear Yard

There shall be a rear yard having a depth of not less than twenty-five (25) feet, except that in the case of the lot of one-hundred twenty-five (125) feet in depth, and was of record at the time of the passage of this Chapter, the rear yard need not exceed twenty (20) percent of the depth of the lot.

1. The regulations contained in this Section are the district regulations in the “M” Manufacturing and Light Industrial District. These regulations are supplemented and qualified by additional general regulations contained elsewhere in this Chapter and are made part of this Section by reference.

2. Use Regulations

A building and premises shall be used only for the following purposes:

- A. Any use permitted in the Residential Districts.
- B. Any use permitted in the “L” Business District.
- C. Light assembly work; machine shops, doing light cutting, stamping, shaping, or assembling; storage plants; lumber yards; distributing stations; warehouses; woodworking stops or plants; and the processing, under roof, of non-offensive materials, such as textiles, wood and similar or other materials involving no explosive materials and no noise, odor, dust, gas, dirt, smoke or danger to the community, which will or might create offensive or dangerous or unhealthful conditions to adjacent or near residential areas within or without the City limits.

3. Limitations

No use shall be permitted which involves explosive materials, furnaces, kilns, cooking of industrial materials causing smoke, fumes, or gas, heavy presses or cutters, or other machinery which causes or can cause noise or vibration apparent or noticeable outside of the building. All operations must be conducted indoors so far as possible. No steam or diesel operated equipment shall be permitted in regular use about the premises. Lumber yards, cabinet shops and other establishments sawing or planing wood must be done in an enclosed area under roof to keep noise down. Heavy machinery which is properly cushioned and other equipment provided with sufficient safeguards, traps and washing devices also electric precipitators to prevent objectionable conditions may be authorized by the Board of Aldermen after inquiry and determination that they do not violate the general purposes of this Chapter, which are to maintain conditions in the “M” Manufacturing and Light Industrial Zone which are compatible with nearby residential areas. All flammable materials when not in use must be stored in an approved fireproof storage vault.

4. Buffer Zone

That portion of the “M” Manufacturing and Light Industrial District adjoining the “A” Single Family District and fronting on Tesson Road to a depth of one hundred (100) feet as shown on the Zoning Map in purple with diagonal black lines, shall be a Buffer Zone between the Residential and Manufacturing District and may be used only for landscaping, roadways, and walks, or by special permit from the Board of Aldermen small accessory buildings may be located thereon, if in the judgment of the Board of Aldermen they will not adversely affect the residential districts of the City. In the event however, any portion of the Buffer Zone is hereafter included in any residential subdivision, the restrictions against buildings shall not apply to residences on lots in subdivisions approved in accordance with the ordinances of this City.

5. Premises

Commercial and light industrial premises and all structures thereon must be kept clean, orderly and neat appearing at all times. The grounds must be landscaped and planted on the side facing the principal street. Materials must be stored and kept in buildings, except in those activities, such as lumber yards, where it is wholly impractical.

6. Fences

Heavy gauge wire mesh fences of a type to be approved by the Building Commissioner must surround all manufacturing and light industrial plants where any activities which might be dangerous to persons upon the premises are involved; but this Section shall not be construed to require fences around offices, yards, and other portions of plant premises which are not hazardous.

7. Parking

Sufficient off-street parking must be provided to meet the needs of all visitors, customers and employees at peak hours and shall be located by agreement between the Building Commissioner and the owner. If no agreement can be reached the Board of Aldermen shall be the final judge of the matter.

8. Purpose

The purpose of these regulations is to prevent offensive conditions, rather than to unduly hamper or restrict business enterprises and, consequently, no attempt is made to include a complete list of particular businesses which shall be barred or which shall be permitted, the Board of Aldermen realizing that almost any type of

business may be conducted in such a manner as to be objectionable to nearby residential areas, while on the other hand, businesses which might approach the nature of heavy industry can be permitted in the commercial and light industrial zone under proper safeguards which will create no unfavorable conditions. Those businesses which are objectionable per se, not only because of operations carried on within the plan but because of conditions created through the delivery and storage of certain materials and commodities, such as: auto wrecking and salvage yards; junk yards, glue factories; fat and animal rendering plants; slaughter houses and plans handling garbage, offal or animals, are to be expressly barred under all circumstances and conditions. The same prohibition applies under all circumstances and condition. The same prohibition applies to all heavy operations, such as: heavy foundries; boiler works; packing plants; rendering of ores; rolling mills; blasting furnaces; coke ovens, refining; quarries; rock crushing, and similar activities; and likewise; treatment, storage and handling of explosives or of other dangerous materials; acids and chemicals, which create fumes; fertilizer plants, and similar materials. This list is not intended to be complete but is included to indicate by name the type of activities which shall be barred, leaving considerable latitude to the Board of Aldermen in granting permits for enterprises which can be conducted close to a residential area without detriment to the inhabitants of the City.

## 9. General

The uses of buildings and premises are expressly limited to light manufacturing and assembly work which will not be objectionable in the vicinity of residential districts and which create no noises or disturbances affecting the quiet and peaceful enjoyment of homes in the vicinity. Acoustical materials shall be used in the construction of buildings so far as necessary and practical. Grounds of buildings must be kept as attractive appearing as possible. If any construction permit shall be granted for erection of a commercial or light industrial building, the owner or builder shall file with the Building Commissioner a complete set of plans and make preliminary application for an occupancy permit, setting forth in detail the nature of the proposed operations. If in the opinion of the Building Commissioner the proposed uses will be in violation of this Section, he shall refuse to recommend a construction permit. The applicant may within thirty (30) days after rejection by the Building Commissioner appeal to the Board of Aldermen. If he fails to do so his application shall expire and be of no further effect. Before the premises are actually occupied a final occupancy permit shall be applied for and if the proposed use appears to the Building Commissioner to be in violation of this Section, he shall refuse the occupancy permit and the applicant may within thirty (30) days after rejection by the Building commissioner appeal to the Board of Aldermen, and if he fails to do so his application shall expire and be

of no further effect. If an appeal is taken to the Board of Aldermen and is denied by the Board of Aldermen, the applicant may within thirty (30) days institute such proceedings in the Circuit Court of St. Louis County to review the decision of the Board of Aldermen, as may be proper. In the event of failure to take such action within the said period, his application for a construction or occupancy permit shall expire and he shall be in the same position as if no application had been made.

10. Permits

The Building Commissioner shall not issue permits for construction of buildings and other structures in the “M” Manufacturing and Light Industrial District, but application for building and occupancy permits shall be made to him, accompanied by plats showing the location of the proposed structure on the tract in question, with detailed plans and specifications to show the nature of the construction. The application for an occupancy permit shall give detailed information as to the nature of the business to be carried on. The building Commissioner shall promptly refer the application with the plat and plans to the Board of Aldermen with his recommendations therefore. The board of Aldermen shall require the applicant to appear personally for a hearing, and may direct, as a condition to issuance of the permit, such changes in the plans and specifications as may be necessary to eliminate any noise, dust, dirt, gas or smoke so far as practical and shall be order direct the Building Commissioner to issue or refuse a permit.

11. Violations

If any business activities in the “F” Commercial and Light Industrial District become objectionable at any time by reason of noise, dirt, dust, gas or smoke, condition of grounds or premises, or otherwise, so as to create objectionable conditions, the Zoning Enforcement Officer shall serve notice, in writing of the matters objected to and set a hearing within ten (10) days of service of such notice, on any person employed on or in charge of said premises, and if not corrected by the date of the hearing or within such time thereafter not exceeding thirty (30) days as the Zoning Enforcement Officer may allow continuance of such business or activities thereafter, shall constitute a violation of this Chapter and shall be unlawful and the City may institute any appropriate remedy to cause a discontinuance of the objectionable conditions. Appeals may be taken by either side to the Board of Aldermen within ten (10) days by written notice served on the other party and a copy filed with the City Clerk, and if not appealed from within such time shall be final and binding. The Board of Aldermen shall promptly set an appeal hearing and make such orders in the premises as may be necessary in its judgment to assure the enforcement of the intent and purpose of this Chapter and

protect the welfare of the City and its inhabitants. Any person aggrieved by the decision of the Board of Aldermen may take any appropriate action for review in the Circuit Court of St. Louis County within thirty (30) days after receiving written notice of the decision of the Board of Aldermen. In the event of failure to appeal within such time, the decision of the Board of Aldermen shall be final and conclusive.

12. Height Regulations

No building shall exceed three (3) stories or forty-five (45) feet in height.

13. Area Regulations

A. Front Yard

There shall be a front yard having a depth of not less than thirty (30) feet, unless forty (40) percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than six (6) feet in which case no building shall project beyond the average front yard so established. Front yards shall conform to minimum standard widths of streets and roads, and to future street and highway widenings according to the set-back lines herein provided for. Front yards shall be measured from proposed right-of-way lines where set-back lines are herein established, and otherwise from an actual or potential right-of-way of fifty (50) feet wide road, street, or highway.

Where a lot is located at the intersection of two (2) or more streets, the front yard requirements shall apply to each street, except that the buildable width of the lot shall not be reduced to less than thirty (30) feet in which latter event the Building Commissioner may waive this requirement to the street which will least affect other property value. No accessory building shall project beyond the front yard line of each street.

B. Side Yard

Except as hereinafter provided in Chapter 400, there shall be a side yard on each side of the building having a width of not less than six (6) feet. In all other cases a side yard is not required except on the side of the lot adjoining a residential or vacant piece of property in which case there shall be a side yard of not less than five (5) feet.

C. Rear Yard

No rear yard shall be required except where the property abuts on a residential district, in which case there shall be a rear yard of not less than that provided for in the “L” Local Business District.

D. No building may encroach in any manner upon the Buffer Zone established by this Article and no other building may be located thereon without special permit from the Board of aldermen.

14. Intensity of Use

Where a lot is improved with a dwelling or where living facilities are erected above stores or in conjunction with stores or other commercial uses, the intensity of use shall be the same as that in the “A” Single Family District.

Section 400.070 - - Additional Use, Height and Area Regulations

1. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height, upon approval of the Board of Aldermen.

2. No accessory building shall be constructed upon a lot until the construction of the main building has been commenced, and no accessory building shall be used for dwelling purposes; but such accessory building may be temporarily used for storage purposes.

3. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches. Fences which are permissible under other ordinances may be erected, excepting on that portion of lots within thirty (30) feet of the intersection of two or more streets.

4. Open or lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers may project into a yard not more than five (5) feet, and the ordinary projections of chimneys and flues are permitted.

5. An open unenclosed or screened porch, or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.



6. More than one (1) industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings nor shall there be any change in the intensity of use requirements.

7. No accessory building shall be used for dwelling purposes.

#### Section 400.080 - - Set-Back and Building Lines

1. In order to provide adequate light, air, and open space in conformity with buildings now in existence, and those erected in conformity with the order of the St. Louis County establishing Building and Set-Back Lines along major highways, those set-back lines in effect in the City of Lakeshire under the aforesaid order, shall be observed as hereinafter set forth.

2. The set-back lines herein referred to are measured from the center line of the highways designated herein.

3. Except as herein provided, no building or structure shall be erected, reconstructed, or structurally altered in such a manner that any portion of the building shall project into the area between the center line of the highway and the set-back lines established by this Chapter.

4. The lawful use of any building, except advertising signs and billboards, all or part of which may be in violation of this Chapter, may be continued; provided that no structural alterations shall thereafter be made on that portion of the non-conforming building between the set-back lines and the center line of the highway. New buildings to replace destroyed or removed non-conforming buildings shall conform to the provisions of this Section.

5. The foregoing regulations shall be subject to the following exceptions:

A. The ordinary projection of sills, cornices, eaves, canopies, attached signs, and ornamental features of a building into the area between the boundary of the highway and the building line may be permitted for a distance not to exceed five (5) feet.

B. Open, unenclosed porches, awnings and canopies containing no signs or advertising, and paved terraces may project beyond the building lines established by this Chapter for a distance not to exceed ten (10) feet.

C. Bulletin boards and signs not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises or products grown or raised on the premises shall be permitted within the area between the building and set-back line and the right-of-way of the highway.

D. Poles, wires, pipes, water hydrants and other similar utilities and necessary appurtenances may be erected, repaired and maintained within the area between the building and set-back lines and the center of the highway.

E. Pumps and other necessary mechanical devices, (but not advertising signs) connected with any lawful structures may be authorized by special permit from the Board of Aldermen.

F. Roadside stands, and other legal, authorized, temporary structures may be erected, by special permit from the Board of Aldermen, to be removed within a period of one (1) year, or such other time as the permit may stipulate.

G. Where the owner of the premises and holder of encumbrances thereon agree in writing properly acknowledged for recording, that they will waive all damages that may result from the taking, destruction or removal of the building for street purposes, the Board of Aldermen may, to avoid hardship or to closer conform to existing buildings nearby and for other special reasons permit some encroachment within the set-back lines by special permit, if the location of the building will not interfere with proper and adequate light, air and visibility of nearby buildings and streets.

6. On Tesson Ferry Road the proposed width is eight (80) feet and the set-back line is seventy (70) feet from the present center line of said road.

#### Section 400.090 - - Non-Conforming Uses and Special Permits

1. The lawful use of land for advertising signs and bulletin boards which do not conform to the provisions of this Chapter shall be discontinued within one (1) year from the date of the approval of this Chapter, and the use of land for signs and bulletin boards which become non-conforming by reason of a subsequent change in this Chapter shall also be discontinued within one (1) year from the date of the change.

2. The lawful use of a building existing at the time of the effective date of this Chapter may be continued although such use does not conform to the provisions hereof. A non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

3. Whenever the use of a building becomes non-conforming through a change in the Zoning chapter or district boundaries, such use may be continue as provided in Section 400.010 of this Chapter.

4. In the event that a non-conforming use of any building or premises is discontinued, or its normal operation stopped, for a period of one (1) years from the date of this Chapter, or after its adoption, the use of the same shall thereafter conform to the use permitted in the district in which it is located.

5. No non-conforming building or use shall be enlarged, extended, reconstructed or structurally altered, except as may be required by law, unless such use is changed to a use permitted in the district in which such building or premises is located.

6. When a building, the use of which does not conform to the provisions of this Chapter, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building is located, unless the Board of Adjustment in order to prevent hardships, or for other lawful reasons, by special permit grants continuance of the non-conforming use.

A non-conforming use may be changed to one of a similar or higher classification, but when a non-conforming use has been changed to a more restricted use it shall not again be changed to a less restricted use.

7. The Board of Aldermen may by special permit authorize under such conditions as it may determine, the location of any of the following buildings or uses or an increase in height of buildings in a district from which they are prohibited or limited by this Chapter:

A. In the “A” and “B” Single Family District and the “E” Multi Family District.

(a) Home occupations.

(b) After public hearing the Board of Aldermen may authorize any other use or variation in the “A” and “B” Single Family District and the “E” Multi District which is in keeping with the residential character of the area.

B. In the “L” Local Business District:

(a) Advertising signs.

(b) Community building or temporary housing programs conducted and supervised by the City, or recreation fields.

(c) Parking lots by special permission of the Board of Aldermen.

(d) Temporary and seasonal uses, including roadside stands and recreational and amusement uses.

(e) Private clubs and lodges.

(f) Special permits may be granted, after public hearings, for the conduct of any business or light industry in conformity with the general nature of the specified authorized business or light industry in those districts, provided they are not noxious or offensive by reason of the omission of odor, dust, smoke, gas or noise.

(g) Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions, provided that they comply with the regulations in Section 400.200 et seq.

C. In the “M” Manufacturing and Light Industrial District:

(a) Any local business, commercial or light manufacturing or light industrial or similar use which in the judgment of the Board of Aldermen will not adversely affect the welfare of the City or its inhabitants or property values in the City and adjacent thereto, and which do not specifically violate the express purposes of and uses permitted by this Chapter.

(b) Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions, provided that they comply with the regulations in Section 400.200 et seq.

8. When public hearings are required under this Section, the Board of Aldermen shall refer the matter to the Zoning Commission which shall conduct the hearing. At least three (3) notices must be posted in public places in the City, one of them upon or near the property to be affected, and as conspicuously as possible, the notices to be posted at least ten (10) days before the date of the hearing. After the hearing, the Zoning Commission shall make a written report to the Board of Aldermen recommending approval or denial of the special permit, and the Board of Aldermen shall take such report into consideration in granting or refusing the permit; and if the permit is granted or denied contrary to the recommendation of the Zoning Commission it must be read three (3) times before being voted upon, as in the case of an ordinance.

9. Other Uses

The Board of Aldermen by special permit and after public hearing may authorize any use in a given district not herein specifically provided for which is in conformity with the general purpose and intent of this Chapter and in keeping with the existing uses in said community, and shall not create any noxious or offensive condition by reason or the omission of odor, dust, smoke, gas or noise or by reason of the height, area of use or appearance of the premises or structure.

10. Structural alterations of non-conforming buildings or small additions thereto may be authorized by special permit when the non-conforming use will not be substantially increased within the judgment of the Board of Aldermen, the alterations or additions will tend to improve conditions in the neighborhood, decrease noise or other objectionable features, remove unsightly material or conditions from view.

Section 400.100 - - Building Permits

1. No building shall, hereafter, be erected, reconstructed or structurally altered nor shall any work be started upon such buildings until a construction permit has been issued by the Building Commissioner, which permit shall state that the proposed building complies with all the provisions of this Chapter and the provision of Section 520.010 of the Lakeshire Municipal Code.

2. No land shall be occupied or used and no buildings hereafter erected shall be occupied or used in whole or in part for any purposes whatsoever until an occupancy permit has been issued by the Building Commissioner, stating that the building and use comply with the provisions of this Chapter and the Housing Code. The use of any building or part thereof, now or hereafter erected, shall not be changed, except for single family dwelling purposes (or for a purpose less restricted) than that heretofore existing, without an occupancy permit. No building permit shall be issued to make a change unless such changes are in conformity with the provisions of this Chapter or less restricted than the previous use.

3. In applying for a building permit, the applicant shall coincidentally make a preliminary application for an occupancy permit, giving full details as to the proposed use of the building. Upon completion and approval of the building, the applicant shall make final application for an occupancy permit. A record of all construction and occupancy permits shall be kept on file in the Office of the Enforcement Officer.

4. The fee for construction permit shall be in accordance with the provisions of the Building Code of the City of Lakeshire.

5. Each application for a construction permit and for an occupancy permit for the use of land shall be accompanied by a plat, in quadruplicate, the original and three (3) copies, drawn to scale, showing the actual dimensions of the lot to be built upon or used, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this Chapter. A record of applications and plats shall be kept in the Office of the Enforcement Officer.

A. All residential plans must be prepared by a competent draftsman, showing in scaled detail, floor plans, completely dimensioned, elevations, from all sides, wall sections, construction details and plot plan. Said drawings may be either inked on paper, blue prints or ozalid prints and must be submitted in triplicate.

B. All commercial and industrial plans must be complete in all detail, including structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data to be filed. All plans and computations shall bear the seal of a registered engineer or architect responsible for the design.

6. Every building permit issued shall be valid for a period of six (6) months or such lesser period as shall be determined upon reasonable cause by the Building Commissioner. If the permit is valid for less than six (6) months, the lesser limit shall be specifically stated on the permit. If the building covered by the permit cannot be completed within the six month period due to weather or other difficulties which are not the fault of the permit holder, then upon written request by the holder, the permit may be extended by the Building Commissioner for up to two (2) additional sixty (60) day periods. If the building permit expires prior to the completion of the building, then the applicant must reapply for a new building permit.

#### Section 400.110 - - Amendments

1. The Board of Aldermen may amend, supplement, change, modify or repeal this Chapter after public hearing in relation thereof at which parties interested and citizens shall have an opportunity to be heard; provided that such public hearing shall not be required in the case of amendments affecting the duties, title, authority and office of persons charged with the enforcement of this Chapter, and having to do with the administration thereof, as distinguished from the use of land and premises. At least fifteen (15) days notice of the time and place of such hearing shall be published in a paper of general circulation in the City.

2. In case of a protest signed and acknowledged by the owners of ten (10) percent or more either of the area of the land (exclusive of streets and alleys) included in such proposed change or within the area determined by lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the district proposed to be changed, such amendment or change shall not become effective unless approved by three-fourths (3/4) of all the members of the Board of Aldermen.

3. Any owner of a property or person contracting to buy property or other person having a substantial interest in the subject of a proposed amendment to this Chapter, may file an application with the Zoning Commission for a public hearing on the question of amending this Chapter, to be stated in the written application. Thereupon the Zoning Commission shall publish notice of the hearing in a newspaper of general circulation in the City, giving at least fifteen (15) days notice. The application herein provided for should technically be addressed to the Board of Aldermen, but any application substantially indicating the reason of the applicant to have the Zoning amended in any certain particular shall be deemed sufficient.

4. The hearing provided for in the preceding Section shall be held before the Zoning Commission which shall, after due consideration, make its report to the Board of Aldermen recommending either denial or approval or approval with modification of the change of zoning for which application was made.

5. The Zoning Commission shall make its report to the Board of Aldermen as soon as possible and in any event not later than thirty (30) days after the hearing. If the report recommends approval or approval with modification of the proposed amendment, the Board of Aldermen may proceed without any further notice or hearing to introduce, consider or pass an ordinance with relation to the change of zoning considered at the public hearing before the Zoning Commission, and shall not be bound by the application or by the recommendations of the Zoning Commission as to the terms of the amendments, and may modify or vary them as they appear to the best interests of the City and its residents. If the Board of Aldermen approves a change of zoning after recommendation of denial by the Board of Zone Commission, the ordinance affecting such change shall require a two-third (2/3) vote upon final passage.

6. If, after a public hearing, the Zoning Commission recommends denial of an application for a change of zoning, the applicant may appeal to the Board of Aldermen for a hearing, and the Board of Aldermen shall accept the matter as promptly as circumstances permit and shall cause notice by mail to be sent to representative persons appearing in the matter in opposition to the proposed change. Such notices shall be mailed at least three (3) days before the date of the hearing.

7. The mayor or the Board of Aldermen, by resolution, may refer to the Zoning Commission for public hearing any amendment to the Zoning Chapter relating to specific matters or to general provisions of the Chapter which, in the judgment of the mayor or the Board of Aldermen are advisable or to the best interests of the City and its residents. When matters are referred to the Zoning Commission in this manner, it shall proceed to hold a public hearing just as though an application had been made by an owner or person under contract to buy or other interested party. Matters referred to the Zoning Commission for hearing by the Mayor or Board of Aldermen shall require no cost or expense deposit.

8. The Board of Aldermen may also refer the provisions of a proposed ordinance amending the Zoning Chapter to the Zoning Commission for public hearing. In such cases, the Zoning Commission in making its report after public hearings, shall indicate any suggestions it may have as to modification of the proposed ordinance.



Section 400.130 - - Enforcement, Violations, and Penalties

1. It shall be the duty of the Zoning Enforcement Officer to enforce this Chapter.
2. In the event of the violation of this Chapter in any manner whatsoever, the Enforcement Officer or the City of Lakeshire or any interested person may institute appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use of buildings or premises in order to restrain, correct, or abate such violation or to prevent the occupancy of said building or land, or to prevent any illegal act, conduct, business or use in violation of this Chapter.
3. Any person violating any of the provision of this Chapter shall be guilty of a violation, punishable by a fine of not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than sixty (60) days, or by both such fine and imprisonment, and if any violation continue after lawful notice of the police or other officials of the City to abate the violation or desist in the unlawful or improper acts or use, each day that is shall continue after such notice shall constitute a separate offense.

Section 400.140 - - Zoning Commission

1. There is hereby created in the City of Lakeshire, a Zoning Commission, to consist of five members; one of whom shall be the Mayor; one of whom may be a member of the Board of Aldermen, to be appointed by the Board of Aldermen; and three of whom shall be citizens of the City, qualified by knowledge and experience to act on questions pertaining to the development of a city plan. The members shall be appointed by the Mayor with the approval of a majority of the Board of Aldermen, for a term of two years commencing on the first day of May and ending on the thirtieth day of April each even numbered year.
2. The Commission may elect such officers as it deems necessary, and adopt rules of procedure.
3. The Commission shall make annual reports to the Mayor and Board of Aldermen, covering their investigations, hearings, transactions and recommendations and such other reports and recommendations relative thereto as it may deem proper. The Commission shall employ a planner, engineer, clerk and other persons as may be authorized by the Board of Aldermen, which shall fix

their salaries and the expenses of the Commission by proper appropriations or ordinance.

4. The Zoning Commission shall consider all proposals to amend or change the Zoning Chapter, the granting of exceptions, variations, and the questions of granting or refusing special permits, which may be referred to it by the Board of Aldermen, and shall report to the Board, in writing, its recommendations thereon, stating the reason therefore; and the Commission shall perform all other duties provided by law or ordinance.

5. It shall be the duty of the Members of the Commission to consult with the County Officials and officials of other cities in order to coordinate and harmonize the development and planning of the respective communities, and to familiarize themselves and the procedure and methods of the zoning boards and officials in other jurisdictions.

6. The building commissioner shall be the enforcement officer of the zoning regulations, when adopted.

7. The Zoning Commission shall have all of the powers and perform the duties imposed upon it by statute, and it shall proceed in accordance with the provisions thereof. It shall have power to make and enforce rules of procedure and perform all duties delegated to it by ordinance.

#### Section 400.150 - - Board of Adjustment

1. There is hereby created a Board of Adjustment. Such Board shall consist of five members, who shall be freeholders appointed by the Mayor with the consent of a majority of the Board of Aldermen. The Members of the first Board shall serve respectively: 1 for 1 year; 1 for 2 years; 1 for 3 years; 1 for 4 years and 1 for 5 years. Thereafter, Members shall be appointed for terms of 5 years each.

2. The Board shall exercise all of the powers provided by the statute and all other powers delegated to it by the ordinances of this City.

3. The Board of Adjustment shall have power to make and enforce rules of procedure within the limits fixed by the ordinances of this City.

4. The Board of Adjustment shall have authority to hear proceedings initiated before it originally to vary the application of the Zoning Code in specific cases to avoid hardships or where there are practical difficulties in carrying out the strict

Zoning Code of the City, even though no ruling or decision thereon has been made by an administrative officer or board.

Hearings may also be held on any matter pertaining to the Zoning Code referred to the Board of Adjustment by the Board of Aldermen, and hearings may be held hereunder to consider applications for exceptions, variations or modification in cases where the provisions of the Zoning Code have been inadvertently or unavoidably violated.

5. The Board of Adjustment shall organize as soon as it is appointed, and shall adopt by-laws and rules of procedure and perform such other duties as may be directed by order, resolution or ordinances of the Board of Aldermen.

6. Members of the Board of Adjustment shall be removable for cause by the Board of Aldermen upon written charges and after public hearing as specified in the charge.

7. Vacancies shall be filled by the Mayor with the approval of the Board of Aldermen for any unexpired term. The Board shall elect its own Chairman, who shall serve for one (1) years.

8. The word “APPEALS” as applied to the Board of Adjustment shall be construed to mean any original application to the Board of Adjustment for any variation, modification or relief from the strict terms of the Zoning Code without the previous ruling of any other Board, officer of agency of the City. In the event an appeal is taken from the ruling of an officer, board of other agency of the City, it must be within a reasonable time to be determined by the rules and regulations of the Board.

9. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to permit any variation or departure from the Zoning Chapter.

10. Appeals from the Board of Adjustment may be reviewed by the Circuit Court as provided by law.

11. In the event no Board of Adjustment has been appointed, the Board of Aldermen by a majority of its members may elect to act as the Board of Adjustment subject to the rules and regulations heretofore set out for the Board of Adjustment in this Zoning Code. Appeals from the Board of Aldermen acting as the Board of Adjustment shall be to the Circuit Court of St. Louis County

## Section 400.155 - - Flood Plain Management Regulation

The flood plain management regulations within the City of Lakeshire shall be as per the attached Exhibit A.

## Section 400.200 – Wireless Telecommunications Facilities

This Section shall be known and may be cited as the "Wireless Telecommunications Facilities" of the City of Lakeshire, Missouri.

### 1. Definitions.

In the following list of terms, the definitions provided shall be used throughout this Chapter:

**“Accessory equipment”** shall mean any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

**“Antenna”** shall mean communications equipment that transmits or receives electromagnetic radio signals used in the provisions of any type of wireless communications services, excluding amateur antennas.

**“Applicant”** shall mean any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application.

**“Application”** shall mean a request submitted by an applicant to the City to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure.

**“Appurtenance”** shall mean an antenna or other piece of related equipment affixed to a transmission tower, building, silo, smokestack, light or utility pole, or an alternative support structure.

**“Building permit”** shall mean a permit issued by the City prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant satisfies the applicable building code.

**“Collocation”** shall mean the placement or installation of a new wireless facility

on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

**“Director”** shall mean the Building Commissioner of the City of Lakeshire, Missouri, or his/her designee.

**“Disguised Support Structure”** shall mean any freestanding, manmade structure designed for the support of wireless facilities, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include but are not limited to clock towers, campaniles, observation towers, pylon sign structures, water towers, artificial trees, flag poles and light standards.

**“Electrical transmission tower”** shall mean an electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

**“Equipment compound”** shall mean an area surrounding or near a wireless support structure within which are located wireless facilities.

**“Existing structure”** shall mean a structure that exists at the time a request to place wireless facilities on a structure is filed with an authority. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with applicable building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.

**“FAA”** shall mean the Federal Aviation Administration.

**“FCC”** shall mean the Federal Communications Commission.

**“Height”** shall mean the vertical distance measured from the base of a structure at ground level to its highest point, including the main structure and all attachments thereto.

**“Standard Outdoor Advertising Structures”** shall mean All signs which advertise products, services or businesses which are not located on the same premises as the sign, including billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground.

**“Replacement”** shall mean includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the preexisting wireless facilities or wireless support structure.

**“Substantial modification”** shall mean the mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed.

1. Increases the existing vertical height of the structure by:

A. More than ten percent; or

B. The height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or

2. Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);

3. Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or

4. Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty square feet.

**“Utility”** shall mean any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services.

**“Utility pole”** shall mean a structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

**“Wireless Communications Service”** shall mean to include the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the communications Act of 1934, 47 U.S.C. § 301

**“Wireless Facility”** shall mean the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services.

**“Wireless Support Structure”** shall mean a structure, such as a monopole, tower or building capable of supporting wireless facilities. This definition does not include utility poles.

5. Purpose.

The purposes of this Section are to:

- A. Provide for the appropriate location and deployment of wireless communications infrastructure to better serve the citizens and businesses of the City of Lakeshire and the metropolitan St. Louis area;
- B. Minimize adverse visual impacts of wireless facilities and support structures through careful design, siting, landscape screening and innovative camouflaging techniques;
- C. Encourage the use of disguised support structures so as to protect the Architectural and scenic quality of the City;
- D. Comply with applicable law including the Federal Telecommunications Act of 1996, 47 USC 332, and the Missouri Uniform Wireless Communications Infrastructure Deployment Act, 67.5090 et seq RSMo.

6. Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses.

Satellite earth stations less than six (6) feet in diameter and receive-only home television antennae are allowed as accessory uses in all districts without any permit and wireless facilities and support structures which meet any of the following criteria may be

constructed, repaired or modified upon receipt of a building permit issued by the Director of Planning and Development:

A. Collocation and replacement applications, provided that no permit may be issued for collocation to a certified historic structure as defined in section 253.545 RSMo until at least one public hearing has been held by the Director within 30 days prior to issuance. The Director shall provide public notice of such public hearing in the same manner as required for proposed zoning code changes. Such applications are subject to General Condition F.1. of this section, but no other zoning or land use requirements, including design or placement requirements, or public hearing review.

B. The mounting of wireless facilities in or on the roof of any existing building other than a single-family residence, provided that the building was not constructed primarily for the support of antennae and provided that the height of the facilities does not exceed twenty (20) feet from its mounting and that such use is not otherwise prohibited by ordinance.

C. Wireless facilities or support structures for the operations of a commercial or public radio or television station licensed by the Federal Communications Commission or a local, state or federal law enforcement or emergency agency may be installed as permitted by law in non-residential districts.

D. The installation or mounting of antennae on any electrical transmission towers located in any commercial zoning district of the city.

E. The installation of a disguised support structure and related wireless facilities as part of a building or structure that is otherwise allowed in the district in which located.

F. Wireless facilities or support structures for the operation of a licensed amateur radio facility within the city. The permit application must be accompanied by proof that the applicant or an occupant of the property is a licensed amateur radio operator.



- a. The Director shall issue an amateur radio antenna/ structure permit if it is determined that: (a) any antenna(s) mounted on a roof shall not extend more than sixty-eight (68) feet above grade; (b) any tower-mounted antenna(s) shall not extend more than sixty-two (62) feet above grade when fully extended; and (c) the requirements of this section regarding location, structural components and wiring are complied with. Permits for ground mounted antennas and supports intended exclusively for the support of wire antennas which are so erected as to be readily capable of being relocated from time to time shall describe the area within which such an antenna or support may be positioned.
- b. Any person desiring to install, erect or maintain an amateur radio antenna at any height greater than set forth in the preceding subsection shall file an application therefore with the Board of Adjustment. No fee shall be required for this application. The Board of Adjustment may grant a permit to allow construction to such height as it shall determine if it finds those topographical circumstances or other operational parameters of the antenna(s) and the associated radio equipment so require and that there are adequate provisions to protect adjoining properties.
- c. Wireless facilities or support structures for licensed amateur radio uses that are ground-mounted shall be located in the rear of the lot between the rear line of the principal building on the lot and six (6) feet from the rear lot line. No such antenna, nor any portion of any base or support therefore, may be closer than six (6) feet to any lot line; provided, further, that on corner lots no antenna may be closer to any street than the principal building.

Conditional Uses. The following uses are permitted under requirements specified throughout this Chapter.

All wireless facilities and support structures to be installed, built or otherwise modified that are not expressly permitted by the permitted uses herein, and not prohibited below.

Prohibited Uses Except as otherwise permitted above:

- A. No wireless facilities or support structures shall be permitted in residentially-zoned districts, other than for licensed amateur radio uses.
- B. No wireless facilities or support structures shall be permitted to have a total height in excess of one hundred (100) feet.
- C. Wireless facilities installed on a building shall not exceed twenty (20) feet from the highest point of the building, other than for licensed amateur radio uses.
- D. Unless a disguised support structure is in the form of a standard outdoor advertising structure, the placement of advertising or signs on wireless support structures is prohibited.

7. Dimensional Regulations.

- 1. Wireless support structures, except disguised support structures, shall not be located within two hundred (200) feet of any residential structure.
- 2. All wireless support structures, except disguised support structures, shall be separated from any residential structure at least a distance equal to the height of the support structure plus ten feet. Support structures on parcels adjacent to residentially-zoned property shall, at a minimum, meet the setbacks of the applicable zoning district as required for the principal structure along the adjoining property lines. No support structure may be placed on residentially-zoned property closer to any residential structures on adjoining properties than the distance from the support structure to the principal structure located on the lot on which the support structure is located.

## 8. Development Standards.

1. *Building Codes and Safety Standards.* All wireless facilities and support structures shall meet or exceed the standards and regulations contained in applicable state and local building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering.

2. *Regulatory Compliance.* All wireless facilities and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other federal or state agency with the authority to regulate such facilities and support structures. Should such standards or regulations be amended, then the owner shall bring such facilities and support structure into compliance with the revised standards or regulations within six (6) months of the effective date of the revision unless a different date is established by the controlling agency.

3. *Supports.* No more than one antenna tower may be erected on any lot in the city; provided, however, that a support used exclusively for the support of a wire antenna for a licensed amateur radio facility and being no wider than six (6) inches at grade and having a height no greater than fifty (50) feet above grade shall not be considered as an antenna tower for purposes of calculating the permitted number of such towers under this subsection.

4. *Lighting.* Wireless facilities and support structures shall not be illuminated at night unless required by the FAA or other federal or state agencies, in which case, a description of the required lighting scheme will be made a part of the application.

### 5. *Design*

a. Wireless facilities and support structures should, to the extent reasonably possible, be architecturally and visually compatible with surrounding buildings, structures, vegetation and/or uses already in the area or likely to exist under the regulations of the underlying zoning district.

- b. Wireless support structures, except disguised support structures, shall maintain a galvanized steel finish or, subject to the requirements of the FAA, FCC or any other applicable federal or state agency, be painted a neutral color consistent with the natural or built environment of the site.
- c. Wireless facilities other than antennae shall have an exterior finish compatible with the natural or built environment of the site, and shall also comply with such other reasonable design guidelines as may be required by the city.
- d. Wireless facilities mounted on buildings should be made to appear as unobtrusive as possible by location as far away as feasible from the edge of the building and by making them a color consistent with the natural or building backdrop.
- e. Wireless facilities shall be screened by appropriate landscaping and/or fencing. Wireless support structures shall be surrounded by a landscape 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. Evergreen trees shall be a minimum of six (6) feet tall and deciduous trees not less than two and one-half (2½) inches in caliper at time of planting.
- f. Said landscape strip shall be exterior to any security fencing. In lieu of the required landscape strip, a minimum six (6) foot high decorative masonry fence or wall may be approved by the city upon demonstration by the applicant that an equivalent degree of visual screening is achieved.
- g. All wiring to or from ground mounted antennas or antenna towers located more than five (5) feet from the nearest building wall shall be underground; provided, however, that feed lines to and from antennas for licensed amateur radio facilities which must be open to the air in order to operate as designed (so called "open wire feed lines") need not be enclosed or located underground.

## 6. Miscellaneous

- a. For any guyed wireless support structure, ground anchors shall be located on the same parcel as the structure and such anchors shall meet the setbacks required for accessory buildings within the zoning district.
- b. Vehicle or outdoor storage on the site of any wireless facilities or support structure is prohibited.
- c. On-site parking for periodic maintenance and service shall be provided at all locations of wireless facilities and support structures.
- d. Any wireless facility or support structure no longer used for its original communications purpose shall be removed at the owner's expense. The owner and applicable co-users shall provide the city with a copy of any notice to the FCC of intent to cease operations and shall have ninety (90) days from the date of ceasing operations to remove the facility and/or support structure. In the case of co-use, this provision shall not become effective until all users cease operations. Any wireless support structure not in use for a period of one (1) year shall be deemed a public nuisance and may be removed by the city at the owner's expense. Removal of facilities shall not be a condition of approval of any application.
- e. Prior to the issuance of a building or conditional use permit, other than for a collocation or replacement application, the city may require submittal of easement documents, lease agreements or other documentation of evidence of the right to utilize the property for location of wireless facilities and/or support structures.

## 9. Time Limits.

All applications regarding wireless facilities and support structures shall be processed in accordance with the time limits established by sections 67.5090 to 67.5103 RSMo.

## 10. Fees.

Fees for applications regarding wireless facilities and support structures shall not exceed the limits established by sections 67.5090 to 67.5103 RSMo.

## **Section 400.210: Medical Marijuana Land Uses**

This Section shall be known and may be cited as the “Medical Marijuana Land Use Law” of the City of Lakeshire, Missouri.

### **1. Definitions.**

In the following list of terms, the definitions provided shall be used throughout this Chapter:

**“Marijuana” or “Marihuana”** *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana- infused products. “Marijuana” or “Marihuana” do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

**Marijuana-Infused Products**, Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

**Medical Marijuana Cultivation Facility**, A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

**Medical Marijuana Dispensary Facility**, A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

**Medical Marijuana-Infused Products Manufacturing Facility**, A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical

marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

**Medical Marijuana Testing Facility,** A facility certified by the Missouri Department of Health and Senior Services to acquire, test, certify, and transport marijuana.

2. Purpose.

The purpose of this division is to regulate the placement and licensing of facilities for the dispensing, selling, cultivating, manufacturing, storing, and testing of marijuana and marijuana-infused products, to the extent permitted by the Missouri Constitution, applicable statutes enacted by the General Assembly, and regulations promulgated by the Missouri Department of Health and Senior Services, and to protect the health, safety, and welfare of the residents, businesses, and property owners in the City.

3. Use Regulations

A. For purposes of this Section, the following terms shall mean:

1. “School” shall mean any public or private institution for elementary or secondary education but shall not include any home-based education facility.
2. “Child day care” shall include only those child day care facilities licensed by the Missouri Department of Health and Senior Services.
3. “Church” shall include any permanent building primarily and regularly used as a place of religious worship.

B. Each Medical Marijuana Cultivation Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Testing Facility or Medical Marijuana Dispensary Facility shall be located on properties that meet the following distance requirements:

1. No marijuana related uses shall be operated or maintained within one thousand (1,000) feet of any school, child day-care center, or church.
2. No marijuana related uses shall be operated or maintained within one thousand five hundred (1,000) feet of another marijuana related use except when marijuana sales represent

less than 5% of the dollar volume of business in a state or federally licensed pharmacy. Marijuana related uses under the same ownership and on the same property are exempt from this requirement.

- C. The distances described in this section shall be measured by the straight line distance between the nearest point on the property boundary line of the property on which the medical marijuana facility is located and the nearest point on the boundary line of the property on which the school, daycare or church or other medical marijuana related facility is located; provided, however, that if measurement by this standard would result in a location being disallowed by the City by reason of proximity to a school, daycare or church but that location is more than one thousand (1,000) feet from a school, daycare or church as measured by the measurement methodology adopted by the applicable state regulatory agency, the state determination shall govern.
- D. The distances requirements described in this section shall apply to any and all schools, child day-care centers, or churches within the City limits, as well as any and all schools, child day-care centers, or churches outside of the City limits.
- E. No marijuana or marijuana-infused product shall be displayed so as to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of a Facility.
- F. The sale or consumption of alcohol within a Facility is prohibited.
- G. No person under the age of eighteen (18) shall be allowed in any portion of a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility or Medical Marijuana-Infused Products Manufacturing Facility. The entrance to a Facility shall be clearly and legibly posted with notice indicating that persons under the age of eighteen (18) are precluded from entering the premises.
- H. A Medical Marijuana Dispensary Facility shall not dispense more than four (4) ounces of a usable form of medical marijuana per patient in a thirty-day period, except as otherwise allowed by law. All marijuana sold or otherwise distributed shall be in a sealed container. Such packaging shall have a label that indicates the quantity and advises the purchaser that the marijuana is intended for use solely by the patient, and that any resale or redistribution to any third person is a criminal violation.



- I. The consumption, inhalation or other personal use of marijuana or medical marijuana-infused products on or within the premises of a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility is prohibited, except that a Medical Marijuana Testing Facility may consume marijuana during the testing process and only as the consumption relates to the testing process.
- J. Security Plans. Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall provide adequate security on the premises including, but not limited to, the following:
  1. Surveillance. Security surveillance cameras installed to monitor each entrance to the Facility along with the interior and exterior of the premises to discourage and to facilitate the reporting and investigation of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least ninety (90) days and be made available to law enforcement officers upon demand.
  2. Inventory. All salable inventory of marijuana must be kept and stored in a secured, locked manner.
  3. Safe. A locking safe or secure vault permanently affixed or built into the premises to store any currency on site.
  4. Alarm System. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the Facility at all times.
  5. Emergency Contact. Each Facility shall provide the Chief of Police with the name, cellular telephone number, electronic mail address, and facsimile number of an on-site Facility employee to whom the City may provide notice of any operating problems associated with the Facility. It shall be the responsibility of the Licensee to keep up to date the contact information of the Facility employee.
- K. Operating Plans. As a condition of processing of a special permit application, a Facility operator shall provide at the time of filing the special permit application a detailed operations plan and, upon issuance of a license, shall

operate the Facility in accordance with the plan. Such plan shall include:

1. Floor Plan. A plan showing the layout of the Facility and the principal uses of the floor area depicted. A Medical Marijuana Dispensary Facility shall have a lobby waiting area at the entrance to the center to receive clients, and a separate and secure designated area for dispensing medical marijuana to qualified patients or designated primary caregivers. The primary entrance of any stand-alone facility shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways. All storage areas shall be shown and labeled.
2. Odor Controls. A Facility shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from a Facility. Such plan shall describe the ventilation system for the premises. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises of a Facility or other changes to a Facility may be required to abate a public nuisance.

L. Signage.

1. A sign for a Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Medical Marijuana Testing Facility shall comply with the requirements of Chapter 410 of this Code, or any ordinance enacted hereafter regulating signs.
2. A sign for a Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Medical Marijuana Testing Facility shall be located on the same premises as the facility.

M. Each Facility shall at all times possess a current City special permit. By obtaining a City special permit, the Facility Licensee irrevocably consents to the immediate closure and cessation of operation of the Facility in addition to all other penalties or remedies available by law for the failure to possess a current City special permit.

N. It shall be unlawful for any person to distribute, transmit, give, dispense or otherwise provide medical marijuana as a home occupation.

O. No Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Medical Marijuana Testing Facility shall be operated within the City without a valid license issued by the Missouri Department of Health and Senior Services. No marijuana or marijuana-infused products shall be acquired, certified, cultivated, delivered, manufactured, processed, sold, stored, tested, or transported within the City, except by persons or entities licensed for such purposes by the Missouri Department of Health and Senior Services.

P. Application Review Process:

1. Site Plan Review Permit. This preliminary permit reviews the proposed marijuana related use for compliance with the City's zoning and location standards prior to issuance of State license. A draft of proposed security and floor plans should also be provided. Site Plan Review approval shall expire, and be of no effect, one (1) year after the date of issuance thereof.
2. Special Permit. Once State licensing has been received, the special permit shall include all relevant State approvals and approved operating plans and security plans.

Q. No portion of any facility used as a Medical Marijuana Dispensary Facility, Medical Marijuana Cultivation Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Medical Marijuana Testing Facility shall be used for any other purpose, including a medical office, than the Medical Marijuana Dispensary Facility, Medical Marijuana Cultivation Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Testing Facility.

R. Parking Regulations:

1. Commercial Uses: One (1) space per 300 square feet of retail plus one (1) space per 400 square feet of office.
2. Industrial Uses: One (1) space per 5,000 square feet of growing, processing and/or testing area plus one (1) space per 400 square feet of office.

## **Section 400.300. Small Wireless Facility Deployment.**

A. Title and Intent.<sup>1</sup> This Section shall be known and may be cited as the "Small Wireless Facility Deployment Code", and it is intended to encourage and streamline the deployment of small wireless facilities in the City and to help ensure that robust and dependable wireless radio-based communication services and networks are available throughout the City, consistent with state and federal law including sections 67.5110 to 67.5121 RSMo (while in effect) and sections 67.1830 to 67.1846 RSMo. The provisions of other sections of Chapter 520 shall apply to small wireless deployments except to the extent inconsistent with this Section.

B. Definitions.<sup>2</sup> As used in this Section, the following terms shall mean:

- (1) "Antenna", communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services;
- (2) "Applicable codes", uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or the City's amendments to such codes enacted to prevent physical property damage or reasonably foreseeable injury to persons to the extent not inconsistent with sections 67.5110 to 67.5121 RSMo (while in effect);
- (3) "Applicant", any person who submits an application and is a wireless provider;
- (4) "Application", a request submitted by an applicant to the City for a permit to collocate small wireless facilities on a utility pole or wireless support structure, or to approve the installation, modification, or replacement of a utility pole;
- (5) "Authority" or "City", the City of Lakeshire;
- (6) "Authority pole", a utility pole owned, managed, or operated by or on behalf of the City, but such term shall not include municipal electric utility distribution poles;

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<sup>1</sup> See 67.5110 RSMo.

<sup>2</sup> See 67. 5111 RSMo. See also 47 CFR 1.6002.

- (7) "Authority wireless support structure", a wireless support structure owned, managed, or operated by or on behalf of the City;
- (8) "Collocate" or "collocation", to install, mount, maintain, modify, operate, or replace small wireless facilities on or immediately adjacent to a wireless support structure or utility pole, provided that the small wireless facility antenna is located on the wireless support structure or utility pole;
- (9) "Communications facility", the set of equipment and network components, including wires, cables, and associated facilities used by a cable operator, as defined in 47 U.S.C. Section 522(5); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a wireless services provider; to provide communications services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); wireless communications service; or other one-way or two-way communications service;
- (10) "Communications service provider", a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a wireless provider;
- (11) "Decorative pole", a City pole that is specially designed and placed for aesthetic purposes;
- (12) "Fee", a one-time, nonrecurring charge;
- (13) "Historic district", a group of buildings, properties, or sites that are either listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C, or are otherwise located in a district made subject to special design standards adopted by City ordinance or under state law as of January 1, 2018, or subsequently enacted for new developments;

(14) "Micro wireless facility", a small wireless facility that meets the following qualifications:

(a) Is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and

(b) Any exterior antenna no longer than eleven inches;

(15) "Permit", a written authorization required by the City to perform an action or initiate, continue, or complete a project;

(16) "Person", an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including any government authority;

(17) "Rate", a recurring charge;

(18) "Right-of-way", the area on, below, or above a public roadway, highway, street, sidewalk, alley, or similar property used for public travel, but not including a federal interstate highway, railroad right-of-way, or private easement;

(19) "Small wireless facility", a wireless facility that meets both of the following qualifications:

(a) Each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and

(b) All other equipment associated with the wireless facility, whether ground or pole-mounted, is cumulatively no more than twenty-eight cubic feet in volume, provided that no single piece of equipment on the utility pole shall exceed nine cubic feet in volume; and no single piece of ground mounted equipment shall exceed fifteen cubic feet in volume, exclusive of equipment required by an electric utility or municipal electric utility to power the small wireless facility. The following types of associated ancillary equipment shall not be included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs and related conduit for the connection of power and other services;

(20) "Technically feasible", by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design or site location can be implemented without a reduction in the functionality of the small wireless facility;

(21) "Utility pole", a pole or similar structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, or for the collocation of small wireless facilities; provided, however, such term shall not include wireless support structures, electric transmission structures, or breakaway poles owned by the state highways and transportation commission;

(22) "Wireless facility", equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications and radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include:

- (a) The structure or improvements on, under, or within which the equipment is collocated;
- (b) Coaxial or fiber-optic cable between wireless support structures or utility poles;
- (c) Coaxial or fiber-optic cable not directly associated with a particular small wireless facility;
- (d) A wireline backhaul facility;

(23) "Wireless infrastructure provider", any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment or wireless facilities but that is not a wireless services provider;

(24) "Wireless provider", a wireless infrastructure provider or a wireless services provider;

(25) "Wireless services", any services using licensed or unlicensed spectrum, including the use of wifi, whether at a fixed location or mobile, provided to the public using wireless facilities;

(26) "Wireless services provider", a person who provides wireless services;

(27) "Wireless support structure", an existing structure, such as a monopole or tower, whether guyed or self-supporting, designed to support or capable of supporting wireless facilities; an existing or proposed billboard; an existing or proposed building; or other existing or proposed structure capable of supporting wireless facilities, other than a structure designed solely for the collocation of small wireless facilities. Such term shall not include a utility pole;

(28) "Wireline backhaul facility", a physical transmission path, all or part of which is within the right-of-way, used for the transport of communication data by wire from a wireless facility to a network.

#### C. Deployment of Small Wireless Facilities and Associated Poles in Right-of-Way.<sup>3</sup>

1. The provisions of this subsection shall only apply to activities of a wireless provider within the right-of-way to deploy small wireless facilities and associated utility poles.

2. Subject to the provisions of this subsection and sections 67.5110 to 67.5121 RSMo (while in effect), a wireless provider may, as a permitted use not subject to zoning review or approval, collocate small wireless facilities and install, maintain, modify, operate, and replace utility poles along, across, upon, and under the right-of-way, except that the placement in the right-of-way of new or modified utility poles in single-family residential zoning districts or areas zoned as historic as of August 28, 2018, shall remain subject to any applicable zoning requirements that are consistent with sections 67.5090 to 67.5103 RSMo., including but not limited to requirements for underground utilities as set forth in the City Code. In order to maximize compliance with pre-established requirements for placement of utility facilities underground, to the extent that components of small wireless facilities functionally cannot be placed underground in accordance with such requirements they shall

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<sup>3</sup> See 67.5112 RSMo



instead be installed in the least conspicuous location as reasonably possible under the circumstances as determined by the Director of Public Works. Small wireless facilities collocated outside the right-of-way in property not zoned primarily for single-family residential use shall be classified as permitted uses and not subject to zoning review or approval. Such small wireless facilities and utility poles shall be installed and maintained as not to obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by the City, other governmental authorities or other authorized right-of-way users.

3. A wireless provider must obtain a permit pursuant to this Chapter 520 with such reasonable conditions as may be imposed by the City, for work in a right-of-way that will involve excavation, affect traffic patterns, obstruct traffic in the right-of-way, or materially impede the use of a sidewalk.

4. Each new, replacement, or modified utility pole installed in the right-of-way shall not exceed the greater of ten feet in height above the tallest existing utility pole in place as of January 1, 2019 located within five hundred feet of the new pole in the same right-of-way, or fifty feet above ground level. New small wireless facilities in the right-of-way shall not extend more than ten feet above an existing utility pole in place as of August 28, 2018, or for small wireless facilities on a new utility pole, above the height permitted for a new utility pole. A new, modified, or replacement utility pole that exceeds these height limits shall be subject to all applicable zoning requirements that apply to other utility poles to the extent consistent with sections 67.5090 to 67.5103 RSMo.

5. A wireless provider shall be permitted to replace decorative poles when necessary to collocate a small wireless facility, but any replacement pole shall reasonably conform to the design aesthetics of the decorative pole or poles being replaced, as determined by the Director of Public Works.

6. Subject to subsection D.4 below, and except for facilities excluded from evaluation for effects on historic properties under 47 C.F.R. Section 1.1307(a)(4) of the Federal Communications Commission rules, a wireless provider must use appropriate and reasonable, technically feasible, nondiscriminatory, and technologically neutral design or concealment measures in a historic district, as determined by the Director of Public Works. Any such design or concealment measures shall not have the effect of prohibiting any provider's technology, nor shall

any such measures be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

7. Small wireless facility collocations shall not interfere with or impair the operation of existing utility facilities, or City or third-party attachments. A wireless provider shall repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and shall return the right-of-way to its functional equivalence before the damage under the competitively neutral, reasonable requirements and specifications of the City. If the wireless provider fails to make the repairs required by the City within a reasonable time after written notice, the City may make those repairs and charge the wireless provider the reasonable, documented cost of such repairs.

#### D. Permits for Poles in Right of Way and Wireless Facilities in All Locations.<sup>4</sup>

1. The provisions of this subsection shall apply to the permitting of small wireless facilities to be installed by or for a wireless provider in or outside the right-of-way and to the permitting of the installation, modification, and replacement of utility poles by a wireless provider inside the right-of-way.

2. Wireless providers or their agents shall apply for and obtain a permit pursuant to Section 520.020 and this Section to collocate a small wireless facility or install a new, modified, or replacement utility pole associated with a small wireless facility as provided in subsection C above. The City shall receive applications for, process, and issue such permits subject to the following requirements:

(1) An applicant shall not be required to perform services or provide goods unrelated to the permit, such as in-kind contributions to the City, including reserving fiber, conduit, or pole space for the City;

(2) An applicant shall not be required to provide more information to obtain a permit than communications service providers that are not wireless providers, provided that an applicant shall include construction and engineering drawings and information demonstrating compliance with the criteria in subdivision (9) of this subsection and an attestation that the small wireless facility

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<sup>4</sup> See 67.5113 RSMo

complies with the volumetric limitations in subdivision (19) of subsection B above;

(3) An applicant shall not be required to place small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole;

(4) There is no limit as to the placement of small wireless facilities by minimum horizontal separation distances;

(5) An applicant shall comply with reasonable, objective, and cost-effective concealment or safety requirements as provided herein;

(6) An applicant that is not a wireless services provider shall provide evidence of agreements or plans demonstrating that the small wireless facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the City and the applicant agree to extend this period or if delay is caused by lack of commercial power or communications transport facilities to the site and the applicant notifies the City thereof. An applicant that is a wireless services provider shall provide the information required by this subdivision by attestation;

(7) Within fifteen (15) days of receiving an application, the City shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City shall specifically identify the missing information in writing. The processing deadline in subdivision (8) of this subsection shall be tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline may also be tolled by agreement of the applicant and the City;

(8) An application for collocation shall be processed on a nondiscriminatory basis and deemed approved if the City fails to approve or deny the application within forty- five (45) days of receipt of the application. An application for installation of a new, modified, or replacement utility pole associated with a small wireless facility shall be processed on a nondiscriminatory basis and deemed approved if the City fails to approve or deny the application within sixty (60) days of receipt of the application;

(9) The City may deny a proposed collocation of a small wireless facility or installation, modification, or replacement of a utility pole that meets the requirements in subdivision 3 of subsection C above only if the action proposed in the application could reasonably be expected to:

(a) Materially interfere with the safe operation of traffic control equipment or City-owned communications equipment;

(b) Materially interfere with sight lines or clear zones for transportation, pedestrians, or non-motorized vehicles;

(c) Materially interfere with compliance with the Americans with Disabilities Act, 42 U.S.C. Sections 12101 to 12213, or similar federal or state standards regarding pedestrian access or movement;

(d) Materially obstruct or hinder the usual travel or public safety on the right-of-way;

(e) Materially obstruct the legal use of the right-of-way by the City, a utility, or other third party;

(f) Fail to comply with reasonable and nondiscriminatory spacing requirements of general application adopted by ordinance or regulations promulgated by the state highways and transportation commission that concern the location of ground mounted equipment and new utility poles, subject to wireless provider requests for exception or variance;

(g) Fail to comply with applicable codes, including nationally recognized engineering standards for utility poles or wireless support structures;

(h) Fail to comply with the reasonably objective and documented aesthetics of a decorative pole and the applicant does not agree to pay to match the applicable decorative elements; or

(i) Fail to comply with reasonable and nondiscriminatory undergrounding requirements contained in City ordinances

as of January 1, 2018, or subsequently enacted for new developments, that require all new utility facilities in the area to be placed underground and prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval, including by wireless provider requests for exception or variance;

(10) The City shall document the complete basis for a denial in writing, and send the documentation to the applicant with the communication denying an application. The applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The City shall approve or deny the revised application within thirty (30) days. Any subsequent review shall be limited to the deficiencies cited in the denial;

(11)

(a) An applicant may file a consolidated application and receive a single permit for the collocation of multiple small wireless facilities; provided, however, the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same batch; and

(b) An application may include up to twenty separate small wireless facilities, provided that they are for the same or materially same design of small wireless facility being collocated on the same or materially the same type of utility pole or wireless support structure, and geographically proximate. If the City receives individual applications for approval of more than fifty small wireless facilities or consolidated applications for approval of more than seventy-five small wireless facilities within a fourteen (14) day period, whether from a single applicant or multiple applicants, the City may, upon its own request, obtain an automatic thirty (30) day extension for any additional collocation or replacement or installation application submitted during that fourteen (14)-day period or in the fourteen (14)-day period immediately following the prior fourteen (14) day period. The City shall promptly

communicate its request to each affected applicant. In rendering a decision on an application for multiple small wireless facilities, the City may approve the application as to certain individual small wireless facilities while denying it as to others based on applicable requirements and standards, including those identified in this subsection. The City's denial of any individual small wireless facility or subset of small wireless facilities within an application shall not be a basis to deny the application as a whole; notwithstanding the foregoing, the FCC "shot clock" review periods set forth in 47 CFR 1.6003 shall not be exceeded regardless of the number of "batched" applications.

(12) Installation or collocation for which a permit is granted under this subsection shall be completed within one year after the permit issuance date unless the City and the applicant agree to extend this period, or the applicant notifies the City that the delay is caused by a lack of commercial power or communications transport facilities to the site.

(13) Approval of an application authorizes the applicant to:

(a) Undertake the installation or collocation; and

(b) Operate and maintain the small wireless facilities and any associated utility pole covered by the permit for a period of ten years, which shall be renewed for equivalent durations so long as the facilities and poles remain in compliance with the criteria set forth in subdivision (9) of this subsection, unless the applicant and the City agree to an extension term of less than ten years. The provisions of this paragraph shall be subject to the right of the City to require, upon adequate notice and at the facility owner's own expense, relocation of facilities as may be needed in the interest of public safety and convenience, and the applicant's right to terminate at any time;

(14) Abandoned small wireless facilities shall be removed as provided in this Chapter 520 or an agreement, as applicable;

(15) In determining whether sufficient capacity exists to accommodate the attachment of a new small wireless facility, the City shall take into account that any grant of access hereunder shall be subject to a reservation to reclaim such space, when and if needed, to meet a core utility purpose or documented plan projected at the time of the application pursuant to a bona fide development plan; and

(16) In emergency circumstances that result from a natural disaster or accident, the City may require the owner or operator of a wireless facility to immediately remove such facility if the wireless facility is obstructing traffic or causing a hazard on the City's roadway. In the event that the owner or operator of the wireless facility is unable to immediately remove the wireless facility, the City may remove the wireless facility from the roadway or other position that renders the wireless facility hazardous. Under these emergency circumstances, the City shall not be liable for any damage caused by removing the wireless facility and may charge the owner or operator of the wireless facility the City's reasonable expenses incurred in removing the wireless facility.

4. A permit is not required for:

- (1) Routine maintenance on previously permitted small wireless facilities;
- (2) The replacement of small wireless facilities with small wireless facilities that are the same or smaller in size, weight, and height; or
- (3) The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, in compliance with applicable codes.

For work described in subdivisions (1) and (2) of this subsection that involves different equipment than that being replaced, the wireless services provider shall submit a description of such new equipment so that the City may maintain an accurate inventory of the small wireless facilities at that location.

5. No approval for the installation, placement, maintenance, or operation of a small wireless facility under this section shall be construed to

confer authorization for the provision of cable television service, or installation, placement, maintenance, or operation of a wireline backhaul facility or communications facility, other than a small wireless facility, in the right-of-way.

6. The municipal electric utility shall not require an application for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, in compliance with applicable codes.

E. Collocations on City Poles and Wireless Support Structures Outside of Right-of-Way.<sup>5</sup>

1. This subsection only applies to collocations on City poles and wireless support structures that are located outside the right-of-way.

2. Subject to subdivision 3 of this subsection, the City shall authorize the collocation of small wireless facilities on City wireless support structures and poles to the same extent, if any, that it permits access to such structures for other commercial projects or uses. Such collocations shall be subject to reasonable and nondiscriminatory rates, fees, and terms as provided in an agreement between the City, or its agent, and the wireless provider substantially in the form of Schedule 1 to this Section.

3. The City shall not enter into an exclusive agreement with a wireless provider concerning City poles or wireless support structures, including stadiums and enclosed arenas, unless the agreement meets the following requirements:

(1) The wireless provider provides service using a shared network of wireless facilities that it makes available for access by other wireless providers, on reasonable and nondiscriminatory rates and terms that shall include use of the entire shared network, as to itself, an affiliate, or any other entity; or

(2) The wireless provider allows other wireless providers to collocate small wireless facilities, on reasonable and nondiscriminatory rates and terms, as to itself, an affiliate, or any other entity.

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<sup>5</sup> See 67.5114 RSMo



4. When determining whether a rate, fee, or term is reasonable and nondiscriminatory for the purposes of this subsection, consideration may be given to any relevant facts, including alternative financial or service remuneration, characteristics of the proposed equipment or installation, structural limitations, or other commercial or unique features or components.

F. Collocations on City Poles Within the Right-of-Way<sup>6</sup>

1. The provisions of this subsection apply to collocations on City poles within the right-of-way by a wireless provider.

2. Neither the City nor any person owning, managing, or controlling City poles in the right-of-way shall enter into an exclusive arrangement with any person for the right to attach to such poles. A person who purchases or otherwise acquires a City pole is subject to the requirements of this subsection.

3. The City shall allow the collocation of small wireless facilities on its poles using the process set forth in subsection D.

4. An application shall include engineering and construction drawings, as well as plans and detailed cost estimates for any make-ready work as needed, for which the applicant shall be solely responsible.

5. Make-ready work shall be addressed as follows, unless the City (or its successor) and applicant agree to different terms in a pole attachment agreement:

(1) The rates, fees, and terms and conditions for the make-ready work to collocate on a City pole shall be nondiscriminatory, competitively neutral, and commercially reasonable, and shall comply with sections 67.5110 to 67.5121 RSMo;

(2) Unless the City allows the applicant to perform any make-ready work, the City shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation by a wireless

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<sup>6</sup> See 67.5115 RSMo

provider, including pole replacement if necessary, within sixty (60) days after receipt of a complete application. If applicable, make-ready work, including any pole replacement, shall be completed by the City within sixty (60) days of written acceptance of the good faith estimate and advance payment by the applicant. The City may require replacement of its pole on a nondiscriminatory basis for reasons of safety and reliability, including a demonstration that the collocation would make the pole structurally unsound, including, but not limited to, if the collocation would cause a utility pole to fail a crash test; and

(3) The person owning, managing, or controlling the City pole shall not require more make-ready work than required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting or prior damage or noncompliance unless the City had determined, prior to the filing of the application, to permanently abandon and not repair or replace the structure. Fees for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to other communications service providers for similar work, and shall not include third party fees, charges, or expenses, except for amounts charged by licensed contractors actually performing the make-ready work.

6. When a small wireless facility is located in the right-of-way of the state highway system, equipment and facilities directly associated with a particular small wireless facility, including coaxial and fiber optic cable, conduit, and ground mounted equipment, shall remain in the utility corridor except as needed to reach a City or utility pole in the right-of-way but outside the utility corridor in which the small wireless facility is collocated.

#### G. Rates and Fees.<sup>7</sup>

1. This subsection governs the rates and fees to collocate small wireless facilities on City poles and the rates and fees for the placement of utility

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<sup>7</sup> See 67.5116 RSMo

poles, but does not limit the City's ability to recover specific removal costs from the attaching wireless provider for abandoned structures. The rates to collocate on City poles shall be nondiscriminatory regardless of the services provided by the collocating applicant.

2. The City shall not require a wireless provider to pay any rates, fees, or compensation to the authority or other person other than what is expressly authorized by sections 67.5110 to 67.5121 RSMo (while in effect) for the use and occupancy of a right-of-way, for collocation of small wireless facilities on utility poles in the right-of-way, or for the installation, maintenance, modification, operation, and replacement of utility poles in the right-of-way.

3. Application fees shall be as follows:

(a) The total fee for any application under subdivision 3 of subsection D for collocation of small wireless facilities on existing City poles shall be one hundred dollars per small wireless facility. An applicant filing a consolidated application under subdivision (11) of subdivision 3 of subsection D shall pay one hundred dollars (\$100.00) per small wireless facility included in the consolidated application; and

(b) The total application fees for the installation, modification, or replacement of a pole and the collocation of an associated small wireless facility shall be five hundred dollars (\$500.00) per pole.

4.

(1) The rate for collocation of a small wireless facility to a City pole shall be one hundred fifty dollars (\$150.00) per pole per year.

(2) The City shall not charge a wireless provider any fee, tax other than a tax authorized by subdivision (3) below, or other charge, or require any other form of payment or compensation, to locate a wireless facility or wireless support structure on privately owned property, or on a wireless support structure not owned by the City.

(3) The City shall not demand any fees, rentals, licenses, charges, payments, or assessments from any applicant or wireless provider

for, or in any way relating to or arising from, the construction, deployment, installation, mounting, modification, operation, use, replacement, maintenance, or repair of small wireless facilities or utility poles, if not allowed by section 67.5116 RSMo. (while in effect).

#### H. Authority Preserved.<sup>8</sup>

Subject to the provisions of sections 67.5110 to 67.5121 RSMo (while in effect) and applicable federal law, the City shall continue to exercise zoning, land use, planning, and permitting authority within its territorial boundaries, including with respect to wireless support structures and utility poles, except that the City shall not have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any campus, stadium, or athletic facility not owned or controlled by the City, other than to comply with applicable codes.

#### I. Prior Agreements.<sup>9</sup>

This Section shall not nullify, modify, amend, or prohibit a mutual agreement between the City and a wireless provider made prior to August 28, 2018, but an agreement that does not fully comply with sections 67.5110 to 67.5121 RSMo (while in effect) shall apply only to small wireless facilities and utility poles that were installed or approved for installation before August 28, 2018, subject to any termination provisions in the agreement. Such an agreement shall not be renewed, extended, or made to apply to any small wireless facility or utility pole installed or approved for installation after August 28, 2018, unless it is modified to fully comply with sections 67.5110 to 67.5121 RSMo (while in effect). In the absence of an agreement, and until such a compliant agreement or ordinance is entered or adopted, small wireless facilities and utility poles that become operational or were constructed before August 28, 2018, may remain installed and be operated under the requirements of sections 67.5110 to 67.5121 RSMo (while in effect).

#### J. Indemnification, Insurance, and Bonding Requirements.<sup>10</sup>

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<sup>8</sup> See 67.5118 RSMo

<sup>9</sup> See 67.5119 RSMo

<sup>10</sup> See 67.5121 RSMo

1. A wireless provider shall indemnify and hold the City and its elected and appointed officers and employees harmless against any damage or personal injury caused by the negligence of the wireless provider or its employees, agents, or contractors, including but not limited to reasonable attorney's fees incurred by the City.

2. A wireless provider shall have in effect insurance coverage consistent with this subsection, or demonstrate a comparable self-insurance program, all in accordance with Section 520.040. A self-insured wireless provider does not need to name the City or its officers and employees as additional insured. A wireless provider shall furnish proof of insurance, if applicable, prior to the effective date of any permit issued for a small wireless facility.

3. The bonding requirements of Chapter 520 shall apply to small wireless facilities. The purpose of such bonds shall be to:

(1) Provide for the removal of abandoned or improperly maintained small wireless facilities, including those that an authority determines need to be removed to protect public health, safety, or welfare;

(2) Restore the right-of-way in connection with removals under section 67.5113 RSMo;

(3) Recoup rates or fees that have not been paid by a wireless provider in over twelve months, so long as the wireless provider has received reasonable notice from the City of any noncompliance listed above and been given an opportunity to cure;

(4) Bonding requirements shall not exceed one thousand five hundred dollars (\$1,500) per small wireless facility. For wireless providers with multiple small wireless facilities within the City, the total bond amount across all facilities shall not exceed seventy-five thousand dollars (\$75,000), which amount may be combined into one bond instrument.

4. Applicants that have at least twenty-five million dollars (\$25,000,000) in assets in the state and do not have a history of permitting noncompliance within the City shall, under section 67.1830 RSMo, be exempt from the insurance and bonding requirements otherwise authorized by this section.

5. Any contractor, subcontractor, or wireless infrastructure provider shall be under contract with a wireless services provider to perform work in the right-of-way related to small wireless facilities or utility poles, and such entities shall be properly licensed under the laws of the State and all applicable City ordinances. Each contracted entity shall have the same obligations with respect to his or her work as a wireless service provider would have under this Section, under sections 67.5110 to 67.5121 RSMo and other applicable laws if the work were performed by a wireless services provider. The wireless services provider shall be responsible for ensuring that the work of such contracted entities is performed consistently with the wireless services provider's permits and applicable laws relating to the deployment of small wireless facilities and utility poles, and responsible for promptly correcting acts or omissions by such contracted entity.

K. Expiration.<sup>11</sup>

This Section shall expire at such time that Sections 67.5110 to 67.5122 RSMo expire, except that for small wireless facilities already permitted or collocated on City poles prior to such date, the rate set forth in subsection G for collocation of small wireless facilities on City poles shall remain effective for the duration of the permit authorizing the collocation.

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<sup>11</sup> See 67.5122 RSMo

## **PROPERTY MAINTENANCE CODE**

### **Chapter 500**

#### **Section 500.010 - - Adoption of Property Maintenance Code**

The St. Louis County Property Maintenance Code adopted under ordinances 20,851, 21,373 22,015, 22,316, 23,189, 23,190, 23,878, 23,932, and 24,440 and all subsequent amendments there to as adopted by the St. Louis County Council on April 9, 2002, April 30, 2003, September 15, 2004, May 18, 2005, April 18, 2007, April 18, 2007, January 14, 2009, April 1, 2009, and July 14, 2010 is hereby adopted as the Property Maintenance Code of the City of Lakeshire. St. Louis County adopted the ICC International Property Maintenance Code, Year 2009 Edition, and all supplements thereto, as published by the International Code Council, Inc. This shall be and is adopted as the Property Maintenance Code of the City of Lakeshire; and each and all of the regulations, provisions, penalties, conditions and terms of the ICC International Property Maintenance Code, Year 2009 edition and all supplements thereto, are made a part of the Lakeshire Municipal Code as if fully set out in this ordinance. Any amendments to the ICC International Property Maintenance Code contained in the St. Louis County Property Maintenance Code shall also amend the Code adopted by the City of Lakeshire.

In addition, any specific provisions contained in this Chapter known as the Property Maintenance Code, such as the Section 500.080 Prosecution of Violation, as well as any provisions in the Nuisance, Swimming Pool and Fences and Walls chapters of the Lakeshire Municipal Code, shall supersede any provisions contained in the St. Louis County Property Maintenance Code adopted by the City of Lakeshire.

#### **Section 500.020 - - Enforcement or Code Official**

For the purposes of this Chapter 500 as well as Chapters 520, 530 and 540, the Building Commissioner of the City of Lakeshire is hereby designated as the “Code Official” or the “Enforcement Official” for the City of Lakeshire for the purpose of enforcing all said Chapters of the Lakeshire Municipal Code. During the temporary absence or disability of the Building Commissioner, the Mayor, with the approval of a majority of the members of the Board of Aldermen of the City of Lakeshire, may appoint an acting “Code and Enforcement Official.”

#### Section 500.030 - - Enforcement Authority

##### 1. Duties

It shall be the responsibility and duty of the enforcement official and his delegated representatives to enforce the provisions of the Lakeshire Property Maintenance, Plumbing, Building, Electrical, Nuisance, Swimming Pool and Fences and Walls Chapters of the Lakeshire Municipal Code hereinafter referred to as the “Code”. All references in the Code to the “enforcement official” or “code official” shall also include his delegated representatives.

##### 2. Inspections

The enforcement official is authorized and directed to make inspections to determine whether dwellings, dwelling units, rooming units, accessory structures and premises located within the City of Lakeshire, County of St. Louis, Missouri conform to the requirements of this Code. For the purpose of making such inspections, the enforcement official is authorized to enter, examine and survey, at reasonable times, all dwellings, dwelling units, rooming units, accessory structures, and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit, accessory structure and its premises shall give the enforcement official access thereto at reasonable times for the purpose of such inspection, examination and survey. For the purposes of this Code and the other related sections of the Lakeshire Municipal Code including, but not limited to, the Building, Plumbing, Electrical, Nuisance, Swimming Pool and Fences and Walls Chapters of the Lakeshire Municipal Code, the term “premises” shall mean all real property within any specific lot within the City as well as all structures, accessory structures, walls, swimming pools and other appurtenances located on the real property.

If the owner, occupant or other person in charge of a structure or premises subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure of premises where inspection authorized by this Code is sought, the enforcement official may seek,



in court of competent jurisdiction, an order that such owner, occupant, or other person in charge cease and desist from such interference.

3. Inspections, When Made

Inspections shall be initiated under the following circumstances:

A. Upon application for any occupancy permit for the dwelling unit or other notification that there will be a change of occupancy of said dwelling unit.

B. When, on the basis of a complaint, provided however that the complainant shall, when filing the complaint, advance the normal inspection fee in order to effect the inspection. If the complaint is a valid complaint and results in enforcement action for code violations, then the person responsible for the property shall be liable for the cost of the inspection and the city will attempt to collect that fee from the responsible party. Should the city collect the fee from the responsible party, the city shall return the fee advanced by the complainant. The enforcement official may also cause an inspection to be made if he reasonably suspects that a dwelling unit or its premises has code violations.

C. Before or during, as appropriate, the construction, repair or locating of any structure, structural addition, accessory structure, wall, swimming pool or other appurtenances upon any property within the City of Lakeshire when under any provision of the Lakeshire Municipal Code, a permit is required for such construction, repair or location.

4. Sale of Property

It shall be the responsibility of all owners contemplating the sale of their property to so notify the City Clerk and request that the enforcement official make an inspection of the dwelling unit or units contemplated to be sold, so as to determine if it meets all the requirements of this Code. If any repairs or replacements are required, the buyer and seller shall determine whose responsibility it will be to make such required repairs or replacements and inform the enforcement official, otherwise both buyer and seller shall be responsible for any violations of the Code.

5. Access By Owner

Every occupant of a structure or premises shall give the owner thereof, or his agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making the inspections, maintenance, repairs, or alterations as are necessary to comply with the provisions of this Code.

Section 500.040 - - Occupancy Permit Required

1. Permit Required

Except as otherwise provided, it shall be unlawful for any person, group, family or association to occupy, or for any owner or agent thereof to permit the occupation of any dwelling, dwelling unit or addition thereto, or part thereof, for any purpose until an occupancy permit has been issued by the enforcement official. The occupancy permit shall not be issued until all violations of this Code have been eliminated and the property brought into compliance with the Code.

2. Fees

The fee for the inspection of each dwelling unit as required upon a sale or change of occupancy shall be:

Apartment Unit or Condominium Inspection.....	\$75.00
Single Family Home Inspection.....	\$96.00
First Reinspection (If Required).....	\$00.00
Second Reinspection (If Required until complete compliance).....	\$43.00

In the event a multi family building is sold and there is no change in occupancy an inspection of the building is still required, but there will be only one inspection fee.

3. Content of Occupancy Permit

The occupancy permit shall state the names, dates of birth, relationships and the number of occupants of the dwelling unit. It shall be unlawful for any person to knowingly make any false statement in his application for an occupancy permit as to the names, ages, relationships or number of occupants of the dwelling unit. No more than one family shall occupy each dwelling unit and there must be sufficient space as required by this Code for all members of such family. Family shall be defined as follows:

One or more persons related by blood, marriage, adoption, guardianship or duly authorized custodial relationship or two unrelated people and any children related to or legally cared for by either of them or a group of not more than five unrelated individuals living together as a single housekeeping unit. A family may include, in addition hereto, not more than two (2) boarders, roomers, or domestic servants.

All persons who occupy the premises of a dwelling unit must be listed on the occupancy permit. If there is any change in the persons occupying a dwelling unit after an occupancy permit is issued and such change would be a violation of the requirements of the Code, then the existing occupancy permit shall be invalid and a new permit must immediately be applied for.

At the time the enforcement official makes his initial inspection, he shall determine the number of occupants which can be housed in the dwelling unit without creating a health or safety hazard. No family, group, association or corporation occupying a dwelling unit shall exceed said number of occupants even if all occupants are members of the same family or defined herein.

4. Report Change of Occupancy

Every dwelling unit in which a change of occupancy is to occur must be reported by the owner to the City Clerk so that the enforcement official may inspect the structure according to the provisions of this Code. Failure to make such a report shall constitute a violation of this Code and the person responsible for the failure shall be subject to the penalties of this Code.

5. Responsibilities of Real Estate Brokers

All real estate brokers, agents, owners, and managers of multiple family dwelling units and their agents shall report each dwelling unit which is to change occupancy as in this code defined so that the enforcement official may inspect the unit according to the provisions of this Code. Failure to register or make such a report shall constitute a violation of this Code and the person, corporation or association responsible for the failure shall be subject to the penalties of this Code.

6. Conditional Occupancy Permit

A conditional occupancy permit may be issued by the enforcement official if, in his judgment, any deficiencies in structures covered by this Code would not

seriously endanger the health or safety of the occupants or the community and provided that the owner states that he will correct deficiencies within a specified time not to exceed 90 days and bring the structure into compliance with the provisions of this Code. The occupant may then occupy the dwelling unit while repairs are being made. At such time as a reinspection indicates the dwelling complies with all the provisions of this Code, an occupancy permit will be issued as provided above.

#### Section 500.050 - - Noncompliance With Ordinance-Notice to be Given

Whenever the enforcement official or his delegated representative finds evidence of a violation of any provision of this Code, he shall give notice of same to the person or persons responsible hereunder. Such notice shall be in writing and shall include a statement of the nature of each provision of this Code being violated together with a statement of the corrective action required to cure such violation. Such notice shall be served by delivering a copy to the owner, his agent or the occupant, as the case may require, by sending a copy of the notice by United States mail, or if same cannot be delivered, by posting a copy of such notice in a conspicuous place in or about the building affected by the notice. The notice shall be deemed served on the date served or received or 10 days after posting as herein provided.

#### Section 500.060 - - Noncompliance with Ordinance

##### 1. Remedy of Defects

If no specific time period to remedy violations is set out in the notice received under Section 500.050, then the owner of any building shall have 30 days from the issuance of the notice provided for in Section 500.050 (Noncompliance with Ordinance-Notice to be Given) in which to remedy the condition therein specified, except when emergency conditions shall require immediate action as provided in Section 500.240 (Emergency Measures), provided, however, that the enforcement official may, at his discretion, extend the time for compliance for work that cannot be done within 30 days with any such notice.

##### 2. Reinspection

At the time when the defects have allegedly been brought into compliance, the enforcement official shall reinspect the dwelling, dwelling unit, rooming unit, accessory structure and its premises. At this time, he shall make a complete inspection, taking particular notice that the violations previously noted have been brought into compliance and that no new violations have come into existence in the time which has elapsed since the first inspection. If new violations have come

into existence, then the enforcement official shall notify the owner or his agent of such violations and they must be repaired before an occupancy permit may be issued.

## Section 500.070 - - Accessory Structures

### 1. Supplement to Other Requirements

The purpose of Chapter 500 is to supplement the provisions contained in the St. Louis County Property Maintenance Code and the BOCA Building Code so that all provisions concerning such structures contained in those Codes shall remain in full force and effect except where the provisions of this Chapter conflict with those Codes in which case the provisions of this Chapter shall control and supersede the other adopted Codes.

### 2. Definitions

Accessory structure as used in this Code shall mean all pens, cages, houses or kennels for an animal, garages, playhouses, screen houses, gazebos, pool houses, all types of sheds and storage facilities and all other types of buildings separate and apart from the main structure on the lot whether or not it is attached to the real estate. Included in this definition are all television, radio or other communication antennae that are free standing or that are more than 15 feet above the roof of the main building on the lot where it is to be placed.

### 3. Permit Required

No accessory structure as defined in this Code shall be constructed, erected, placed, kept or maintained in the City of Lakeshire except by special permit issued by the enforcement official and approved by the Board of Aldermen. Any person desiring such permit shall file a written request with the enforcement official setting forth in detail the nature and description of the proposed accessory structure and shall attach to the application a plat showing the location of the proposed accessory structure. The enforcement official shall determine the effect of the proposed accessory structure upon the character of the neighborhood, traffic conditions, interference with peaceful and quiet enjoyment of their property by other residents of the community, the effect upon light and air and whether or not noise, smoke or other unsightly, unhealthy or unsanitary conditions or circumstances interfering with the peaceful and quiet enjoyment of their property by the other residents will result from the accessory structure. If the enforcement official determines that the accessory structure and its use will not be detrimental or

injurious in light of the foregoing, he shall recommend that the Board of Aldermen grant the special permit and if the Board of Aldermen shall agree with the findings of the enforcement official it shall issue a special permit setting forth the conditions, if any, under which the accessory structure may be established, erected, located, kept and maintained. If the enforcement official determines that the contemplated accessory structure would be detrimental or injurious in light of the foregoing, he shall recommend that the Board of Aldermen deny the permit request and if the Board of Aldermen shall agree with the findings of the enforcement official it shall deny the request.

4. Standards for Granting Permit

In determining whether an accessory structure conforms with the general requirements specified in Subsection C, the enforcement official and the Board of Aldermen shall apply the following listed standards, but said list shall not be deemed to exclude any other factors the enforcement official or the Board of Aldermen determines are pertinent to the granting or denial of any permit.

A No accessory structure shall exceed 8 feet in height measured from the floor slab to the high point of the roof nor shall it exceed 8 feet in width or 10 feet in length.

B All accessory structures, other than animal houses and small playhouses of less than 25 square feet in floor area, shall be placed in the rear yard of each lot. Any person desiring to place an accessory structure in a side yard shall have the burden of providing the enforcement official and Board of Aldermen with sufficient grounds to waive the above requirement on the basis that said alternate location will better meet the requirements of Subsection C. Consent of all adjacent property owners shall not in itself constitute “sufficient grounds.”

C All accessory structures, other than animal houses or small playhouses of less than 25 square feet in floor area, shall be faced with finished architectural walls acceptable to enforcement official under the requirements of Subsection C and shall be designed to meet wind, snow and other load requirements. All such accessory structures shall be permanently attached to a concrete slab or a suitable foundation.

D It has been determined by the Board of Aldermen that because of the density of the population and the limited amount of open space existing in the multiple family zoning district, accessory structures shall be completely prohibited on any lot containing a multiple family dwelling,

except that permits may be granted for animal houses and small playhouses of less than 25 square feet in floor area on any lot containing only a multiple family dwelling which is a duplex if they meet the criteria specified in this Code. A limited variance from this prohibition may be obtained from the Board of Aldermen in regard to antennas upon a showing of need in order to obtain proper television or commercial radio reception and in regard to other accessory structures if they would not substantially decrease useable open space and would enhance the aesthetic appearance of the area.

- 5           If the Board of Aldermen shall refuse to grant the permit request, then the aggrieved party may appeal as prescribed in Section 500.080, Subparagraph E of this Code.

6           Satellite Dish Antennae

A           Satellite dish antennae may be installed, erected, and maintained within the City, but only in accordance with the provisions of this section. The term “antenna” as used herein shall mean any device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or arbitrarily based uses. This device may be external to or attached to the main building as specified herein.

B           General Regulations

a.           Every installation of an outside dish antenna shall be installed and maintained in compliance with the building code.

b.           Each installation shall require a building permit.

c.           Application for such a permit shall include the submittal of a site plan which will include distances from street and lot lines, height above ground, type and amount of proposed screening, diameter of antenna and other pertinent information as may be required by the planning and zoning administrator and/or building commissioner.

d.           The owner of a satellite antenna agrees to accept the sole responsibility for the legal access to a conveyance of satellite television communications. Said owner agrees to hold the City

harmless from any litigation which may result from unauthorized commercial use of satellite transmission and agrees to indemnify the City for expenses incurred as a result of any litigation involving the City, which may arise from unauthorized commercial use of satellite transmissions.

e. All installations shall be located to prevent obstructions of the antenna's reception window. Each applicant shall include a diagram which identifies said window and the location of the installation.

f. Except as otherwise stated below, all antennae shall be located in the rear yard setback. On corner lots, no antennae shall extend beyond the front setback lines.

g. Only one (1) satellite dish antenna per lot shall be permitted.

h. One (1) ground mounted satellite earth station may be erected per lot to a maximum height of twenty (20) feet above adjacent ground level, provided:

1. The diameter of such antennae shall not exceed ten (10) feet.

2. Such antennae shall only be located in the rear yard.

3. The antennae shall be neutral in color and, to the extent possible, compatible in character and appearance with the surrounding neighborhood.

i. Satellite dish antennae with a diameter measuring less than one (1) meter may be installed on the main building in a manner consistent with typical television antennae.

j. Satellite dish antennae shall be used for private, non-commercial messages.

## Section 500.080 - - Prosecution of Violation

### 1. Prosecution



In case any violation of this Code is not remedied within the prescribed time period designated by the enforcement official, he shall request the legal representative of the City of Lakeshire, Missouri to institute an appropriate action or proceeding at law against the person, corporation or association responsible for the failure to comply, ordering him:

- A. to restrain, correct or remove the violation or refrain from any further execution of work;
- B. to restrain or correct the erection, installation or alteration of such building;
- C. to require the removal of work in violation;
- D. to prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of or not in compliance with the provisions of this Code or in violation of a plan or specification under which an approval, permit or certificate was issued; or
- E. to enforce the penalty provisions of this Code.

## 2. Penalty for Violations

Any person, association or corporation who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not less than \$25.00 nor more than \$1,000.00 at the discretion of the court. Every day that a violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.

## 3. Hearing

In the event that the owner of any dwelling unit shall wish to contest the determination of the enforcement official that one or more conditions on the owner's property constitute violations of the code, then said owner may request a hearing before the Board of Aldermen of the City of Lakeshire to determine whether the decision of the enforcement official is correct. Any such request for hearing must be made within 30- days after the owner receives notice, as set out in this Chapter, of the violation. Within 30 days after receiving such a request for hearing, the Board of Aldermen shall set a date for the hearing and give the requesting party notice thereof. At the hearing, any party may be represented by counsel, but there shall be no formal rules of evidence and all parties shall have an

opportunity to be heard. All decisions shall be by a majority of the members of the Board of Aldermen.

After the hearing, if a majority of the members of the Board of Aldermen determines that the evidence supports a finding that one or more of the conditions cited by the enforcement official constitute a violation of this Code and are detrimental to the health, safety or welfare of the residents of the City of Lakeshire, then the Board of Aldermen shall issue an order to that effect making specific findings of fact based on competent and substantial evidence. Said order shall require the repair or removal of the condition within a reasonable period of time. If the Board of Aldermen determines that the evidence does not support such a finding, then no order shall issue and any order of the enforcement official concerning the disputed condition shall be null and void. Notice of the decision of the Board of Aldermen and any order they shall issue shall be given in the same manner as the notice of violation.

4. Special Tax Bill

If any such post-hearing order of the Board of Aldermen is not obeyed within 30 days after its issuance and if appeal of any post-hearing order is not made to the Circuit Court as provided for in this Code within 30 days after issuance of any such order, the enforcement official may cause such building condition or structure to be repaired, removed or demolished as provided in the post-hearing order. The enforcement official shall certify the costs for such repair, removal or demolition to the City Clerk or officer in charge of finance who shall cause a special tax bill therefore against the property to be prepared, filed and collected by the City Collector or other official collecting taxes. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than 5 years. Said assessment shall bear interest at the maximum rate that the law will allow until paid. The tax bill shall be a lien on the property until paid.

5. Appeal to Circuit Court of St. Louis County

The decision by the Board of Aldermen may be appealed by a party aggrieved thereby to the Circuit Court of St. Louis County within 30 days after receipt of notice of the order.

Section 500.090 - - Emergency Measures

1. Applicability

When any dwelling unit has become so damaged by fire, wind or other causes, or has become so unsafe, unhealthful or unsanitary that in the opinion of the enforcement official life or health is immediately endangered by the occupation of the dwelling unit, the enforcement official is hereby authorized and empowered to revoke without notice any occupancy permit for such dwelling unit and to order and require the occupants to vacate the same forthwith. The enforcement official shall order the owner or agent to proceed immediately with the corrective work and repairs required to make the dwelling unit temporarily safe and fit for human habitation whether or not a notice of violation has been given as described in this Code and whether or not legal procedures described in the Lakeshire Municipal Code have been instituted.

## 2. Procedures

In the event the enforcement official determines that there is an immediate danger to the health, safety or welfare of any person, he may take emergency measures to vacate and repair the structure or otherwise remove the immediate danger.

### Section 500.100 - - For Notification to the City by Union Electric Company when there is a Successor of Existing Utility Service

For any month when there is a change of use or residential or non-residential electric service within the City of Lakeshire, Union Electric Company shall notify the Occupancy Permit Coordinator (or appropriate official designated by the Building Commissioner) of the City within seven (7) working days after the end of the month of said changes, indicating the address and apartment or unit number, and the name(s) of electric user(s) per service and address and apartment or unit number in whose name service is connected or billed.

Union Electric Company shall submit annually to the City an invoice for its cost associated with this ordinance. The initial cost of the service shall not exceed One Hundred and Fifty Dollars (\$150.00). Future price increases, if any, will only reflect the actual cost incurred by Union Electric Company to provide this service. The City shall pay to Union Electric Company the amount of the invoice within thirty (30) days of receipt.

### Section 500.250 - - Garage or Estate Sale Permits

Any person, company or corporation desiring to conduct a garage or estate sale of personal property items shall first apply for a permit from the City Clerk of the City of Lakeshire at least three days prior to the date or dates specified for the garage or estate

sale. Said permit application shall state the name of the person, company or corporation desiring to hold said sale, the date or dates of the sale, and the location of the sale.

The cost of said garage sale permit shall be \$5.00 for one or two consecutive days or \$10.00 for two days which are not consecutive. No garage or estate sale shall exceed four days in duration, and there shall be a limit of two garage or estate sales per year per family.

There shall be no more than two signs advertising said garage or estate sale within the City of Lakeshire, excepting such signs as are on the property where the sale is conducted. All garage or estate sale signs shall not exceed two feet in height and three feet in width, and shall be removed within three (3) hours after the termination of the garage or estate sale.

Section 500.255 - - Prohibition on the Collection and Discharge of Storm Water onto City Streets without a Permit

1. No person, company or corporation shall cause or permit the installation or creation of a Storm water collection system or apparatus of any type which collects and discharges Storm water either upon the streets or alleys, or closer to any street or alley than one-half the distance between the edge of the street or alley and the front building line of the lot, without first obtaining a permit from the City of Lakeshire. Said distance is to be measured at the point where the front building line is closest to the edge of the street or alley. Further, if such collection system or apparatus creates a discharge of Storm water at a distance farther from the street or alley than above specified, but the Storm water discharge results in erosion on the City's easements and rights-of-way, or undermining of the streets or alleys by erosion, or causes an excessive amount of water flowing onto the City's streets or alleys in a given area, then the installation or use of such a Storm water collection system or apparatus is hereby prohibited without first obtaining a permit from the City of Lakeshire.

2. The word "discharge" for the purposes of this ordinance shall be defined as the release of Storm water at the termination point or points of the Storm water collection system or apparatus.

3. If the Lakeshire Street Commissioner determines that the Storm water collection and discharge system does not result in (1) erosion on the City's easements and rights of way, (2) undermining of the streets or alleys by erosion, or (3) excessive amounts of water flowing onto the City's streets or alleys in a given area, then the Street Commissioner shall recommend to the Board of

Aldermen that a permit for the system be granted. The Board of Aldermen, using the above-listed criteria, shall then determine whether a permit shall be issued.

4. If the Street Commissioner or the Board of Aldermen determines that a Storm water collection and discharge system violates one or more of the criteria set out in Paragraph C and, therefore, denies a permit, then the property owner requesting said permit may request a hardship exception from the criteria based on the grounds that a particular natural drainage condition or a special topographical or building condition creates an undue hardship on the property owner or other adjacent owner if the Storm water cannot be collected and discharged upon or near the City's streets or alleys. The Street Commissioner shall recommend to the Board of Aldermen whether such special exception shall be granted, and the Board of Aldermen shall determine, based upon the grounds specified in this ordinance, whether a special exception shall be granted. Said special exception shall specify the grounds for granting it, and shall state specifically to what extent the limitations of this ordinance shall not be applied. A special exception shall not be granted, even upon a showing of undue hardship, if granting the exception would endanger the health, safety or welfare of the residents of the City of Lakeshire.

5. In the event an existing Storm water collection and discharge system is found by the Street Commissioner to violate the criteria specified in Paragraph C, then the Street Commissioner shall notify the property owner of such violation, specify the corrective action required, and give the property owner a reasonable time to effect such corrective action. A property owner who receives such a notification may request an exception to the criteria, using the procedure set out in paragraph D. The fact that a permit was previously granted to the landowner when the Board of Aldermen determined that the system did not violate the criteria set out in Paragraph C, or that an existing collection and discharge system did not violate the criteria at the time this Section was enacted, shall not prevent or limit the Street Commissioner or the Board of Aldermen from later determining that a change of conditions has caused the collection and discharge system to be in violation of the terms of this Section of the Lakeshire Municipal Code and requiring the landowner to correct the violation. In the event there is a change of condition so that a special exception granted under Paragraph D shall constitute a danger to the health, welfare or safety of the residents of Lakeshire, or shall cause damage to City property, then said special exception may be resolved by the Board of Aldermen after a hearing before the Board of Aldermen at its next regularly scheduled meeting.

6. Any person, company or corporation who shall violate the terms of this ordinance shall be fined not more than One Hundred Dollars, and each day the violation shall continue shall be considered a separate violation.

Section 500.260 - Prohibiting the Installation and Limiting the Repair of Driveway Extensions Into the Streets, Alleys, Street Gutters and Curbs

1. No person, company or corporation shall cause or permit the installation or construction of an extension of any driveway by means of placing asphalt, concrete or other paving material onto the streets, alleys, street gutters or curbs of the City of Lakeshire without a written permit from the City of Lakeshire.
2. No existing driveway extension which is presently located on the streets, alleys, street gutters or curbs of the City of Lakeshire may be repaired or extended in any manner which would increase the length, width or height of the existing driveway extension (except that normal liquid asphalt sealing materials may be applied to the existing surface) without a written permit from the City of Lakeshire.
3. If, in the opinion of the Street Commissioner, any existing driveway extension which is located on the streets, alleys, street gutters or curbs of the City of Lakeshire constitutes a traffic hazard or a storm water impediment, or if the extension is so deteriorated as to be unsightly in the opinion of the Street Commissioner, then the Street Commissioner, upon approval by the Mayor, may have the driveway extension removed at the City's cost.
4. It shall be unlawful for any person to construct, repair or maintain a driveway extension as prohibited by this Section, and any person who does so shall be subject to a fine not to exceed \$500.00. Each day such violation continues shall be deemed a separate offense, for which a separate fine not to exceed \$500.00 per day may be assessed by the Municipal Court.

Section 500.265 – Maintenance and Replacement of Driveway

1 Driveway Surfaces

Driveway surfaces shall be constructed of concrete, bituminous (asphalt) or similar materials approved by the Building Commissioner before any paving occurs.

2. Maintenance

It shall be the duty of the property owner of a driveway to keep the same in a proper state of repair and free from hazardous or unsightly conditions.

3. Specifications

All driveways shall be constructed in compliance with the specifications contained in the International Building Code and the requirements set forth below.

A. No driveway shall be so constructed or graded as to leave a steep, sharp depression or other obstruction on the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk.

B. These specifications shall be applicable to new, reconstructed or expanded driveways. No property owner shall conduct reconstruction in phases in an attempt to classify the reconstruction as routine maintenance.

C. Concrete driveway surfaces shall be a minimum of three and a half (3 ½) inches thick.

D. Bituminous (asphalt) driveways shall be a minimum of three (3) inches thick. Bituminous driveways may be reduced to two and a half (2 ½) inches when placed over a minimum four (4) inch rock base.

E. Driveways shall be designed so that storm water is not directed onto adjacent properties or to any structure on the property.

F. Driveways shall be designed so that at any point along the driveway, including the apron, the bottom of the vehicle with a minimum ground clearance of six (6) inches measured at any point on the vehicle does not scrape the driveway.

G. The surface finish of any driveway that crosses the sidewalk must not be constructed of materials that render it slippery or hazardous to pedestrians.

4. Existing Gravel Driveways

Existing gravel, chat, or similar material driveways must be properly maintained but not expanded.

A. Expansion of any gravel driveway will require the entire driveway to be surfaced in accordance with the construction specifications of subsections A and C of this Section and the International Building Code.

B. An existing gravel driveway that causes a nuisance by flowing onto adjoining property, sidewalk or street shall be surfaced in accordance with the construction specifications of subsections A and C of this Section and the International Building Code.

5. Variation

The Building Commissioner may approve variations from the above specifications upon finding that the driveway configuration adequately addresses issues including, but not limited to storm water runoff and the general welfare of the community.

6. Appeals

Determinations of the Building Commissioner may be appealed to the Board of Adjustment within thirty (30) days of a final determination of the Building Commissioner being filed with the Clerk of the City of Lakeshire. Notice of such a final determination shall be sent via U.S. Mail to the last known address of the property owner(s) affected by the decision.

#### Section 500.270 - Decontamination of Certain Structures Where Methamphetamine Has Been Produced

##### 1. Purpose

Pursuant to the Lakeshire Property Maintenance Code, the following standards, requirements and protocols are established for the cleanup of illegal laboratories used to manufacture methamphetamine which property owners are required to meet.

##### 2. Applicability

The requirements of this Section apply when the owner of property that has been posted as an unsafe structure receives notification from the Code Official of the City of Lakeshire that chemicals, equipment, or supplies indicative of a drug laboratory were located at the property, or when a drug laboratory is otherwise discovered, and the owner of the property where the drug laboratory was located has received notice.

##### 3. Definitions

For the purposes of this Section, the following terms shall be deemed to have the prescribed meaning:

Agent of the Owner - A current employee or representative of the owner of record who was in the employ of that owner at the time the property was determined to be an illegal drug manufacturing site; or is a current employee or representative of any new owner and who was a representative.

Building - A structure which has the capacity to contain humans, animals, or property.

Chemical Storage Area - Any area where chemicals used in the manufacture of methamphetamine are stored or have come to be located.

Code Official – The Building Commissioner of the City of Lakeshire. See Section 500.020.

Contaminant - A chemical residue that may present an immediate or long-term threat to human health and the environment.

Contamination or Contaminated - The presence of chemical residues which may present an immediate or long-term threat to human health or the environment.



Contractor - One (1) or more qualified individuals or commercial entities hired to perform work in accordance with the requirements of this protocol.

Cooking Area - Any area where methamphetamine manufacturing is occurring or has occurred.

Decontamination - The process of reducing the level of contamination to the lowest practical level using currently available methods. At a minimum, decontamination must reduce contamination of specified substances below the concentrations allowed by this protocol.

Disposal - Handling, transportation and ultimate disposition of materials removed from contaminated properties.

Documentation- Preserving a record of an observation through writings, drawings, photographs, or other appropriate means.

Functional Space - A space where the spread of contamination may be expected to occur relatively homogeneously, compared to other functional spaces. The "functional space" may be a single room or a group of rooms designated by an inspector who, based on professional judgment, considers the space to be separate from adjoining areas with respect to contaminant migration. Typical examples of functional spaces include a crawl space, an attic, and the space between dropped ceiling and the floor or roof deck above.

Media - The physical material onto which sample substrate is collected. Media includes gauze, glass fiber filters, etc.

Methamphetamine - Dextro-methamphetamine, levo-methamphetamine, and unidentified isomers of the same, any racemic mixture of dextro/levo methamphetamine, or any mixture of unidentified isomers of methamphetamine. The term includes derivatives, conjugates, oxides and reduced forms of the basic structure associated with the formation of methamphetamine. For the purposes of this protocol, this term includes amphetamine, ephedrine and pseudo ephedrine.

Person - Any individual, public or private corporation, partnership, or association.

Property - Anything that may be the subject of ownership or possession, including, but not limited to, land, buildings, structures, vehicles and personal belongings.

Property Owner - For the purposes of real property, the person holding fee title to real property. "Property owner" also means the person holding title to a manufactured home. With respect to personal property, the term means the person who lawfully owns such property.

Removal - The taking out or stripping of material or surfaces to eliminate the potential for exposure to contaminants on or in the material or surfaces.

Substrate - The material being collected. Substrates may include soils, water, painted surfaces, carpet or carpet debris, unidentified powders, dust, etc.

Unsafe Structure - Any structure, building or premises that have the defects or characteristics contained in Section 116, International Building Code, and thereby constitute a hazard to safety, health or public welfare.

Vacuum Sample - A non-airborne dust sample collected from a known surface area of a porous surface or material using standard micro-vacuum sampling techniques.

Waste Disposal Area - Any area where chemicals used or generated in the manufacture of methamphetamine are disposed or have come to be located.

Wipe Sample - A surface sample collected by wiping a sample media on the surface being sampled.

## 1. Assessment

When law enforcement personnel discover property where methamphetamine has been produced, or where the equipment and chemicals to produce methamphetamine are present in sufficient quantities to warrant enforcement action, they will take samples using a methamphetamine field test kit. The field test used shall be of the type approved by law enforcement officials, industry experts and the courts, and shall measure the presence of methamphetamine residue on surfaces at a level that is at least as high as the level established in Subsection (F) below. This assessment shall be performed by personnel who the City's Chief of Police has determined are appropriately trained and the assessment shall include, but not be limited to, the following:

A. Assessment of the number and type of structures present on the property where methamphetamine may have been produced.

B. Identification of structural features that may indicate separate functional spaces, such as attics, false ceilings and crawl spaces, basements, closets and cabinets.

C. Identification of the manufacturing methods based on observations, reports from law enforcement personnel and knowledge of manufacturing methods.

D. Identification of possible areas of contamination based on visual observation, reports from law enforcement personnel, proximity to chemical storage areas, waste disposal areas, or cooking areas, signs of contaminations such as staining, etching fire damage, outdoor areas of dead vegetation or based on the professional judgment of the person collecting the samples.

E. Identification of adjacent units and common areas to determine the likelihood that contamination has spread or may have been tracked.

F. Identification of common ventilation systems with adjacent units or common areas.

On the basis of the analysis of these areas and the judgment of the person collecting the data, a sampling plan will be formulated to determine the areas with the greatest probability of containing the highest possible concentrations of contaminants. Samples will be taken with techniques that are appropriate for the surface being sampled using media and testing kits designed to detect the presence of methamphetamine, the results of which are determined at the time the samples are collected.

If the field test reveals the presence of methamphetamine at levels in excess of the levels established herein, the structure shall be considered unsafe for human habitation and it will be posted as an unsafe structure by the Code Official. A structure or unit that is posted as unsafe shall not be occupied until the Code Official orders that status removed.

2. Procedure for Assessment, Sampling and Testing.

A. While posting of the structure constitutes notice, the Code Official shall also attempt to contact the owner of record of the affected property, or the owner's agent, by sending a certified letter. Whether the certified mail is collected or the regular mail is returned to the Code Official as undeliverable, the City shall proceed on the basis of the posted notice.

B. Notice shall inform the owner to contact the Code Official to establish a schedule for decontaminating the structure. If the owner does not contact the City within the time specified in the notice, the Code Official may request AmerenUE to disconnect the electric service to ensure the structure is not re-occupied until decontamination is performed.

C. If the owner contacts the City within the prescribed period, the owner may request permission to have the property retested. If the owner chooses to retest the property, the owner must employ the services of a company that the Code Official shall determine is qualified to perform sampling and to analyze the samples. If the owner chooses to hire a company to collect new samples, a trained law enforcement officer for the City must be present when the samples are taken and the owner shall pay an inspection fee of forty dollars (\$40.00), payment of which must be made prior to removal of the unsafe structure declaration. The results of the analysis shall be provided to the Code Official.

D. Testing shall be performed in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup, August, 2009.

3. Contamination Levels

A structure will be considered unsafe and non-compliant if it is found to contain more than the following levels of any of these chemicals:

1. Methamphetamine in a concentration equal to or greater than 0.1 µgram/100 cm<sup>2</sup>.

2. If it is determined that the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface levels for lead in excess of 20 µg/ft<sup>2</sup> and vapor samples for Mercury in excess of 50 ng/m.

4. Decontamination

A. If testing reveals the presence of contamination in levels that exceed the standards set forth in this Section, the owner is required to hire a qualified Contractor to decontaminate the structure and shall advise the Code Official of the schedule for decontamination. At a minimum, to be qualified to perform decontamination, contractors and all personnel must have completed the forty (40) hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training [Occupational Safety and Health Administration (OSHA) 29 CFR 1910] and a clandestine drug lab assessment and decontamination course that is provided by a sponsor acceptable to the Code Official.

B. The schedule for the work and evidence that the contractor has met the minimum training requirement must be submitted for approval to the Code Official within seven (7) business days of the posting of the Notice. Approval will be based solely on the timeliness of the schedule and the qualifications of the Contractor. Approval or rejection of the schedule will be provided within three (3) business days of submission. If rejected, the owner will be informed of specific reasons for the rejection and will be required to amend the schedule or the proposed contractor. Decontamination shall be performed in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August, 2009).

C. If the owner of property determined to be in violation of the minimum allowable levels of chemicals as provided in this protocol fails to voluntarily mitigate the violation, the Code Official may serve a notice of violation and proceed in accordance with Section 114 of the International Residential Code or may declare the structure as unsafe and proceed in accordance with Sections 112 and 116 of the International Building Code. The Code Official may request AmerenUE to disconnect electrical service until the decontamination is complete.

5. Post-Decontamination Sampling

When the owner arranges for decontamination, following the completion of the work, the owner will notify the City that work is complete and schedule a time for post-remediation testing. The structure must be tested in the presence of a trained law enforcement officer for the City. The owner must provide test results as evidence that the property is compliant with this regulation. Should the results of the post-remediation

sampling show the presence of methamphetamine in excess of the standards established by this Chapter, further steps shall be taken to decontaminate the structure and additional testing shall be done in the presence of a trained law enforcement officer for the City. Each time an inspector for the City is present, the owner shall pay an inspection fee of forty dollars (\$40.00). The post-remediation sampling and testing must be performed by a company the Code Official has determined to be qualified and done in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup, August, 2009.

6. Final Action

After the property has been decontaminated and the Code Official is in possession of evidence that the pertinent chemical levels are below the levels established by this regulation, the structure will be considered safe and suitable for human habitation. If electric service has been disconnected, the Code Official will notify AmerenUE that the unsafe condition has been mitigated and service can be restored. The property owner shall be responsible for any re-connection fees.

7. Penalties

Any Person violating any of the provisions of this Section shall, upon conviction, be subject to all penalties provided for violation of City Ordinances.

Section 500.300-- Tree Preservation and Restoration Requirements.

1. Definitions

For purposes of this Section, the following definitions apply:

“Critical Root Zone” An area drawn for each tree surveyed which represents the average root system. The average root system extends beyond the drip line extending from the outer surface of a tree's branch tips to the ground. Critical root zones vary depending upon tree species, tree size, soils and moisture level, but shall be deemed to incorporate a distance of ten (10) feet beyond the defined boundary of the drip line.

“Disturb”: Intentionally or unintentionally removing, destroying or killing a tree.

“Fair Condition”: A tree having a life expectancy of greater than fifteen (15) years, a relatively sound and solid trunk with no extensive decay, no more than one (1) major and several minor dead limbs (hardwoods only) and no major insect or disease problems.

“Grand Tree”: A tree in fair or better condition which has a minimum height of thirty (30) feet and which equals or exceeds the following diameter:

1. Large hardwoods (including oaks, hard maples, hickories, sycamores, elms, ash,

dogwoods, magnolias, etc.) — twenty-four (24) inch DBH.

2. Large softwoods (pines, cedars, firs, spruces, etc.) — twenty (20) inch DBH.

Notwithstanding the foregoing, grand trees shall not include box elder, silver maple, sweet gum, mulberry, green ash, mountain ash, black locust, poplar, cottonwood or willow trees.

“New Construction Activity”: Construction of a structure on a site where no previous building exists at the commencement of the construction activity or where at least fifty percent (50%) (as measured by reference to floor area of the ground floor of the structure) of an existing structure is demolished as part of the construction activity in order to accommodate a new structure or replacement or expansion of the existing structure.

“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.

“Tree Preservation Plan”: A tree preservation plan is a plan of a site that identifies the pre- and post-activity tree status of a site upon which there is to be any grading, demolition or construction relating to new construction activity. A tree preservation plan shall provide sufficient detail to enable the reviewing authority to determine whether the proposed activity complies with the requirements of this Section and shall include a detailed description and location of trees on the site prior to any proposed new construction activity and shall identify proposed changes in the tree canopy coverage, including any replacement or restoration of trees. The tree preservation plan may also include or be supplemented by a description of the aesthetic and/or practical rationale for any proposed tree removal and replacement. A tree preservation plan shall be prepared in map form and may be included on a site survey, a landscape, demolition, grading, building, subdivision, site plan or development plan or submittal or may be filed as a supplement to such plans or submittals or as a separate document.

“Tree Size”: The measurement of the diameter of a tree trunk (typically referred to as caliper) at four and one-half (4½) feet above natural grade (diameter at breast height, "DBH"). If a tree splits into two (2) or more trunks below four and one-half (4½) feet, then the trunk is measured at its most narrow point below the split. For newly planted trees, the caliper measurement will be taken six (6) inches above natural grade.

## 2. Scope and Purposes

A. The requirements of this Section shall, except as otherwise expressly provided, apply to any disturbance of grand trees and disturbance of any other tree within setback areas resulting from any demolition, grading or building relating to new construction activity or attendant upon any development requiring approval of a subdivision, site plan or development plan under the Code of Ordinances of the City of Lakeshire. This Section shall supplement the requirements and standards established by other provisions of the

City Code and shall be applied in conjunction therewith.

B. Trees reduce noise, cool the land, improve drainage, reduce erosion, stabilize the soil and increase the economic value of land. Hence, the protection and preservation of trees throughout the City of Lakeshire, particularly mature trees and significant stands of trees, is important to the protection of the health and welfare of residents, the enhancement of residential properties and their economic value and enrichment of the character of the community. The purpose of this tree preservation Section is to encourage preservation of grand trees; reduce tree loss during development; reduce damage to standing trees during construction and provide for the replacement of trees lost during construction. The regulations and requirements of this Section should be interpreted and applied in a manner consistent with these purposes.

### 3. Tree Preservation Plan Required

A. No demolition permit, grading permit or building permit (to the extent that such building permit applies to new construction activity) shall be granted by the City until a tree preservation plan has been filed with and approved by the Building Commissioner with respect to the site.

B. No subdivision, site plan or development plan approval shall be granted by the City until a tree preservation plan has been filed with and approved by the Planning and Zoning Commission.

C. The tree preservation plan shall:

a. Promote development with minimal tree disturbance;

b. Prohibit to the extent practicable grading, demolition and construction within the critical root zone of any trees required by this Section to be undisturbed (which prohibition shall apply to activities related to grading, demolition and construction activity such as placement of substances injurious to trees or storage of materials or soil impeding the access of air or water to the roots of trees);

c. Encourage the preservation of trees within buildable areas (defined as the areas of a lot interior to the front, rear and side building setback lines, on which buildings may be located pursuant to applicable zoning or subdivision regulations);

d. Ensure the preservation of trees within building setback areas ; and

e. Provide for the protection of remaining trees on any site subject to new construction activity.

#### 4. Protection of Trees

The tree preservation plan shall include the following minimum specifications, standards and precautionary measures:

A. All trees identified for preservation shall be temporarily fenced during construction. Fencing shall be installed prior to the issuance of demolition, grading or building permits. Fencing shall be located at the edge of the critical root zone, encompassing a distance of ten (10) feet beyond the defined boundary of the drip line, except where impracticable due to the location of improvements or as necessary to permit construction within the critical root zone. If, however, a certified arborist examines a tree in question and certifies that a particular tree has a smaller critical root zone, fencing may be located at the outer edge of the critical root zone as determined by the arborist. Fencing shall consist of chain link or plastic link fence. Fencing shall be rigidly supported and maintained during all construction periods at a minimum height of four (4) feet above grade. Removal of fencing shall take place only when approved by the Building Commissioner.

B. All trees required to be fenced shall be clearly marked with a spot of paint to notify City inspectors that the subject tree or trees are to be fenced at all times during construction. Protected areas shall also display a sign identifying them as tree preservation areas.

C. Fenced areas shall not be used for material stockpile, storage or vehicle passage or parking. Dumping of materials, chemicals or garbage shall be prohibited within the fenced area. Fenced areas shall be maintained in a natural condition and not compacted.

D. Boring or tunneling methods, including hand trenching, shall be used, to the extent reasonably practicable, when utilities are to be located in the critical root zone, since many, critical roots are close to the surface.

E. Existing storm water runoff and grade shall be maintained within the critical root zone of protected trees.

#### 5. Protection of Trees Within Setback Areas

A. The minimum required tree canopy coverage on land within any building setback area (defined as the area between the property line and the front, rear and side building setback lines as required by applicable zoning or subdivision regulations) on a site shall be retained and undisturbed. Within the "A" Single Family, "B" Single Family,



and “E” Multiple Family zoning districts, the minimum required tree canopy coverage will be sixty percent (60%) of the existing tree canopy within the building setback area. Within non-residential zoning districts the minimum required tree canopy coverage will be equal in area to the existing tree canopy within the building setback area or as may otherwise be determined by application to and approval by the Planning and Zoning Commission, taking into account the purposes stated in this Section.

B. When a grading, demolition or building permit is requested in conjunction with development of a site consisting of more than one (1) parcel of land or when the development will require subdivision into more than one (1) parcel, the building setback areas shall apply and be determined by lot according to the approved record plat or preliminary plat for the proposed development. Redevelopment or re-subdivision of land after the tree preservation plan has been implemented shall not be permitted to defeat or avoid the tree preservation requirements of the Code of the City of Lakeshire first applied to the site and approval of such redevelopment or re-subdivision may be conditioned upon replacement, by replanting or restoration, of trees to equal the previous tree preservation plan, if applicable.

#### 6. Preservation of Grand Trees

Grand trees shall not be disturbed in the course of grading, demolition or building relating to new construction activity except as follows:

A. When the tree is dead, diseased, hazardous or constitutes a public risk; or

B. In any residential district, where such disturbance is necessary to permit construction and is specifically authorized in a tree preservation plan approved in conjunction with the applicable grading, demolition or building permit; or

C. In any non-residential district, where such disturbance is necessary to permit construction and is specifically authorized in a tree preservation plan approved in conjunction with the applicable subdivision, site plan or development plan or applicable grading, demolition or building permit;

provided however, the tree preservation plan shall also require replacement of grand tree(s) lost by any such disturbance under the foregoing exceptions of this Section and such replacement tree(s) shall be subject to review and approval by the Building Commissioner, except that in any event, no replacement shall be required for the disturbance of a dead, diseased or hazardous tree or trees that constitute a public risk. Replacement trees need not be the same size at time of planting nor of the same species as the tree(s) lost and need not meet the definition of a "grand tree" as defined in this Section at the time of planting. Though the use of grand trees as replacements under this Section is encouraged, it is not required. The Building Commissioner

shall consider the overall landscape design of the site, the adaptability of the replacement trees to the climate of the area and conditions of the site and the goals specified in of this Section in reviewing proposed replacement measures.

## 7. Supplemental Standards for Land Disturbance

The tree preservation requirements of this Section may not be altered or waived by the Building Commissioner or by the Planning and Zoning Commission, except as necessary for construction pursuant to a planned development, conditional use permit, approved subdivision plat or approved final site plan specifically authorizing such modification and then only to the extent necessary to complete the approved construction or use. A permit or approval may be conditioned upon the replacement, restoration or relocation of trees or vegetation on the site in an amount or quality sufficient to offset or ameliorate any loss resulting from land disturbance.

Any alteration or waiver of the requirements of this Section shall not be deemed "necessary" where reasonable changes in design or construction or use location or construction technique could reduce or eliminate the amount of tree disturbance.

In the event of any conflict between the provisions of this Section and other requirements of the City of Lakeshire with respect to tree preservation, the most restrictive requirement shall govern.

## 8. Restoration of Trees -- Bond

A. Restoration Required. Any trees disturbed in violation of this Section or an approved tree preservation plan shall be replanted and restored within fifteen (15) months:\

- a. In accordance with the tree preservation plan, or
- b. In the event no tree preservation plan was approved prior to such disturbance, then subject to review and approval by the Building Commissioner.

B. Supplemental Bond. Any person disturbing trees in violation of an approved tree preservation plan or failing to follow procedures required for the protection of trees pursuant to this Section shall be required to post a performance bond with the Building Commissioner in the amount of four thousand dollars (\$4,000.00). The City reserves the right to issue a stop work order and revoke any then applicable demolition, grading or building permit if such bond is not posted within two (2) business days following notice from the Building Commissioner. If the required replanting and restoration is not completed within the time allowed, the Building Commissioner may cause the bond to be used for such replanting and restoration, as well as related site work; provided however, that not more than two thousand five hundred dollars (\$2,500.00) may, on the determination of the Building Commissioner, continue to be held for a

period of twenty-four (24) months to guarantee survival during such period of any trees required to have been preserved and to guarantee replacement and survival during such period of any trees required to have been replanted or restored. Any net amounts retained due to violations causing loss of trees in sizes or character that cannot be similarly replaced shall be returned to the permittee. Notwithstanding any expenditure of the proceeds or recoveries from the bond by the City, the person obtaining the permit or approval shall remain responsible for remedying any uncured violations of this Section and the City shall not be limited to the proceeds or recoveries from the bond for any applicable penalties.

#### 9. Unlawful Acts on Public Property

It shall be unlawful for any person to do any of the following acts on public property or a public right-of-way:

A. Attach any sign, advertisement, notice or any other object to any tree or shrub or in any flower bed in the public right-of-way or any other public property in the City except items installed by the City.

B. Damage, cut, deface, destroy, top or injure any tree, shrub or plant planted in the public right-of-way or upon any public property by placing salt, brine, petroleum products, weed killers, concrete washout or any other substance in such an amount as to be injurious to tree or shrub growth or otherwise disturb any tree in the right-of-way or on other public property. This provision shall not apply to ordinary care and maintenance or removal of trees by a governmental entity or by a public utility authorized to exercise jurisdiction over the right-of-way or on other public property pursuant to a franchise or easement.

C. Place or store cement, asphalt, soil or any other substance in the right-of-way or on any public place which impedes access of air and water to the critical root zone of any tree, shrub or plant planted in the right-of-way or on any other public property.

D. Cause any excavation or construction on a public right-of-way to occur within the critical root zone of any tree in the right-of-way or on other public property or fail to install fences, barriers or other guards to protect the tree on the public right-of-way from damage from such excavation or construction. This provision shall not apply to ordinary care and maintenance or removal of trees by a governmental entity or by a public utility authorized to exercise jurisdiction over the right-of-way or on other public property pursuant to a franchise or easement.

#### 10. Protection or Removal of Trees on Public Property

The Building Commissioner may cause to be removed or may order the property owner to remove any trees, limbs or other item encroaching on or over public property or right-of-way.

In the event that the Building Commissioner causes the encroachment to be removed after notice and failure of the property owner to voluntarily remove it, the Building Commissioner shall send the property owner a bill for the costs of such removal and the property owner shall be responsible for payment of such bill. If the amount is not paid within fourteen (14) days, the amount of the bill shall be charged to the owner of such property in a special tax bill. The special tax bill charged shall constitute a first (1st) lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest plus cost of court, if any, for collection until final payment has been made. Such costs and expenses shall be collected in a manner fixed by law for the collection of taxes and, further, shall be subject to a delinquency penalty of eight percent (8%) per annum if it is not paid in full on or before the date the special tax bill becomes delinquent. Any person damaging, cutting, defacing or injuring any tree, shrub or plant on any public property or right-of-way shall be responsible to pay for any remedial costs in addition to such penalties as may be imposed.

#### 11. Nuisances

The Building Commissioner shall have the authority to order removal of trees on private property that endanger the life, health, safety or property of the public and thereby constitute a nuisance. If such order is not complied with within thirty (30) days, the Building Commissioner may cause the nuisance to be removed and shall send the property owner a bill for the costs of such removal and the property owner shall be responsible for payment of such bill. If the amount is not paid within fourteen (14) days, the amount of the bill shall be charged to the owner of such property in a special tax bill. The special tax bill charged shall constitute a first (1st) lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest plus cost of court, if any, for collection until final payment has been made. Such costs and expenses shall be collected in a manner fixed by law for the collection of taxes and, further, shall be subject to a delinquency penalty of eight percent (8%) per annum if it is not paid in full on or before the date the special tax bill becomes delinquent.

#### 12. Penalties

Violation of any provision of this Section by any intentional act shall constitute a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00). The removal of each tree in violation of any provision of this Section shall constitute a separate punishable offense. Each day on which a violation of the replanting or restoration requirements of a tree preservation plan continues or on which a violation of the replanting or restoration requirements of other provisions of this Section continues shall constitute a separate punishable offense.

#### 13. Appeals

An appeal for a variance from the strict application of this Section shall be made directly to the Board of Adjustment in accordance with the applicable procedures of the Code of the City of Lakeshire.

14. Removal of Trees Prior to Land Disturbance

Any trees which have been removed from a site within twelve (12) months prior to application for a demolition, grading or building permit (to the extent that such building permit applies to new construction activity) or other land use approval shall be deemed to have been removed for purposes covered by this Section and shall be subject to all replanting and restoration requirements contained herein.

## **INTERNATIONAL RESIDENTIAL CODE**

### **Chapter 510**

#### **Section 510.010 – Adoption of International Residential Code.**

The St. Louis County Residential Code adopted under ordinances 22,314, 22451, 22689, and 24,427 and all subsequent amendments there to as adopted by the St. Louis County Council on May 18, 2005, September 7, 2005, March 9, 2006, and July 16, 2010 is hereby adopted as the Residential Code of the City of Lakeshire. St. Louis County adopted the ICC International Residential Code for One- and Two-Family Dwellings, 2009 edition, and all supplements thereto, as published by the International Code Council, Inc. This shall be and is adopted as the Residential Code of the City of Lakeshire; and each and all of the regulations, provisions, penalties, conditions and terms of the ICC International Residential Code for One- and Two-Family Dwellings, Year 2009 edition and all supplements thereto, are made a part of the Lakeshire Municipal Code as if fully set out in this ordinance. Any amendments to the ICC International Residential Code for One- and Two-Family Dwellings contained in the St. Louis County Residential Code shall also amend the Code adopted by the City of Lakeshire.

#### **Section 510.020. Carbon Monoxide Detectors**

A. *Purpose.* Requiring installation of approved carbon monoxide detectors in all new dwellings within the City of Lakeshire in which carbon monoxide may be present as a result of a source of heat or energy which is created by fossil fuel; and providing for rules and regulations regarding the implementation and administration of provisions herein. "Fossil fuel" shall include coal, natural gas, kerosene, oil, propane, wood, gasoline and diesel fuel.

B. The owner of every new dwelling within the City of Lakeshire that is heated by a fossil-fuel-powered heating unit which is fully contained within the interior of the building or structure shall install not less than one (1) approved carbon monoxide detector in each room containing a fossil-fuel powered heating unit.

C. For existing structures, property owner(s) shall provide a statement to the City's Code Official within four (4) months of the effective date of this Section, confirming that not less than one (1) approved carbon monoxide detector has been installed in each room that contains a fossil-fuel-powered heating unit. Failure to comply with this subsection shall subject the owner to the fines or other penalties provided in Section 900.080 of the Code of Lakeshire.

D. Upon the change of ownership or tenant of a single-family residential building which is heated by a fossil-fuel-powered heating unit fully contained within the interior of the building or contains an attached or enclosed garage, prior to issuance of an occupancy permit, not less than one (1) approved carbon monoxide detector must be installed outside the area of sleeping rooms and each room containing a fossil-fuel powered heating unit. On floors with split sleeping areas, only one (1) carbon monoxide detector per floor is required.

E. The owner of every building within the City of Lakeshire that is intended to be occupied for residential purposes by more than one (1) family and that is heated by a fossil-fuel-powered heating unit that is fully contained within the interior of the building or contains an attached or enclosed garage, prior to issuance of an occupancy permit for an individual unit, shall install not less than one (1) approved carbon monoxide detector in the individual unit of said building and each room containing a fossil-fuel powered heating unit.

F. A carbon monoxide detector is deemed approved for purposes of this Section if it complies with all applicable State and Federal regulations and bears the label of a nationally recognized standard testing laboratory and meets the revised standard of at least UL2034 dated October 1, 1995, or subsequent revision of UL2034 or its equivalent.

G. It shall be unlawful for any person to make a required carbon monoxide detector inoperable in any way except that this provision shall not apply to any building owner, manager and/or agent of said building owner or manager during the period of time that normal maintenance procedures are performed, including replacement of batteries; and provided that each carbon monoxide detector be restored to full functionality after any such maintenance procedure.

H. The owner of a building that is subject to the provisions of this Section shall supply, install, test (as per the manufacturer's specifications), and maintain required carbon monoxide detectors. The owner shall also supply all necessary equipment required for the operation of all detectors.

## **BUILDING CODE**

### **Chapter 520**

#### **Section 520.010 - - Adoption of International Building Code**

The International Building Code, as adopted by St. Louis County under Ordinance 22,314, 23533, and 24444 and all subsequent amendments thereto as adopted by the St. Louis County Council on May 18, 2005, February 20, 2008, and July 21, 2010 is hereby adopted as the Building Code of the City of Lakeshire. Insofar as the St. Louis County Building Code amends the International Building Code, Year 2009 Edition, and all supplements thereto, as published by the International Code Council, Inc., shall be and is adopted as the Building Code of the City of Lakeshire for the regulation of buildings and structures; and each and all of the regulations, provisions, penalties, conditions and terms of the International Building Code, 2009 edition and all supplements thereto, are made a part of the Lakeshire Municipal Code as if fully set out in this ordinance. In addition, any specific provisions contained in this Chapter known as the Building Code shall supersede any provisions contained in the St. Louis County Building Code.

#### **Section 520.020 - - Conflict with Zoning Regulations**

In the event the provisions of the Lakeshire Building Code as herein adopted shall conflict with the Lakeshire Zoning Code, then the provisions of the Zoning Code shall prevail and said Building Code provisions shall be null and void to the extent of said conflict.

#### **Section 520.030 - - Construction Permit Fees**

The fees charged by the City of Lakeshire for permits involving new construction of buildings, additions and accessory structures shall be as follows:

\$10.00 for the first \$5,000.00 of construction costs



\$2.00 for each additional \$1,000.00 of construction costs up to \$12,000.00

\$1.00 for each additional \$1,000.00 of construction costs over \$12,000.00

\$10.00 for each inspection and reinspection involving new construction

## **ELECTRICAL CODE**

### **Chapter 530**

#### **Section 530.010 - - Adoption of St. Louis County Electrical Code**

- 1) The St. Louis County Electrical Code is amended by the County of St. Louis, Missouri, through date of last amendatory ordinances: 1) Electrical (County Ordinance 24,439 approved July 14, 2010) Code is hereby adopted as the Electrical Code of the City of Lakeshire, St. Louis County, Missouri, as if fully set out herein.

#### **Section 530.020 - - Inspection Agreement**

The Mayor of the City of Lakeshire is hereby authorized to enter into an electrical inspection and permit agreement with the County of St. Louis, providing for the enforcement of the Lakeshire Electrical Code by the County of St. Louis and its officials.

## **PLUMBING CODE**

### **Chapter 540**

#### Section 540.010 - - Adoption of St. Louis County Plumbing Code

The St. Louis County Plumbing Code, per ordinance 18964 and as amended per ordinance 24,441 approved July 14, 2010, is hereby adopted as the plumbing code of the City of Lakeshire as if fully set out herein.

#### Section 540.020 - - Inspection Agreement

The Mayor of the City of Lakeshire is hereby authorized to enter into a plumbing inspection and permit agreement with the County of St. Louis, providing for the enforcement of the Lakeshire Plumbing Code by the County of St. Louis and its officials.

## **NUISANCES**

### **Chapter 600**

#### **Section 600.010 - - Nuisances Enumerated**

In addition to any other act declared to be a nuisance by this Code or other ordinances of the City, nuisances are hereby defined and declared to be as follows:

- (1) Any acts done or committed, or suffered to be done or committed, by any person, or any substance or thing kept, maintained, placed or found in or upon any public or private place which is injurious or dangerous to the public health;
- (2) Any pursuit followed or act done by any person to the hurt, injury, or damage of the public;
- (3) Any pond or pool of stagnant water upon any premises and any foul or dirty water or liquid when discharged through any drain, pipe or spout, or thrown into or upon any street, thoroughfare or premises to the injury and annoyance of the public.
- (4) Any substance emitting an offensive, noxious, unhealthy or disagreeable smell in the neighborhood where it exists. Any carcass of a dead animal which the owner or keeper permits to remain within the city limits exceeding twelve (12) hours after death;
- (5) Any obstruction caused or permitted on any street, alley or sidewalk to the danger or annoyance of the public, and any stones, dirt, garbage, filth, vegetable matter or other articles thrown or placed by any person on or in any street, alley, sidewalk or other public place or on any premises or any stream of water within the City which in any way may cause or is liable to cause any injury or annoyance to the public;
- (6) The keeping of horses, mules, cattle, sheep, goats, pigs or other non-domestic animals;
- (7) Any bawdy house, or building or room to which persons are allowed or permitted by the owner, keeper or occupant to resort for the purpose of prostitution;

- (8) The placing, depositing or throwing, or causing to be placed, deposited or thrown, of any rubbish, garbage, trash, scrap paper, handbills, confetti, shavings, dirt, hulls, shells, stalks, dead animals or any other kind of waste materials, on any sidewalk, street, parkways, road shoulders, or other public places, or on any private lots or premises in the City in such manner and extent to render the same unsightly, unclean, or unsafe;
- (9) The abandonment, neglect, or disregard of any premises so as to permit the premises to become unclean, with an accumulation of litter or waste thereon, or to permit the premises to become unsightly, unsanitary, or obnoxious or a blight to the vicinity, or offensive to the senses of users of the public way abutting the premises and so to continue for a period longer than twenty-four (24) hours;
- (10) Any excessive, unnecessary noise or loud playing of musical instruments or devices annoying to the public;
- (11) Any tree on any property which, by reason of its dying, decay or other reason, is a menace to the safety of persons using any street, alley or sidewalk or persons occupying any premises or parcel of ground;
- (12) Every act or thing done or made, permitted, allowed or continued on any property, public or private, by any person, his agent or employee, to the damage or injury of any of the inhabitants of this City.

#### Section 600.011 - - Dead and Dying Trees

##### 1. Nuisances Declared

- A. Trees of all species and varieties of elm, Zelkova and planera, affected with the fungus *Creatosomella ulmi*, as determined by laboratory analysis, are hereby declared to be a public nuisance, and shall be cut down and removed from the premises within thirty (30) days following notification of the discovery of such infection. The owner of property whereon such a tree is situated shall not possess or keep such a tree after the expiration of thirty (30) days following notification of the discovery of such infection.
- B. All trees or parts thereof in a dead or dying condition are hereby declared to be public nuisances and no person owning, in control, of or occupying property wherein such trees are located shall possess or keep such trees.
- C. It shall be unlawful, and is hereby declared a nuisance, for any owner or any person occupying or in control of property to allow on such property

trees or parts thereof that extend over any sidewalk or street and thereby obstruct or interfere with passage on such sidewalk or street.

2. Inspections

The Director of Public Works is charged with enforcement of this article and to that end, duly authorized employees of the Department of Public Works may lawfully enter upon private property at all reasonable hours for purposes of inspecting trees thereon, and may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected.

3. Notice to Remove Trees

If trees on private property are found to be nuisances as stated in Section 1, the Director of Public Works shall give to the owner(s) of the premises where such trees are situated written notice of the existence of such nuisance, requiring the cutting down and removal from the premises within a period of thirty (30) days following such notice. Such cutting down and removal shall be under the direction of the Director of Public Works. Such notice shall also notify the owner(s) of the premises that unless such tree is cut down and removed from the premises in compliance with the terms thereof within such thirty (30) days period, the City will proceed with the cutting down and removal from the premises of such tree, and assess the cost thereof against the property by special tax bills to be issued in the name of the owner(s) of the property. Upon application to the Board of Aldermen additional thirty (30) day extensions for time to cut down and remove trees from the premises may be granted by the Board in its sole discretion.

4. Service of Notice

Service of the notice provided in Section 3 shall be by posting of the property and by first-class mail where the owner of the premises is a resident of the City. Where the owner is a non-resident of the City, the notice shall be served by certified mail, addressed to the owner at his last known address as shown by the City records.

5. Removal of Trees

Upon service of the notice described in Section 3, the owner of the premises shall cause such tree to be cut down and removed from the premises under the direction and supervision of the Director of Public Works. In lieu thereof, the person charged with such cutting down and removal from the premises, may request that the same be done by the Director of Public Works. If the City shall cut down and

remove from the premises any tree, all expenses incurred in connection therewith shall be reported to the Board of Aldermen for assessment against the lands whereon the tree was situated.

6. Violations; Penalty

Imposition of any penalty for a violation of this Article shall not waive the right of the City to collect the costs of removal of such tree in accordance with the provisions of this Article.

Section 600.015 - - Creation of Nuisance Prohibited

No person shall permit, cause, keep, maintain or create within the City any nuisance, as defined by state laws or city ordinances.

Section 600.020 - - Garbage

All garbage shall be kept in a container normally used for that purpose with a lid covering the same at all times, or in secure leak proof plastic bags.

Section 600.030 - - Removal, Generally

A. Whenever any nuisance, as defined in Section 600.010, exists, the City shall notify the occupants of the property to have the nuisance removed.

B. Should the occupant fail to remove the nuisance within the term set forth in the notice prescribed in Section 600.100, the City shall have authority to remove the nuisance.

Section 600.040 - - Removal by City; Costs

A. When the City removes any nuisance, as provided in Section 600.030, it shall charge the occupants of the property with the expense incurred.

B. If the occupant fails to pay the amount of the expenses, the city administrator shall cause a special tax bill to be prepared against the property from which the nuisance was removed, such tax bill to be collected by the collector with the other taxes assessed against the property.

C. The special tax bill from the date of its issuance shall:

(1) Be a first lien on the property until paid and prima facie evidence of the recitals therein, and of its validity and no mere clerical error or informality in the same of in the proceedings leading up to the issuance shall be a defense thereto.

(2) As a part of the cost in removing the nuisance, include a charge of ten dollars (\$10.00) for inspecting the property and a further charge of ten dollars (\$10.00) for computing, making, certifying and recording the bill.

(3) Be issued by the city administrator on or before June first of each year and, if not paid when due, shall bear interest at the rate of ten (1) per cent per annum.

#### Section 600.050 - - Putrid Meats, Food, etc.

No person shall suffer or allow any putrid or unwholesome meats or fish, decayed fruits or vegetables, refuse, offal, excrement, or other filthy or offensive substance or thing, to be or remain on or in any house, building, lot or premises owned or occupied by him or under his charge or control.

#### Section 600.060 - - Repealed

#### Section 600.070 - - Smoke Nuisances - - Penalty for Maintaining

The emission of discharge into the open air of dense smoke within the corporate city limits of the City of Lakeshire, Missouri, is hereby declared to be a public nuisance. The owners, lessees, occupants, or managers or agents of any building, establishment, or premises from which dense smoke is so emitted shall be deemed guilty of a violation, and upon conviction thereof, shall pay a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00). And each and every day thereon such smoke shall be so emitted or discharged shall be a separate offense.

#### Section 600.080 - - Private Lots and Houses

No owner, occupant or person in charge of any house, building, lot or premises in the City shall cause or allow any nuisance to be or remain in or upon any such house, building, lot, or premises.

#### Section 600.090 - - Building Commissioner to Visit Private Premises and to Report



It shall be the duty of the Building Commissioner of the City of Lakeshire to visit and go upon each occupied lot in the City of Lakeshire and examine all portions of the premises which appear to contain nuisances, and cause to be abated all the nuisances he may find, and if said nuisances are not abated, to make report to the City Attorney, who shall prepare the necessary complaints.

Section 600.100 - - Notice to Abate Nuisance

A. Whenever the Building Commissioner or the Police Chief of the City shall ascertain or have any knowledge that a nuisance exists and/or upon any house or premises in this City, they shall, in writing, notify the owner and the person occupying or having possession of such house or premises, to abate or remove such nuisance with any time to be specified in said nuisance. Any person receiving such notice may within two (2) days thereafter appeal said notice to the Board of Alderman, who shall schedule a hearing prior to any further action being taken by the City. Said hearing shall determine if whether a nuisance exists and, if so, set the requirements and time limit for its abatement.

B. 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 house or premise as set forth in subsection A above and after abatement thereof, the same nuisance recurs in or on the same house or premises by the same person or persons responsible therefore, no further notice will be given provided that said recurrence takes place within one year of the date of the first notice referenced in A. Thereafter such responsible person or persons may be summoned in Municipal Court to answer to the charges against them and the nuisance may be abated by the City without further notice and the cost of abatement shall be assessed pursuant to the Lakeshire City Ordinances.

C. 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 the Municipal Code of the City of Lakeshire.

Section 600.110 - - Penalty for Failure to Comply with Notice

Any person notified as provided in the preceding section who shall fail, neglect, or refuse to comply with the same or appeal same within the time limit in such notice, shall be deemed guilty of a violation, and every day thereafter that such person shall fail, neglect, or refuse to agate or remove such nuisance, either by filling up, draining, cleaning, purifying, discontinuing, or removing the same, he shall be deemed guilty of a separate offense and shall be proceeded against as in the first instance.

Section 600.120 - - Penalty for Failure to Comply with Provisions of This Chapter

Any person who shall violate, neglect, fail, or refuse to comply with the provisions of this chapter, shall on conviction thereof, before the Municipal Judge, be deemed guilty of committing, causing, keeping, maintaining, or doing, or causing or permitting to be committed, caused, kept, maintained, or done, a nuisance, and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) to be imposed and collected in like manner as fines are imposed in cases of violations; and if upon such trial it shall appear to such Municipal Judge or Appellate court that the nuisance complained of continues to exist, said Judge or appellate court shall, in addition to the penalty herein provided for, make an order directing the Chief of Police, Building Commissioner, or Street Commissioner, as the case may be, to abate such nuisance forthwith, and immediately report the expense thereof to such Judge, and the cost of removing or abating such nuisance may be made a part of the judgment by the Municipal Judge, in addition to the fine imposed, in case of conviction in the Judge's court, of the person causing or maintaining such nuisance.

Section 600.130 - - All City Officers to Report Violation of Chapter

The Street and Building Commissioner and all other officers and employees of the City shall report all violations of this Chapter, within their knowledge, to the City Attorney, who shall proceed to prosecute the same as in case of violations.

Section 600.140 - - Definition of Weeds

For the purpose of this article, the term "weeds" shall be defined as all grasses, annual plants, and vegetation other than trees or shrubs. Provided, however, the term "weeds" shall not include cultivated flowers and vegetation in gardens.

Section 600.150 - - Height, Growth, and Removal of Weeds and Overgrown Vegetation: Nuisance Declared

It shall be unlawful, and is hereby declared a nuisance, for any person having control of any lot or tract of land, or any part thereof, to allow or maintain on any such lot or tract of land, or any part thereof, any growth of weeds to a height of seven (7) inches or over; or to allow the presence of weed cuttings, cut and fallen trees, shrubs or

overgrown vegetation; nor shall growth be allowed on the street or right-of-way or sidewalk adjacent to or adjoining any such lot or tract of land. It shall be unlawful for any such person having control of any lot or tract of and to allow the unbridled growth of any wild vines, shrubs or vegetation beyond the boundaries of such lot or tract of land in such manner that they interfere with or damage adjoining and adjacent lots or tracts of land or trees and shrubs thereon. Weeds and vines, when cut, shall be removed from the lot or tract of land and disposed of in such manner as not to create a nuisance under Chapter 600 herein.

#### Section 600.160 - - Procedure for Abatement

A. Whenever weeds, vines or overgrown vegetation, in violation of section 600.150, are allowed to grow on any part of any lot or ground within the City, the owner of the ground, or in the case of joint tenancy, tenancy by entireties, or tenancy in common, each owner thereof shall be liable. The owner(s) or their agent(s) shall within three (3) days of receipt of or posting of notice on the lot or tract of land from the building commissioner cut down and remove said weeds, vines, or other vegetation. All notices required herein shall be served personally or by certified mail, return receipt requested, sent to the last known address of the intended recipient, or posted on the lot or tract of land.

B. If the weeds, vines, or other vegetation are not cut down and removed within the three-day period following the notice from the building commissioner, he shall have the weeds, vines, or vegetation cut down and removed. The cost of such removal shall be certified to the city clerk who shall cause a special tax bill therefore against the property to be prepared and to be collected by the city collector, with other taxes assessed against the property.

C. The tax bill, from the date of its issuance, shall be a first lien on the property until paid, and shall be prima facie evidence of the recitals therein and of its validity. No mere clerical error or technicality in the tax bill, or in the proceedings leading up to the issuance, shall be a defense thereto.

D. Each special tax bill shall be issued by the city clerk and delivered to the city collector on or before the first day of June of each year. Such tax bills, if not paid when due, shall bear interest at the rate of eight (8) percent per annum.

#### Section 600.170

All City Officials shall watch for any violation of the provisions and report at once all the facts to the office of the Building Commissioner.

#### Section 600.180 - - Recurring Creation of Maintenance Nuisance

A. Once a nuisance 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 recuts in or on the same lot or tract of land by the same person or person 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 and the nuisance abated without notice.

B. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City abating the nuisance as set forth herein.

#### Section 600.190 - - Noise Prohibition

##### A. Prohibited; exceptions

It shall be unlawful for any person to make, continue or cause to be made or continued any loud or unusual noise or any noise which would unreasonably either disturb, injure or endanger the comfort, repose, health, peace or safety of persons or normal and ordinary sensibilities, or which would unreasonably interfere with the comfort and enjoyment of private property, within the limits of the city. The provisions of this section shall not be applicable or enforced in relation to:

1. Any vehicle owned by the city while engaged in necessary public business.
2. Excavations or repair of streets by or on behalf of the city, county or state at night when public welfare and convenience render it impossible or impractical to perform such work during the day.
3. The reasonable use of amplifiers of loudspeakers in the course of religious services or assemblies and public addresses which are noncommercial in nature.
4. Parades or other similar processions or demonstrations conducted by persons, groups or organizations when such parade or procession is conducted in accordance with a permit issued by the chief of police.

5. Any vehicle operated as an ambulance, or a vehicle operated by the state highway patrol, police or fire department, sheriff, constable or deputy sheriff, traffic officer or coroner;

B. Enumeration of Acts

The following acts, among others, are declared to be loud, disturbing and unreasonable noises in violation of this section but such enumeration shall not be deemed to be exclusive:

1. Horns, signaling devices, etc.

The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or in any public place in the city except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for an unreasonable period of time; the use of any signaling device, except a police whistle or one operated by hand or electricity; the use of any horn, whistle or other device when traffic is held up for any reason.

2. Radios, Televisions, Phonographs, etc.

Using, operating, playing or permitting to be used, operated, or played any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure, vehicle or area in which it is located.

3. Loudspeakers, Amplifiers, etc., for Advertising

Using, operating, playing or permitting to be used, operated or played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any commercial building, structure or establishment, or to any commercial demonstration or display.

4. Yelling, Shouting, Loud Conversation, etc.

Yelling, shouting, whistling, singing, crying out or unreasonably and excessively loud conversation between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to render such noise plainly audible at a distance of one hundred (100) feet from the building, structure, vehicle or area in which the individuals participating in such conduct are located.

5. Power Mowers or Rakes

The use of power mowers or rakes between the hours of 9:00 p.m. and 8:00 a.m. is prohibited.

6. Exhausts

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or similar device which will effectively deaden, suppress and muffle loud or explosive noises therefrom.

7. Defect in Vehicle or Load

The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

8. Loading, Unloading, Opening Boxes

The creation of any unreasonably loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

9. Construction of Repairing of Buildings

The erection (including excavation), demolition, alteration or repair of the exterior portion of any building or structure other than between the hours of 8:00 a.m. and 9:00 p.m., except on urgent necessity in the interest of the public health and safety, and then only with a permit from the code enforcement officer, such permit may be granted for a period not to exceed three (3) days while the emergency continues, and which permit may be renewed by the Mayor and Board of Aldermen for periods of three (3) days or less while the emergency continues. If the Mayor and Board of Aldermen determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or structure

or the excavation of streets and highways from 9:00 p.m. to 8:00 a.m., upon application made at the time the permit for the work is applied for or during the progress of the work, they may grant a special permit to permit erection, demolition, alteration or repair of buildings or structures at times other than as set forth in this ordinance.

10. Animals

The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any persons of normal and ordinary sensibilities.

11. Noise to Attract Attention

The use of any drum or other instrument or device for the purpose of attracting attention to any commercial show or performance, shop or sale by creation of noise is prohibited.

12. Operation of Hammers

The operation from 9:00 p.m. to 7:00 a.m. of any pneumatic hammer, derrick, steam or electric noise or other appliance, the use of which is attended by loud or unusual noise without a special permit from the mayor and Board of Aldermen is prohibited.

13. Blowers

The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler or similar device which will effectively deaden, suppress and muffle loud or explosive noises therefrom.

14. Motor Vehicle Repair

The doing of any activity in the course of repairing or altering a motor vehicle or repairing or altering a motor vehicle or equipment thereof, between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to render noise therefrom plainly audible at a distance of one hundred (100) feet from the building, structure or area in which the individual or individuals participating in such activity are located.

15. Sound Trucks

The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes; the use of sound trucks for noncommercial purposes between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to render the noise therefrom plainly audible at a distance of one hundred (100) feet from the point at which such vehicle is operating or standing.

C. Declared Nuisance

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this section, and which causes distress, discomfort or injury to reasonable persons of normal and ordinary sensibilities or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

Section 600.200 - - Places used for the commission of crimes or ordinance violations, or acts done, permitted or allowed to continue to the damage or injury of any inhabitants of the City of Lakeshire.

1. As used in this section, “place” means any building, dwelling unit, lot, plot or parcel of land, premises, room or structure.
2. Any place which is used to the commission of crimes, ordinance violations, or acts done, permitted, or allowed to continue to the damage or injury of any of the inhabitants of the City is a public nuisance.
3. The Chief of Police shall notify the owner and occupant of any place that is a public nuisance. The notice may be served personally or by first class mail. In the event that the whereabouts of the owner or occupant of the premises upon which said alleged nuisance exists, or his agent, or the person causing or maintaining same, is unknown, such notice shall be posted on the premises where such alleged nuisance exists, for at least five (5) days. The notice shall include statements that:
  - a. the place is in violation of this Chapter, including the reason(s) why;



- b. the public nuisance must be abated within 10 days of the notice, unless the time for compliance is extended by the Mayor or the Mayor's designee in order to conduct a hearing as provided below;
  - c. the owner or occupant shall, within 5 days of the notice, have the right to request in writing a hearing before the Mayor, or the Mayor's designee, to have a determination made as to the existence of a public nuisance; and
  - d. a copy of the notice is being provided to the City Clerk.
4. In the event a hearing is requested by the owner or occupant, five days notice of the time and place of such hearing shall be given to the owner or occupant of the premises upon which said alleged nuisance exists, or to their agents.

Such notice may be served personally or by first class mail. In the event that the whereabouts of the owner or occupant of the premises upon which said alleged nuisance exists, or his agent, or the person causing or maintaining same, is unknown, such notice shall be posted on the premises where such alleged nuisance exists, for at least five (5) days before said hearing.

All interested parties may appear at such hearing either in person or by attorney and present evidence concerning the alleged nuisance. If, upon such hearing, the Mayor or the Mayor's designee finds that a nuisance exists, the Mayor shall order the owner, occupant or agent of the premises, or the person causing or maintaining same, to abate the nuisance, and if it be not abated within the time prescribed by the Mayor in the order, then the Chief of Police shall file a citation with the Municipal Court for a violation of this Chapter.

5. At the hearing the Mayor of the City of Lakeshire or his or her designee shall determine whether the place is a public nuisance, giving such weight to the following factors as he or she deems appropriate:
- a. The physical characteristics of the neighborhood in which the place is located, with particular consideration given to the proximity of the place to residential property, parks, churches, schools, and playgrounds;
  - b. Whether there is littering as prohibited by law, by the owner, occupant or persons who frequent the place;

- c. Whether there is drinking of alcoholic beverages in public, as prohibited by law, by the owner, occupant or persons frequenting the place, toward persons living in the neighborhood or passing by the place;
- d. Whether there is lewd and indecent conduct, as prohibited by law, including public urination or defecation, by the owner, occupant, or persons frequenting the place;
- e. Whether there is the possession, sale or use of controlled substances as prohibited by law, by the owner, occupant or persons frequenting the place;
- f. Whether there is harassing or intimidating conduct, as prohibited by law, by the owners, occupant or persons frequenting the place, toward persons living in the neighborhood or passing by the place;
- g. Whether there is noise prohibited by law, caused by the owner, occupant or persons frequenting the place;
- h. Whether there is the commission of other crimes, ordinance violations, or acts done, permitted, allowed or continued to the damage or injury of any inhabitants of the city, by the owners, occupant or persons frequenting the place;
- i. Whether there is street or sidewalk congestion caused by the owner, occupant, or persons frequenting the place; or
- j. Any other activity deemed an offense under chapter 215 or a nuisance under chapter 600 of the Municipal Code of the City of Lakeshire or deemed relevant by the Mayor or his designee.
- k. For purposes of this Section, a person shall be considered to frequent a place is he or she lives or works at, or visits the place, or if the person loiters about the place.
- l. If the Mayor or his designee finds that the place is a public nuisance in violation of this section, he or she shall order the owner or occupant to abate the nuisance, and may further order any appropriate action to abate the same, including that the place shall not be occupied or used for a period not exceeding one year.

- m. The closure of any place pursuant to this Section shall not constitute an act of possession, ownership or control by the City of the closed place.
- 6. Such finding shall be by a preponderance of the evidence. All testimony at the hearing shall be given under oath, but the hearing shall be informal in nature.
- 7. If the Mayor or his or her designee finds that the place is a public nuisance in violation of this section, he or she shall tax the cost of the hearing to the owner or occupant of the place. The hearing cost shall be set at \$150.00.
- 8. It is unlawful for any person to:
  - a. Fail to obey an order to abate a nuisance issued pursuant to this section;
  - b. Interference with any entry into or upon the place by any police officer, agent or employee of the city for the purpose of abating the nuisance, as ordered pursuant to this section;
  - c. Occupy or use or permit any other person to occupy or use any place ordered closed pursuant to this section;
  - d. Damage or remove any notice or order posted at the place pursuant to this section; or
  - e. Keep or maintain a place used for the commission of crimes, ordinance violations, or acts done, permitted, or allowed to continue to the damage or injury of any inhabitants of the City. Nothing contained in the section shall relieve the owner or occupant of any place from complying with the applicable building, fire, property maintenance and zoning codes, or any other ordinance that regulates the condition or use of the place.

Section 600.205 - - Liability for offenses under Section 600.200

- 1. The owner of any place, as well as the tenant or occupant of such premises, is charged with the duty of observing all of the requirements and provisions of the code with reference to offenses and nuisances contained in Chapters 215 or 600 of the Municipal Code of the City of Lakeshire, and any or all such persons, together with the person causing or contributing to cause or bring about any nuisance, may be charged with such offense and shall be equally liable.
- 2. Offenses under Sections 600.200 and Section 600.205 shall be Class A violations and subject to the penalties of Class A violations.

Section 603.010 - - Amending and Extending the Cable Franchise Granted to Charter Communications Entertainments I, L.P.

A. The cable television franchise granted by Ordinance Number 603 is hereby extended for an additional period of five years until May 9, 2014.

B. Ordinance Number 603, Section \_\_\_\_\_, is hereby amended by adding a new subsection as follows:

The requirements of this Section do not apply to the restructuring of debt or ownership interests among existing equity participants in Charter Communications, Inc., and its affiliates or the sale of capital stock by Grantee, or by any of Grantee's affiliated companies, in a transaction commonly known as an "initial public offering", provided that the following conditions are satisfied: (i) the Grantee provides to Grantor not less than thirty (30) days prior written notice of that proposed transaction, and (ii) the Grantee represents in writing to the Grantor that such transaction will have no foreseeable effect on the agreement between the Grantee and Charter Communications, Inc. relating to the management and operation of the Grantee's cable system in the franchise service area.

C. All of the provisions of Ordinance Number \_\_\_\_\_ shall remain unchanged and in full force except as specifically amended by the Ordinance.

## **BUSINESS SOLICITATION REGULATIONS**

### **Chapter 610**

#### **Section 610.010 - - Scope**

This Chapter is enacted to promote and protect the public health, safety and welfare of the citizens of the City of Lakeshire and shall be in effect as hereinafter defined and described within the corporate limits of the City of Lakeshire. The identification cards provided for in this Chapter are not intended to be in addition to any license required under Chapter 605, but rather in lieu thereof. In the event of any conflict between the provisions of Chapter 605 and the provisions of this Chapter, this Chapter shall prevail.

#### **Section 610.020 - - Definitions**

As used in this Chapter, the following words have the meaning indicated:

A. “Peddler” is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A “peddler” does NOT include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a “solicitor”.

B. “Solicitor” is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service.

C. “Canvasser” is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

D. “Issuing officer” is the City Clerk of the City of Lakeshire, Missouri.

Section 610.030 - - Exception

This Chapter shall not apply to a federal, state or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

Section 610.040 - - Identification Card Required for Peddlers and Solicitors,  
Available for Canvassers

No person shall act as a peddler or as a solicitor within the City of Lakeshire without first obtaining an Identification Card in accordance with this Chapter. A canvasser is not required to have an Identification Card but any canvasser wanting an Identification Card for the purpose of reassuring City of Lakeshire residents of the canvasser’s good faith shall be issued one upon request.

Section 610.050 - - Fee

The fee for the issuance of each Identification Card shall be:

- A. For a peddler . . . . the fee is \$10.00 per day per Identification Card.
- B. For a solicitor . . . . no fee.
- C. For a canvasser . . . . no fee.

Section 610.060 - - Application for Identification Card

Any person or organization (formal or informal) may apply for one or more identification cards by completing an application form at the office of the issuing officer, during regular business hours.

Section 610.070 - - Contents of Application

The applicant (person or organization) shall provide the following information:

- A. Name of applicant.
- B. Number of identification cards required.
- C. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver’s license, state

identification card, passport, or other government issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken. If a photograph is not supplied, the City of Lakeshire will take an instant photograph of each person for which a card is requested at the application site. The actual cost of the instant photograph will be paid by the applicant.

D. The permanent and (if any) local address of the applicant.

E. The permanent and (if any) local address of each person for whom a card is requested.

F. A brief description of the proposed activity related to this identification card. (Copies of literature to be distributed may be substituted for this description at the option of the applicant).

G. Date and place of birth for each person for whom a card is requested and (if available) the social security number of such person.

H. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a card is requested for the seven years immediately prior to the application.

I. The motor vehicle make, model, year, color, and state license plate number of any vehicle which will be used by each person for whom a card is requested.

J. If a card is requested for a peddler:

1. The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).

2. A copy of the principal's sales tax license as issued by the State of Missouri, *provided that no copy of a license shall be required of any business which appears on the City of Lakeshire's annual report of Sales Tax payees as provided by the Missouri Department of Revenue.*

3. The location where books and records are kept of sales which occur within the City of Lakeshire and which are available for City of Lakeshire inspection to determine that all City of Lakeshire sales taxes have been paid.

K. If a card is requested for a solicitor:

1. The name and permanent address of the organization, person, or group for whom donations (or proceeds) are accepted.
2. The web address for this organization, person, or group (or other address) where residents having subsequent questions can go for more information.
- L. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

#### Section 610.080 - - Issuance of Identification Card

The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion of an application, unless it is determined within that time that:

- A. the applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven years,
- B. with respect to a particular card, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven years, or
- C. any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

#### Section 610.090 - - Investigation

During the period of time following the application for one or more identification cards and its issuance, the City of Lakeshire shall investigate as to the truth and accuracy of the information contained in the application. If the City of Lakeshire has not completed this investigation within the sixteen (16) business hours provided in Section 610.070, the identification card will nonetheless be issued, subject, however, to administrative revocation upon completion of the investigation. [If a canvasser request an identification card, the investigation will proceed as described above, but the City of Lakeshire refuses to issue the identification card (or revokes it after issuance), the canvassers will be advised that the failure to procure an identification card does not prevent him/her from canvassing the residents of the City of Lakeshire]

#### Section 610.100 - - Identification Card - - Not an Endorsement



No person holding an identification card, or an agent , member or representative of the same, shall advertise, represent or hold out in any manner, that such identification card is an endorsement of the holder by the City of Lakeshire or by any member of the City of Lakeshire administration or Board of Aldermen thereof, or by any organization which any of the same may represent.

#### Section 610.110 - - Denial; Administrative Revocation

If the issuing officer denies (or upon completion of an investigation revokes) the identification card to one or more persons, he shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral notification, and even before the preparation of the written report, the applicant shall have at his option an appeal of the denial of his application before the following tribunal:

Before the Mayor, provided that such a hearing will be scheduled within ten (10) days of the request, due notice of which is to be given to the public and the applicant.

#### Section 610.120 - - Hearing on Appeal

If the applicant requests a hearing under Section 610.110, review from the decision (on the record of the hearing) shall be had to the Circuit Court of St. Louis County.

#### Section 610.130 - - Display of Identification Card

Each identification card shall be (when the individual for whom it was issued is acting as a peddler or solicitor) worn on the outer clothing of the individual, as so to be reasonably visible to any person who might be approached by said person.

#### Section 610.140 - - Validity of Identification Card

An identification card shall be valid within the meaning of this Chapter for a period of six (6) months from its date of issuance or the term requested, whichever is less.

#### Section 610.150 - - Revocation of Card

In addition to the administrative revocation of an identification card, a card may be revoked for any of the following reasons:

- A. Any violation of this Chapter by the applicant or by the person for whom the particular card was issued.
- B. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
- C. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven years.
- D. Conducting the activity in such a manner as to constitute a breach of peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of an information by the Prosecuting Attorney or of a complaint by the issuing officer and a hearing before the tribunal identified in Section 610.110 above.

#### Section 610.160 - - “No Visit” List

The issuing officer shall maintain a list of persons within the City of Lakeshire who restrict visits to their residential property (including their leasehold, in the case of a tenant) by peddlers, solicitors, and canvassers. The issuing officer may provide a form to assist the residents, and this form may allow the resident to select certain types of visits that the resident finds acceptable while refusing permission to others. This “no visit” list shall be a public document, reproduced on the City of Lakeshire’s web site and available for public inspection and copying. A copy of the “no visit” list shall be provided to each applicant for, and each recipient of, an identification card. If a canvasser chooses not to apply for an identification card, it will be the responsibility of that canvasser to obtain in some other way a copy of the current “no visit” list. In addition, to restrict visits to their property, residents may also choose to post a sign of the type described in Section 610.180 subsection A or B.

#### Section 610.170 - - Distribution of Handbills and Commercial Flyers

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

- A. No handbill or flyer shall be left at, or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The police are authorized to remove any handbill or flyer found within the right-of-way.

B. No handbill or flyer shall be left at, or attached to any privately owned property in a manner that causes damage to such privately owned property.

C. No handbill or flyer shall be left at, or attached to any of the property (a) listed on the City of Lakeshire “no visit” list, and/or (b) having a “no solicitor” sign of the type described in Section 610.180 subsection A or B.

D. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the police (either by producing an identification card or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the City of Lakeshire receives a complaint of damage caused to private property during the distribution of handbills or flyers.

#### Section 610.180 - - General Provisions

No peddler, solicitor or canvasser shall:

A. Enter upon any private property where the property has clearly posted in the yard a sign visible from the right of way (public or private) indicating a prohibition against peddling, soliciting, and/or canvassing. Such sign need not exceed one square foot in size and may contain words such as “no soliciting” or “no solicitors” in letters of at least two inches in height. (The phrase “no soliciting” or “no solicitors” shall also prohibit peddlers and canvassers).

B. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words “no soliciting” or “no solicitors” and which is clearly visible to the peddler, solicitor, or canvasser.

C. Enter upon any private property where the current occupant has posed the property on the City of Lakeshire’s “no visit” list (except where the posting form indicates the occupant has given permission for this type of visit), regardless of whether a front yard sign is posted.

D. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.

E. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.

F. Enter upon the property of another except between the hours of 9:00 a.m. and sunset (the time designated as sunset published for that date in the St. Louis Post Dispatch).

Except that the above prohibitions shall not apply when the peddler, solicitor, or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

Section 610.190 - - Violation to be Prosecuted as Trespass

Any person violating any part of this Chapter shall have committed a trespass on such property, and shall be prosecuted under the general trespass ordinance of the City of Lakeshire. The penalty for such violation shall be the same as for any other trespass.

It is hereby declared to be the intention of the Board of Aldermen that if any sections, paragraphs, sentences, clauses, phrases and word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

## **ABANDONED AND DERELICT VEHICLES**

### **Chapter 620**

#### **Section 620.010 - - Abandoned, Damaged or Disabled Motor Vehicles or Other Junk Prohibited From Being Permitted to Remain on Any Street or Parking Area**

##### **A. Definitions**

1. Person: Any person, firm, partnership, association, corporation or other organization of any kind.
2. Vehicles: Any machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, including but not limited to automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons, or any part thereof.
3. Junk: Any metal, glass, paper, rags, wood, machinery parts, cloth or other waste or discarded material of any nature of substance whatsoever, or scrap or salvage materials.
4. Street or Highway: The entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel or parking.
5. Parking Area: Any open area, other than streets or alleys, designated or used for the parking of vehicles.
6. Damaged or Disabled Vehicle: Any vehicle which is not registered or is improperly registered with the State of Missouri; has been inoperable for more than 72 hours or is in such a state of repair as to be inoperable.
7. Abandoned Vehicle: Any motor vehicle which has been left in the public streets, or in any public place, or in a parking area, and:
  - a. For which no arrangements have been made for its storage with the owner or occupant of the premises on which it is located, or
  - b. Whose owner has indicated by his words or actions or intent to leave the same and no longer claims ownership thereof.

8. Custodian: Any person who has possession of the vehicle or junk, or the owner or occupier of the land or building where the vehicle or junk is located.

B. Abandoned, Damaged or Disabled Motor Vehicles - Nuisances

Any abandoned, damaged or disabled vehicle, part thereof, or junk located on any parking area, street or highway, which shall include any partly dismantled, wrecked, dilapidated, abandoned, or non-operable 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, is a public nuisance. 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 purposes of this ordinance when such automobile or other vehicle is found lacking essential component parts which prevent it from being immediately operable under its own power or which vehicle or automobile is not properly licensed. Further, any abandoned, damaged, or disabled vehicle which presents a hazard to children or harbors tall grass, weeds, or other tall vegetation or creates a fire hazard or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin is a public nuisance.

C. Unlawful to Maintain Such Nuisance

It shall be unlawful for any person to create or maintain a nuisance as defined in paragraph B.

D. Notice

Whenever the Chief of Police or his duly authorized representative determines that any vehicle or junk is a nuisance as defined herein, he shall cause written notice to be served upon the owner of the vehicle or junk, if he can be located, or the person in custody of such vehicle or junk, or the owner of the property on which said vehicle or junk is located, by registered mail or by personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of paragraph B hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this ordinance, and state that the nuisance shall be abated within seven (7) days from receipt of such notice.

E. Proceedings When Owner or Custodian Cannot be Located

When the owner or custodian of any nuisance, as defined in paragraph B, cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the

nuisance shall be abated within seven (7) days of the date notice was posted, or if the vehicle is on public property, within two (2) days of the date notice was posted.

F. Duty of the Owner or Custodian

Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement. Failure to comply with this provision shall constitute a violation of this ordinance.

G. Disposition

If not removed within the times specified in the notice, the vehicle or junk shall be transported to a storage area by or at the direction of the Chief of Police or his duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least 90 days, and the person entitled to possession thereof may redeem the property by payment to the City of the actual cost of its removal and a reasonable storage fee. If the vehicle or junk is unredeemed after the expiration of the 90-day period, the Chief of Police may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charge to the owner or person in charge thereof.

H. Notice of Sale

Prior to the sale of any such property, the Chief of Police shall cause to be posted in City Hall, place of storage, and at least one other public place in the City, a notice of sale stating

- a. that the City is selling abandoned property;
- b. the color, make, year, motor number, and serial number, if available, and any other information necessary for an accurate identification of the property;
- c. the terms of the sale;

d. the date, time and place of the sale.

This notice shall be published not less than ten nor more than thirty days prior to the date of the sale.

I. Damaged or Disabled Vehicles on Private Property

Any damaged or disabled vehicle located on private property for more than 72 hours shall be placed within an enclosed structure or covered with a suitable commercial vehicle cover at all times thereafter, except when repair work is being done on said vehicle.

J. Entry Onto Private Property

The Chief of Police or his duly authorized representative may enter upon private property for inspection of any vehicle or junk in accordance with this ordinance. If any person refuses to allow entry onto his private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith.

K. Penalty

Any person violating any of the provisions of this ordinance shall be deemed guilty of a violation and subject to a fine not to exceed Five Hundred Dollars. Each day of violation shall be deemed a separate offense.



## **SWIMMING POOLS**

### **Chapter 630**

#### **Section 630.010 - - Definitions**

- A. A residential swimming pool shall mean any constructed pool including prefabricated and portable pools which are intended for non-commercial use as a swimming pool by the owner, his family and their guests and which is twenty-four inches (24") or more in depth and has a surface area of two hundred fifty (250) square feet or more.
- B. An above-ground pool is a residential swimming pool which extends two (2') feet or more above the surrounding grade.

#### **Section 630.020**

Any person desiring to construct or erect a residential swimming pool as defined by this Chapter shall apply to the Building Commissioner of the City of Lakeshire for a permit. Any application for such permit shall contain the dimensions of the pool to be constructed, the type of construction or brand of pool and a diagram showing the exact proposed location of said pool on the building lot as well as any other pertinent facts required by the Building Commissioner. The Building Commissioner shall submit said application with his recommendation for granting or denying the permit to the Board of Aldermen and the Board of Aldermen shall determine whether to grant or deny said permit request. In making these determinations the Building Commissioner and the Board of Aldermen shall determine whether said proposed construction is in compliance with the following requirements and general standards.

- A. An above ground swimming pool shall be properly designed to support the intended loads and all applications for the construction of the above ground pools shall contain such data as required to support such a finding by the Building Commissioner.
- B. All above ground pools shall be enclosed with side walls that are of a decorative materials and acceptable to the Building Commissioner unless the pool is screened from all adjacent property with solid fencing or suitable green shrubbery.

C. Above ground pools shall not extend more than four (4) feet in height of the surrounding grade except that such pools with an integral deck around the pool shall be permitted a thirty-six (36) inch high handrail for safety purposes.

D. All pools shall be surrounded with a fence that is a minimum of forty eight (48) inches high and has a gate which is self-closing and self-latching. Further, said gate shall be equipped so that it can be locked, and it shall be kept locked when the pool is unattended. The fence construction shall comply with all other relevant fence chapters of the City of Lakeshire.

E. All wiring in connection with or adjacent to swimming pools must conform to the requirements of the National Electrical Code and no wiring shall be permitted to pass over a pool in any circumstance. All wiring must be a minimum of ten (1) feet from the pool's edge horizontally.

F. All private residential swimming pools shall be equipped with a recirculation system, consisting of a filter, pump, filter flow gutter or skimmer, piping or hose, and such other equipment as will clarify and recirculate the pool volume of water within a twenty-four (24) hour period. All such required equipment shall be located in approved areas so not to disturb or be a nuisance to adjoining property owners and should be within the privacy fence or shrubs as required by chapter.

G. Provision shall be made for the introduction into swimming pool water of accurately controlled applications of a disinfectant in sufficient quantities to attain and maintain efficient bacterial action while the pool is in use.

H. No person shall discharge, either directly or indirectly, water from a residential swimming pool located on property he or she owns or occupies, onto the property of another person. Pool water shall be discharged into the storm or sanitary sewers in such a way as to not pose a nuisance to others and to not overtax the capacity of the storm or sanitary sewer.

I. No private or residential swimming pool shall be so located or designed, operated or maintained, so as to interfere unduly with the enjoyment of the property rights of the owners of property adjoining said pool.

#### Section 630.030

The fee for each inspection carried out pursuant to the granting or the denial for permit under this Chapter shall be \$7.00. The fee for the first reinspection shall be an

additional \$10.00 and the second and subsequent reinspections shall be \$10.00 per inspection.

#### Section 630.040

In the event a permit is denied by the Board of Aldermen, then the person desiring such permit may appeal said denial per the provisions of Section 500.230 Subsection E of the Minimum Housing Code.

#### Section 630.050

Any person who is found to have violated any section of this Chapter 630 shall be guilty of an infraction and may be fined not more than Two Hundred Dollars (\$200.00) for each infraction. Each day the infraction continues shall constitute a separate infraction.

Alternatively, if there is a violation of any of the provision of this Chapter, the Building Commissioner may seek the penalties and shall then follow the procedures prescribed in Section 500.230 of the Lakeshire Municipal Code.

## **FENCES AND WALLS**

### **Chapter 640**

#### **Section 640.010 - - Permit Required**

No person, company or corporation shall hereafter construct, erect, or substantially alter any type of fence, wall or screen without first making an application for a permit to the Building Commissioner of the City of Lakeshire and obtaining approval of that permit by the Board of Aldermen. No permit shall be issued for the construction of any fence, wall or screen unless the proposed plans are in accordance with all requirements prescribed by the building and zoning codes of the City of Lakeshire and this Chapter as hereinafter set forth. All references in this Chapter to “fences” shall also include walls and screens and any other type of constructed vertical separation.

#### **Section 640.020 - - Contents of Permit Application**

Said permit application shall contain the name and address of the person, company or corporation making the application, the name and address of the construction contractor, and two plot plans showing lot dimensions, location and type of materials to be used to construct said fence, wall or screen.

#### **Section 640.030 - - Types of Fences**

All fences, walls or screens permitted within the City of Lakeshire shall be classified as follows. Any fence, wall or screen not failing within one of these categories shall not be permitted.

Class A - Solid Fences: All types of fences, walls or screens which are less than twenty-five percent (25%) open.

Class B - Open Fences: All types of fences, walls or screens which are more than twenty-five percent (25%) open.

Class C - Privacy Fences: Solid fences constructed of wood, plastic, metal or woven wire with plastic strips in excess of three (3) feet in height.

#### **Section 640.040 - - Regulations**

Any fence, wall or screen to be constructed, erected, or substantially changed within the City of Lakeshire shall conform to the following requirements:

- A. No fence of any kind shall be allowed in front of the building line.
- B. Side yard fences are fences which extend from the front building line to the rear corner of the residence. They may be Class A if they do not exceed three (3) feet in height, or Class B if they do not exceed four (4) feet in height.
- C. Rear yard fences are fences which extend from the rear corner to the rear property line or fences which run generally parallel to the rear property line in the rear yard of the property. These fences may be Class A if they do not exceed three (3) feet in height, or Class B if they do not exceed four (4) feet in height, except for woven wire (chain link fences). If the fence is woven wire (chain link) it cannot exceed six (6) feet in height.
- D. A Class C privacy fence or screen not exceeding five (5) feet in height may be allowed around outdoor patios at the rear of the building, not to extend beyond the side line of the building. Class C privacy fences or screens may also be constructed around in ground swimming pools, but shall not exceed six (6) feet in height or be constructed more than twelve (12) feet from the sides of ends of the pool, and shall not extend beyond the side line of the building.
- E. For buildings located on corner lots, the restrictions for fences in the yard facing the side street shall be the same as the requirements for regulating rear yard fences; however, the fence in any such yard facing a side street shall not extend beyond the side building line and shall not be so constructed as to pose a safety hazard by interfering with driver's line of sight on adjoining streets.
- F. No barbed wire or other sharp pointed fences, and no electrically charged fences shall be erected or maintained.
- G. In the case of a fence erected on top of a retaining wall, the height of said fence shall not exceed four (4) feet above the top of the retaining wall and shall comply with all the provisions of the preceding paragraph of this section.
- H. Retaining walls shall be adequately designed and drained so as to resist all lateral pressure to which they may be subjected. Retaining walls shall not be erected in any front yard without a permit from the Board of Aldermen, and said permit may be refused if, in the opinion of the Board of Aldermen, such retaining wall would be unsightly and adversely affect the aesthetic appearance of the area.

I. Hedges of any type shall not exceed five (5) feet in height in side yards and six (6) feet in height in rear yards.

J. Maximum fence heights as specified in this Chapter 640 shall mean all parts of the fence, including all fence posts; however, decorative attachments to the top of the fence posts or a decorative top which is part of the fence post itself may extend above the maximum fence height up to six (6) inches. Fence height shall be defined as the distance between the ground and the top of the fence.

K. The terms fence, wall or screen shall include all types of vertical separations, including those items such as lattice work or other types of partitions.

#### Section 640.050 - - Procedure

Upon receiving an application for a permit, the Building Commissioner shall inspect the plans and premises to determine whether the fence, wall or screen and its location meet the requirements established by this chapter. If there is any part of the plan or location which violates any section of this chapter, or the general aesthetic appearance adversely affects the aesthetic appearance of the neighborhood, then the Building Commissioner shall recommend to the Board of Aldermen that they deny the application. Otherwise, the Building Commissioner shall recommend to the Board of Aldermen that the application be granted and the building permit be issued. The Board of Aldermen shall then review the application and recommendation and determine whether the fence, wall or screen meets the requirements of this chapter. If the Board of Aldermen shall deny the application, then the applicant, upon giving ten (10) days' notice to the Mayor, may request that the Board of Aldermen reconsider the application at its next regular meeting. The mayor shall then add such reconsideration question to the regular agenda of the Board of Aldermen. The Board of Aldermen may reconsider the application and determine whether a variance from the requirements of this chapter should be granted on the basis that a denial of the application presents an undue hardship to the property owner and that the erection of the fence, wall or screen does not adversely affect the aesthetic appearance of the neighborhood. In granting any variance from these requirements, the Board of Aldermen shall make specific findings why such variance shall be granted, which findings shall be included in the permit. In the event that the Board of Aldermen shall deny an application for the construction, erection or substantial alteration of a fence, wall or screen on the sole basis that it adversely affects the quality of the neighborhood, then the Board of Aldermen shall set out in their denial the specific aesthetic grounds for such denial.

#### Section 640.060 - - Maintain in Good Condition

It shall be the responsibility of the legal owner, agent, occupant, or person in control of the property to adequately maintain all fences, walls and screens in a neat, clean and safe condition at all times.

All fences, wall or screens shall be in keeping with the general character of the neighborhood in which they are erected and any dilapidated, unsightly or dangerous structures are hereby declared a nuisance. They must be removed or repaired by the property owner or person in charge of the property within thirty (30) days after receiving a notice from the Building Commissioner. The property owner may appeal said determination to the Board of Aldermen within thirty (30) days after receiving said notification.

The Board of Aldermen shall review the Building Commissioner's determination upon such appeal being filed and determine if the fence, wall or screen must be removed or if it can be repaired. The grounds for the Board of Aldermen's determination shall be stated and a time limit set for the removal or repair.

#### Section 640.070 - - Penalty

After appropriate notice by the Building Commissioner to the property owner or the person in charge of any property that a particular fence, wall or screen must be removed, repaired or not constructed, any person, company or corporation who constructs, erects or maintains a fence, wall or screen in violation of any of the provisions of this chapter shall be subject to a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation continues shall be deemed a separate offense for which a separate fine of not more than Five Hundred Dollars (\$500.00) may be assessed.

## **SOLID WASTE DISPOSAL**

### **Chapter 650**

#### **Section 650.010 - - Definitions**

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

Approved Incinerator – is an incinerator which complies with all current regulations of the responsible local and State air pollution control agencies.

Bulky Rubbish - non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore.

City - The City of Lakeshire, Missouri.

Collection - Removal of solid waste from its place of storage to the transportation vehicle.

Demolition and Construction Waste - Waste materials from the construction or destruction of residential, industrial or commercial structures.

Director - The mayor or his authorized representative.

Disposable Solid Waste Container - Disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

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

Garbage - Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or consumption of food.

Hazardous Wastes - Including but not limited to: pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.



Multiple Housing Facility - A housing facility containing more than one dwelling unit under one roof.

Occupant - Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as tenant and any person who is the owner of record of any improved real property.

Person - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

Processing - Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

Refuse - Solid waste.

Solid Waste - Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

- A. Commercial solid waste - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than eight (8) dwelling units.
- B. Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than eight (8) dwelling units.

Solid Waste Container - Receptacle used by any person to store solid waste during the interval between solid waste collections.

Solid Waste Disposal - The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

Solid Waste Management - The entire solid waste system of storage, collection, transportation, processing and disposal.

Storage - Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Transportation - The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

Yard Waste - Grass clippings, leaves, tree trimmings.

#### Section 650.020 - - Solid Waste Storage

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

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

C. Residential solid waste shall be stored in containers of not more than 35 gallons capacity. Containers shall be leak proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. A galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste. When in the opinion of the director, it is determined necessary to expedite refuse storage and collection, because of the accumulation of refuse requiring an excessive number of containers, which constitute either an unsightly, unsanitary or hazardous condition, in connection with any multiple dwelling, the occupant shall furnish a tank type container or containers of a size and number sufficient to contain refuse between collections as determined by the director, and such container shall be compatible with the garbage and rubbish contract hauler's equipment and maintained in a hygienic and satisfactory condition.

D. Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 7.

E. Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 50 pounds.

F. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 50 pounds.

G. Solid waste containers which are not approved will be collected together with their contents and disposed of.

H. Each eight (8) family building within the city limits of the City of Lakeshire must be provided with one four cubic yard dumpster for use by the residents. The four cubic yard dumpster shall be placed behind the eight family building that the dumpster has been provided for, and must be emptied no less than one time per week. Sharing of dumpsters shall not be permitted. It shall be the responsibility of the owner of each eight family building to comply with the requirements set forth in this subsection.

#### Section 650.030 - - Collection of Solid Waste

A. The City shall provide for the collection of all solid waste in the City, provided, however, that the City may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.

B. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein, provided however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk to be fixed by regulations to be made and promulgated by the Director as hereinafter provided. All solid waste collected shall, upon being loaded into transportation equipment, become the property of the collection agency.

C. Tree limbs and yard wastes, as described previously, shall be placed at the curb or alley for collection. Solid waste containers as required by this chapter for the storage of other residential solid waste shall be placed at the curb or alley at the rear of the building for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this chapter to be placed at the curb or alley for collection shall not be so placed until 4:00 p.m. of the day before the regularly scheduled collection day. Trash cans must be removed from the curb or alley by noon the day after collection.

D. The Director shall establish the procedure for collecting bulky rubbish.

E. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director.

F. The following collection frequencies shall apply to collections of solid waste within the City:

All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. At least forty-eight (48) hours shall intervene between collections. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the Director or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

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

H. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle provided the solid waste was stored in compliance with Section 650.020 of this

Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

#### Section 650.040 - - Transportation of Solid Waste

A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

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

C. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 650.050 and 650.060.

#### Section 650.050 - - Disposal of Solid Waste

A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Division of Health and the Missouri Division of Natural Resources.

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

#### Section 650.060 - - Permits

A. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City, without first obtaining an annual permit therefore from the City; provided, however, that this provision shall not be deemed to apply to employees of the holder of any such permit.

B. No such permit shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than One Hundred Thousand Dollars (\$100,000.00) for each person injured or killed, and in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) in the event of injury or death of two or more persons in any single accident, and in the amount of not less than Twenty-Five Thousand Dollars (\$25,000.00) for damage to property. Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

C. Each applicant for any such permit shall state in his application therefore; (a) the nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof; (b) the characteristics of solid waste to be collected, transported, processed, or disposed; (c) the number of solid waste transportation vehicles to be operated thereunder; (d) the precise location of locations of solid waste processing or disposal facilities to be used; (e) boundaries of the collection area; and (f) such other information as required by the Director.

D. If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this chapter, the Director shall issue the permit authorized by this Chapter. The permit shall be issued for a period of one year, and each applicant shall pay a fee not exceeding Twenty-Five Dollars (\$25.00) for each transportation vehicle to be used. If in the opinion of the Director, modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this chapter, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

E. If the applicant does not make the modifications pursuant to the notice in Section D within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing, or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the

Director, in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply - - after the rejection of his application provided that all aspects of the reapplication comply with the provisions of this chapter.

F. The annual permit may be renewed simply upon payment of the fee or fees as designated by the Director if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections B and C. No permits authorized by this chapter shall be transferable from person to person.

G. In order to ensure compliance with the laws of this State, this chapter and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the City of Lakeshire. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this chapter, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, the Director shall issue notice for each such violation stating therein the violation of violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

H. In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.

#### Section 650.070 - - Rules and Regulations

The Director with the approval of the Board of Aldermen shall make, amend, revoke, and enforce reasonable and necessary rules and regulations, governing, but not limited to:

A. Preparation, drainage and wrapping of garbage deposited in solid waste containers.

B. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.

C. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.

- D. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
- E. Storage of solid waste in solid waste containers.
- F. Sanitation, maintenance and replacement of solid waste containers.
- G. Schedules of and routes for collection and transportation of solid waste.
- H. Collection points of solid waste containers.
- I. Collection, transportation, processing and disposal of solid waste.
- J. Processing facilities and fees for the use thereof.
- K. Transportation vehicles, disposal facilities and fees therefore.
- L. Records of quantity and type of wastes received at processing and/or disposal facilities.
- M. Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

The City Clerk, or agent of the City, who is responsible for preparing special assessment billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

#### Section 650.080 - - Prohibited Practices

It shall be unlawful for any person to: (1) deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal; (2) interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the



City; (3) burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency; (4) dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health; (5) engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked.

#### Section 650.090 - - Service Charge

There is hereby imposed, for the collection and disposal of solid waste, and for the improvement of the general public health and environment, a service charge for each dwelling unit. The service charge for collection of residential solid waste shall be set by the Board of Aldermen.

The service and service charge shall be terminated upon presentation of satisfactory proof to the Director that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.

The system of services established by the provisions of this chapter hereof is designed as an integral part of the City's program of health and sanitation. The City may enforce collection of such charges by bringing proper legal action against the owner and/or occupant of any dwelling unit or owner of any commercial establishment to recover any sums due for such services plus a reasonable attorney's fees to be fixed by the Court, plus the cost of such action.

The service charge herein provided for is hereby imposed upon the owner of each occupied dwelling unit and the billing therefore shall be made to such person. Service charges shall be payable to the agent empowered to collect service charges imposed by the City.

The service referred to herein shall be billed by the City or by its duly appointed agent for collection. Such billing shall occur at least once a year.

#### Section 650.100 - - Penalties

Any person violating any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than Five Dollars (\$5.00) not more than Five Hundred Dollars (\$500.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

## Section 650.110 - - Composting

### A. Definition

As used in this section, composting shall mean: A controlled biological reduction of organic matter to humans.

### B. Maintenance

All compost piles shall be maintained using approved composting procedures to comply with the following requirements:

1. All compost piles shall be no larger in volume than one hundred fifty (150) cubic feet and no taller than five feet. If there is more than one compost pile on any one lot within the City, then the total volume of the compost piles located on said lot shall not exceed one hundred fifty (150) cubic feet.
2. All compost piles shall be maintained so as to prevent the harborage of rodents and pests. The presence of rodents in or near a compost pile shall be cause for the City to issue a complaint. If parts of a compost pile are being carried on to adjoining properties by birds or other animals, or if the wind blows significant portions of the pile on to adjoining properties, then the owner shall be required to cover the pile to prevent such results.
3. All compost piles shall be maintained so as to prevent unpleasant, rotten egg-like, putrefactive, sour or pungent odors.
4. Unless written permission has been granted by the adjoining property owner, no compost pile shall be located less than ten (10) feet from the rear or side property line, or within twenty (20) feet of any home, patio, pool or similar structure on the adjacent property. All compost piles shall be at least ten (10) feet behind the front building setback line.
5. No compost pile shall be located where it will impede the natural free flow of storm water drainage.
6. The volume limitation contained in paragraph B.1. of this section shall be expanded to 300 cubic feet for the months of October through March of each year. The 150-cubic-foot limitation shall apply during all other months.

C. Ingredients

1. No compost pile shall contain any of the following:
  - a) Lakeweeds or any diseased vegetation;
  - b) Grease, oil or animal fats;
  - c) Fish, fowl, meat or other animal products;
  - d) Dog and cat wastes and litter;
  - e) Animal carcasses;
  - f) Insecticides, pesticides and other chemicals or poisons;
  - g) Items not normally composted.
2. Permitted ingredients shall include:
  - a) All yard waste excepting large tree limbs, bushes, or other items specifically prohibited in paragraph 1;
  - b) Commercial compost additives;
  - c) Wood chips, wood ashes and sawdust;
  - d) Vegetable and fruit kitchen waste to be buried within the compost pile;
  - e) Manure, excepting dog and cat feces;
  - f) Feathers; hair and fishmeal.

D. Private Use Only

Compost piles established in accordance with this ordinance are for private use only. There shall be no commercial provision of material to be composted or commercial use of the product of such composting.

E. Owner Responsibility

Every owner or operator shall be responsible for maintaining all property under his other control in accordance with the requirements of this ordinance.

F. Conflict with Other Ordinances

In the event this section of the Lakeshire Municipal Code permits a practice which is prohibited by another section of the Code, then to the extent that such practice is specifically permitted by this section, the practice shall not constitute a violation of the Lakeshire Municipal Code.

G. Penalties

Any person who violates the provisions of this Section shall be deemed guilty of a violation of the Lakeshire Municipal Code and subject to a fine of not less than \$25.00 nor more than \$100.00, and each day said violation continues shall constitute a separate offense.

## **ALARM SYSTEM CODE**

### **Chapter 700**

#### **Section 700.010 - - Definitions**

A. Alarm Business means 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, repairs, altered, replaced, moved or installed in or on any building, structure, facility or premises.

B. Alarm System means 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 of premises through the emission of a sound or transmission of a signal or message.

C. False Alarm means any activation of an Alarm System intentionally or by inadvertence, negligence or unintentional act to which the Department responds, including activation cause by the malfunction of the alarm system, except that the following shall not be considered a false alarm:

- (1) When the Superintendent determines that an alarm has been cause by the malfunction of the indicator at the Department;
- (2) When the Superintendent 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 or unauthorized or illegal entry, of which there is a visible evidence;
- (4) When an alarm is intentionally caused by the resident acting under a reasonable belief that a need exists to call the Department;
- (5) When an alarm is followed by a call to the Department canceling the alarm by giving proper information, prior to the arrival of the Department at the source of the alarm;

D. Alarm User means a person who uses an alarm system to protect any building, structure, facility or premises.

E. Automatic Dialing Device means an alarm system which automatically dials a specific telephone number and transmits an emergency message by a recording over regular telephone lines when actuated.

F. Direct Signal Alarm System means an alarm system which provides for a special telephone line that is directly connected to Department and has an outlet at Department which emits a sound or transmits a signal or both when actuated.

G. Superintendent means the Superintendent of the Department of Police of St. Louis County, Missouri, and includes his duly authorized agents.

H. Licensee means a person who has obtained an alarm business license under the provisions of this Section.

I. Department means the Department of Police of St. Louis County, Missouri.

J. Director means the Department of Police of St. Louis County, Missouri.

#### Section 700.020 - - License Requirement

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 Code.

B. No license shall be required of a person who sells alarm systems at his place of business or by mail but neither installs, maintains, no 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 700.030 - - Application and Renewal

A. A person applying for a license or a renewal thereof shall file a written verified application with the Director on a form provided by the Director which form shall require the following information:

1. The name, address and telephone number of the applicant;
2. The business or trade name, address and telephone number of the applicant;

- a. If an unincorporated association, the names and addresses of the associates;
  - b. If a corporation, the corporation's registered name and the names and addresses of the officers of the corporation;
  - c. If an individual proprietorship, the name and address of the proprietor;
3. The address of all offices of the alarm business in St. Louis County, Missouri.
4. The name and address of any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him or 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 code;
9. Signature of the applicant;
- B. A person applying for a renewal of a license shall file his application not less than ten (10) days before his license expires.
- C. Upon the filing of a license application, the Director shall conduct an investigation to determine whether the following requirements are satisfied;
  1. That the information contained in the license application is true;
  2. That the applicant for a license or an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has not had a license revoked within one (1) year immediately

proceeding the date the license application is filed or does not have a license that is currently suspended;

3. That neither the applicant nor any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him or her access to information in the installation and use of alarm systems for alarm users, has been convicted of the following:

- a. Any felony involving moral turpitude within the previous five (5) years;
- b. Any misdemeanor involving moral turpitude within the previous two (2) years;
- c. Repeated or continual violation of any provisions of this code within the previous two (2) years.

4. That the types of alarm systems, the instructions for the alarm systems and repair and maintenance services available through applicant's alarm business are in compliance with this code.

The Director may request the 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 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 31<sup>st</sup> day of December next succeeding issuance thereof except in the following instances:

- 1. If an applicant timely applies for a license renewal in accordance with this section and the determination of the renewal request is delayed beyond the 31<sup>st</sup> 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 C-3, or had a license revoked within one (1) year immediately preceding the date the license application is filed, or has a license that is currently suspended, then said applicant, upon disassociation with said individual, may obtain a license upon reapplication.

#### Section 700.040 - - Fees

The annual fee for a license for an Alarm Business shall be Fifty Dollars (\$50.00).

#### Section 700.050 - - Instructions on Operation

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 700.060 - - Repair and Maintenance Service Required

A licensee shall make available repair and maintenance services, including for whom the licensee has made installations. At the time of installation, the licensee shall furnish to the alarm user a repair service information card. This card shall inform the alarm user of the services available and include the telephone numbers to call for regular and emergency service.

#### Section 700.070 - - License Not Assignable; Changes

A. A license issued under this Code 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 700.080 - - Rules and Regulations

The Director may establish, promulgate and enforce reasonable rules and regulations in order to administer and enforce the provisions of this code.

#### Section 700.090 - - Suspensions; Revocations

A. The Director shall have the power to suspend a license for new installations, sales, leases or replacements of alarm systems for any one or more of the following reasons:

1. Attempted assignment or transfer of a license prohibited under Section 700.070 A;
2. Failure to notify the Director of any change as required under Section 700.070 B;
3. Failure to comply with any reasonable rule or regulation of the Director;
4. Failure to provide proper instructions as required under Section 700.050 6;
5. Failure to provide adequate repair and maintenance services as required by Section 700.030 7;
6. Installation or replacement of alarm systems not in accordance with Section 700.060.

B. Suspense 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 or more of the following reasons:

1. Conviction of the licensee of any of the offenses listed in Section 700.030 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 or 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 700.070.

E. After revocation of a license, a person may file a new application for a license pursuant to Section 700.030.

#### Section 700.100 - - Power to Investigate

For the purposes of enforcement this Code, the Director shall have the power to make an investigation, and to the extent necessary for this purpose, he may examine a license or any other persons and shall have the power to compel the production of all relevant books, accounts, documents and other records.

#### Section 700.110 - - Hearings on Charges; Decision

- A. No license shall be suspended or revoked until a license has been afforded an opportunity for a 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 defense either in person or by counsel and may produce witnesses to testify in his behalf. A record of the hearing shall be made. The Director shall make a report of his findings and decision. For the purpose of this Code, the Director may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents relevant to the investigation.

#### Section 700.120 - - False Alarm Service Charge

A. All false alarms to which the Department responds shall result in the following service charge to the alarm user:

1. A warning for the first false alarm in any calendar year;
2. A Five Dollar (\$5.00) service charge for the second false alarm in any calendar year;
3. A Fifteen Dollar (\$15.00) service charge for the third false alarm in any calendar year;
4. A Twenty-Five Dollar (\$25.00) service charge for the fourth or any subsequent false alarm in any calendar year.

B. Upon determination by the Department that a false alarm has occurred, the Department shall send a notice to the alarm user notifying the alarm user of the determination and directing payment within thirty (30) days of any service charge that may be due.

C. The Department shall cancel any notice or service charge upon satisfactory proof by the alarm user that a particular false alarm falls within the exceptions enumerated in Section 700.010 and 700.020.

D. Willful refusal to pay any such service charge within thirty (30) days of notice shall constitute a violation of this Code, but in any prosecution under Section 700.150 for violation of this provision, the County shall prove, in addition to the willful refusal to pay, that the service charge was properly imposed.

#### Section 700.130 - - Automatic Dialing Device

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 Code all automatic dialing devices 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 alarm system re-programmed within the ninety-day time period.

#### Section 700.140 - - Direct Signal Alarm System

- 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 700.060.

#### Section 700.150 - - Audible Alarm

- 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 Code, any alarm user having an audible alarm shall be responsible for equipping it with a thirty (30) minutes timer.

#### Section 700.160 - - Violations and Penalties

- A. Any person who violates or causes a violation of any provision of this Code shall be punishable, upon conviction, by imprisonment for not more than three (93) months, or by a fine of not more than Five Hundred Dollars (\$500.00) or by both such fine and imprisonment, and each day such violation continues shall be deemed a separate offense.
- B. The Municipal Prosecutor may bring an action in the name of the Municipality, to restrain or prevent a violation of any provision of this Code or any continuance of any such violation.

## **EMERGENCY MANAGEMENT ORGANIZATION**

### **Chapter 710**

#### **Section 710.010 - - Emergency Management Organization**

It is created within the territory of the City of Lakeshire an emergency management organization to be known as the Lakeshire Emergency Management Agency, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, Revised Statutes of Missouri, 1978, and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

#### **Section 710.020 - - Officials**

This agency shall consist of a Director and other members appointed by the mayor to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

#### **Section 710.030 - - Functions**

The organization shall perform emergency management functions within the territorial limits of the City of Lakeshire, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, Revised Statutes of Missouri, 1978, and supplements thereto.

#### **Section 710.040 - - Director Responsibilities**

1. The Director will be appointed by the Mayor with the approval of a majority of the Board of Aldermen and shall serve for a term of two (2) years. The set term of office will begin on the first day of May in every even numbered year.
2. The Director shall have direct responsibility for the organization, administration and operations of local emergency management activities.

3. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Agency.

#### Section 710.050 - - Powers and Duties

The Mayor of the City of Lakeshire and the Director, in accordance with Chapter 44, Revised Statutes of Missouri, 1978, and supplements thereto, may:

1. Appropriate and expend funds, make 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 any enemy attack; 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 disaster and emergency planning;
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;
3. In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public work or entering into contracts;
4. With the approval of the Governor and consistent with the Missouri Emergency Operations Plan, enter into mutual -aid agreement and 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 700.060 - - Limitations on Employees

No person shall be employed or associated in any capacity in any organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this State or the overthrow of any government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States.

Each person who is appointed to serve in an organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

“I . . . . do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such a time as I am a member of the Lakeshire Emergency Management 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 700.070 - - Emergency Management Office

The Mayor is authorized to designate space in any City of Lakeshire owned or leased building for the Lakeshire Emergency Management office.



## **POLICE DEPARTMENT RULES AND REGULATIONS**

### **Chapter 750**

#### **Section 1 - - Adoption of Rules and Regulations**

- (a) The rules and regulations contained in this Article are adopted to govern the conduct, relations, information, use of firearms and police equipment and duties of police officers of the police Department of the City.
- (b) Any officer violating any of these sections shall be subject to the penalties for violations of these rules and regulations as prescribed in Division 14.

### **DIVISION 2. GENERAL POLICE CONDUCT**

#### **Section 2 - - Courtesy**

Members of the Department shall be courteous, civil, and respectful toward each other and toward all persons on all occasions.

#### **Section 3 - - Language**

Members of the Department shall refrain from the use of profane or insolent language while acting in an official capacity or while in any public place where such action would reflect unfavorably upon the Department or the City.

#### **Section 4 - - Truthfulness**

Members of the Department shall not willfully depart from the truth in the conduct of any business of the Department, nor when in any capacity as a member of the Department. If by these rules and regulations they are not allowed to divulge information then they shall say nothing.

#### **Section 5 - - Religious, Sexual, Age and Racial Discrimination**

Members of the Department shall not refer to any person in a derogatory manner because of his race, color, religion, sex or age.

#### **Section 6 - - Drinking on Duty**

Members of the Department shall not drink any intoxicating liquor while on duty nor have the odor of intoxicating liquor on their breath while on duty.

#### Section 7 - - Use of Drugs on Duty

Members of the Department, while on duty, shall not possess or use any controlled substances, narcotics or hallucinogens except as prescribed in the treatment of the officer by a physician or dentists. When controlled substances, narcotics or hallucinogens are prescribed, the officer shall notify his superior officer.

#### Section 8 - - Use of Tobacco

Members of the Department shall, while on duty, refrain from smoking or chewing tobacco at any time or place where such action would be offensive to others or inappropriate.

#### Section 9 - - Gambling

Members of the Department shall not play any game of chance while in uniform or in the offices of the Department, nor shall they visit any place wherein it is believed that any law or regulation pertaining to gambling is being violated, except in the actual performance of their duty as a police officer.

#### Section 10 - - General Conduct

Members of the Department, whether on duty or off duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall commit no act which would tend to bring reproach or discredit upon the Department or the City.

#### Section 11 - - Immoral or Indecent Conduct

Members of the Department shall not engage in any immoral or indecent conduct, associate with prostitutes or frequent any place of questionable character, unless in the performance of police duty.

#### Section 12 - - Reading Matter

Members of the Department shall not read books, periodicals or magazines of a non-police nature while on active duty.

#### Section 13 - - Loitering

Members of the Department shall not loiter in any dwelling or place of business or other building unnecessarily while on active duty. They shall strive at all times to avoid giving the appearance of loafing.

#### Section 14 - - Neglecting or Refusing to Pay Just Debts

No member of the Department shall contract any debt or liability which he is unable or unwilling to pay, nor shall he neglect or refuse to discharge honorably and promptly all indebtedness, claims, and judgments and satisfy all executions that may be held against him.

#### Section 15 - - Collections

Members of the Department shall not circulate subscription papers, sell tickets, or collect money from citizens or others for any charitable or other purpose whatsoever without the approval of the chief of police.

#### Section 16 - - Soliciting Passes

Members of the Department shall not solicit any type of passes or other gratuities. They must avoid doing anything which would have the appearance of using their position for the purpose of obtaining special consideration.

#### Section 17 - - Rewards and Presents

Members of the Department shall not receive or share in any present, fee or other payment for police services other than their regular salary without the consent of the Chief of Police. However, this shall not in any way conflict with the provisions or Ordinances of the City of Lakeshire. Private and public rewards offered from outside the City limits may be accepted, providing they are turned into the Police Station as ordered by law.

#### Section 18 - - Reporting for Duty

Members of the Department shall be punctual in reporting for duty daily at the specified time. They shall be required, whenever possible, to give advance notice if they are going to be delayed for any reason. Any failure to report promptly and properly equipped for duty shall be deemed a serious neglect of duty.

#### Section 19 - - Punctuality at Court

Members of the Department required to be in court by departmental order or subpoena shall be prompt in attendance and shall remain until excused by competent authority.

## Section 20 - - Personal Appearance in Court

Members of the Department who attend court as a witness shall appear neatly attired, either in uniform or otherwise, unless required to wear specific attire by the Chief of Police.

## Section 21 - - Manner of Testifying in Court

Members of the Department, while in court, shall avoid any indication of bias, prejudice, or anger. They shall testify in a clear and distinct manner. Questions shall be answered promptly, truthfully, and without trace of evasion. Personal behavior shall be exemplary both while in court awaiting call and while on the witness stand.

## Section 22 - - Citizens; Complaints and Reports

Members of the Department shall be attentive and take suitable action on reports and complaints by a private person. When circumstances make it necessary to refer the matter to another officer or agency, they shall do so promptly and courteously.

Members of the Department shall fulfill any proper request for information or assistance. They shall at all times avoid giving an impression of evading the performance of their duty or that they are not interested in the problems of persons making reports or asking assistance. Members of the Department shall not belittle a seemingly trivial request, complaint, or piece of information, but shall invariably thank the informant or complainant, regardless of the value of the information.

## Section 23 - - Giving Name and Badge Number

Members of the Department shall give their name and badge number in a respectful manner to any person who may ask for it.

## Section 24 - - Public Talks

Members of the Department shall secure the permission of the Chief of Police before attending conventions or filling speaking engagements as a representative of the Department. All speech material, as well as written material to be distributed, circulated or published insofar as it deals with the City of Lakeshire or the Police Department, shall be approved by the Chief of Police prior to the speech, publication or distribution.

## Section 25 - - Property; Personal Use

Members of the Department shall not convert to their own use or have any claim in any found property, recovered property, or property held as evidence. All such property coming into his possession shall be promptly and properly tagged and placed in a suitable place for safe keeping until properly disposed of in accordance with legal procedure. This regulation shall not prevent any officer from bidding for any such property that is being sold at a public sale.

### DIVISION 3. RELATIONS WITH COMMAND OFFICERS

#### Section 26 - - Obedience to Order and Rules

Members of the Department shall promptly obey all lawful orders and conform to the rules of the Department. Willful disobedience of orders or rules will result in severe disciplinary action.

#### Section 27 - - Respectful Conduct

Members of the Department shall be respectful to the ranking officers on all occasions whether on or off duty. Ranking officers shall return respect.

#### Section 28 - - Duty on Countermand of Orders

When an order of a commanding officer countermands or changes a previous order or rule, members of the Department should call the attention of the commanding officer to such conflict before complying with the new order. If the commanding officer giving such an order, after notice of the conflict, repeats his countermanding order, it shall stand and the responsibility shall be his.

#### Section 29 - - Complaints Against Superior Officers

Members of the Department who feel aggrieved at the treatment or orders of a superior officer or the actions of a fellow officer shall communicate their complaint through the regular chain of command. A commanding officer who fails to forward such a complaint through the regular channels shall be guilty of neglect of duty. There shall be no bypassing the delegated chain of command. This rule shall not prevent any member of the Department from carrying his grievance to the highest authority, providing it is done through proper channels.

#### Section 30 - - Absence of Commanding Officer

In the absence of the officer normally in command of a shift, the personnel of that shift shall be under the supervision of the officer in charge, unless some other officer be delegated to take charge by the Chief of Police.

### Section 31 - - Criticism and Gossip

Members of the Department shall not criticize in public the action or orders of a superior officer, a fellow officer, or any elected or appointed city official. Derogatory remarks either oral or written to anyone outside the Department are prohibited.

### Section 32 - - Command at Investigations

When two or more officers are present together at the scene of an investigation or a crime, the highest ranking officer of this police department shall be in charge of the investigation, and all other officers shall abide by his instructions.

## DIVISION 4. RELATIONS WITH PRISONERS AND SUSPECTS

### Section 33 - - Safeguarding Suspects and Prisoners

Members of the Department shall be cautious in the arrest and detention of prisoners and suspects and shall take all necessary steps to prevent their escape. They shall be extremely careful in determining whether or not the prisoner or suspect is carrying any concealed weapon with which he could inflict injury upon himself, other persons or property.

### Section 34 - - Searching Prisoners and Suspects

All persons shall be searched for concealed weapons before they are placed in any police car for transportation to headquarters. Immediately upon arrival at the headquarters they shall be thoroughly searched in the presence of at least one other officer. All property taken from the prisoner or suspect shall be properly listed on the form provided for that purpose.

### Section 35 - - Female Prisoners

Female prisoners or suspects shall be handled only as is necessary to take them into custody and to determine that weapons are not being concealed. When a more thorough search is desired then the services of a female police officer must be secured to make that search. Whenever it is practicable, female prisoners or suspects should be transported and interviewed in the presence of another officer or citizen.

### Section 36 - - Use of Force

Members of the Department shall not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Prisoners and all citizens shall be treated in a fair and humane manner; they shall not be humiliated, ridiculed, taunted, or embarrassed.

Officers shall not strike or use any other form of physical force on a prisoner or other person except when it is necessary to prevent an escape, or in self defense, or to prevent violence to another person or property. Officers shall report each instance of their use of force before going off duty. The use of force necessitates a companion charge of "Resisting Arrest."

#### Section 37 - - Soliciting for Attorneys

Members of the Department shall not solicit for any attorney nor advise any prisoner whom to engage, nor shall they convey any communication between prisoner and attorney without the consent of the commanding officer. When the prisoner requests a certain attorney, then the man in charge of the station shall have him notified.

#### Section 38 - - Acceptance of Fines or Bond

Members of the Department shall not accept money as bond or in payment of fines, except as provided by Departmental order; and in every case where such bond or find is accepted, then a receipt must be given and signed by the officer accepting such fine or bond.

#### Section 39 - - Personal Relations with Prisoners and Suspects

In all his relations with prisoners or suspects, the officer shall keep in mind that the prisoner or suspect has certain rights which must not be violated. He must be firm without being abusive or brutal. He must not use more force than is necessary to effect an arrest or overcome resistance. He must at all times avoid any appearance of having made a personal matter of the occasion.

### DIVISION 5. POLICE INFORMATION

#### Section 40 - - Revealing Police Information

Members of the Department shall not communicate to a person not a member of the Department, any information concerning proposed police action or any other information concerning operations or activities of a confidential nature.

#### Section 41 - - Exhibiting or Exposing Police Records

Members of the Department shall not exhibit or expose police records or reports so that they may be read by an individual other than for whom such records are intended, except it be done with the permission of the Chief of Police or as required by law. Each member of the Department shall be responsible for the safe keeping of any reports in his possession. A member of the Department shall not remove police reports and records from station except in conformity with the provisions of law, Rules and Regulations, or upon the order of the Chief of Police or the

Commanding Officer on duty. Copies of said reports and records, however, may be made by a member when necessary in the performance of police duty.

#### Section 42 - - Withholding Criminal Information

Members of the Department receiving or possessing information relative to a criminal offense or case shall not retain such facts or information through ulterior motives, desire for personal credit, or other reason, but shall report such facts or information in accordance with Departmental procedure.

#### Section 43 - - Relations with the Press

Members of the Department shall not withhold information from accredited representatives of the press services for any personal reason or solely because of the people involved. Whenever any member of the Department is requested for information concerning police action, he shall refer the matter to the Chief of Police for his decision as to what information is to be released. No officer shall give information to the press services concerning a case which is being investigated by another officer, and it shall be up to the Chief of Police as to how much information can be released pending the completion of the investigation.

### DIVISION 6. USE OF FIREARMS AND WEAPONS

#### Section 44 - - Use of Deadly Force

An officer may use such force, including the use of deadly force, as is reasonably necessary to arrest a person charged with the commission of a violent or dangerous felony, or to prevent his escape after arrest. He may also use such force, including the use of deadly force, as is reasonably necessary to protect himself, another officer, a citizen, or a prisoner from serious bodily injury. He shall never use deadly force upon a mere suspicion nor to prevent the escape of one who has committed a misdemeanor. Neither shall he at any time ever use deadly force for the sole purpose of intimidation in order to secure compliance to his instructions. In every case where deadly force is used in the performance of police duty, then a written report shall be made before going off duty.

#### Section 45 - - Handling of Firearms

Members of the Department shall at all times observe the established rules of safety in the handling of all types of firearms. When having supervised target practice, all members of the Department shall be under the command of whoever is acting as range officer or instructor and shall obey all commands given by him. He shall never remove his revolver from the holster and display it in public, except in the actual line of duty. All revolvers carried by members of the



Department shall be fully loaded while on duty, except by order of the range officer during target practice.

#### Section 46 - - Availability of Weapons

Members of the Department shall not leave or place unattended any weapon or object adaptable for use as a weapon in any location in the police building normally accessible to a prisoner or suspect. This regulation shall not apply to fixtures or furnishings which are part of the physical plant.

#### Section 47 - - Use of Department Weapons

Members of the Department shall not use submachine guns, rifles or gas weapons except with the approval of the Chief of Police. Under no conditions are weapons belonging to the Department to be used by any officer or person for personal use such as hunting.

#### Section 48 - - Lending of Department Firearms

Firearms belonging to the Department shall not be loaned to any private citizen and may be loaned to another law enforcement agency only as provided by Departmental order.

### DIVISION 7. USE OF POLICE EQUIPMENT

#### Section 49 - - Use of Motor Vehicles

Members of the Department shall operate and maintain any motor vehicle belonging to the City in a careful and prudent manner and shall be responsible for its care and use. They shall take care not to litter the interior, soil or damage the vehicle in any way beyond the point of necessity.

#### Section 50 - - Reporting Defective Motor Vehicles

Members of the Department shall submit a report of any damage to a motor vehicle belonging to the Department, giving the nature of damage and a statement as to how it was incurred, if known. They shall immediately report any defective vehicles to the commanding officer so that the defects may be remedied. Under no circumstances shall vehicles be operated that do not meet all legal safety requirements or that are otherwise mechanically defective.

#### Section 51 - - Use of Motor Vehicles for Personal Use

Members of the Department shall not use Department vehicles for other than police purpose, unless expressly permitted to do so by a superior officer. They shall not at any time

allow persons other than police personnel to use department vehicles except as may be necessary in having them repaired, cleaned, or serviced.

#### Section 52 - - Unauthorized Passengers

Except for prisoners or suspects who are being transported to or from Police Headquarters, members of the Department shall not have any persons as a passenger unless under the following circumstances:

- (1) Another law enforcement agent from some other jurisdiction;
- (2) A citizen who is rendering a service to the officer;
- (3) A citizen to whom the officer is rendering a specific service;
- (4) Specific permission has been given by the commanding officer to have some other person as a passenger.

#### Section 53 - - Observance to Traffic Regulations

Members of the Department using Department vehicles shall ordinarily drive at a moderate rate of speed, taking every precaution to avoid collision or accidents. They shall observe all traffic and parking regulations in so far as they are consistent with the performance of police duty. Except when on an emergency call or in immediate pursuit, they shall avoid doing anything for which they would penalize another driver.

#### Section 54 - - Responding to Emergency Calls

When responding to an emergency call, the driver of a Department vehicle shall exercise judgment and care with regard to safety and life and property. He shall maintain reasonable control of the vehicle at all times. When crossing intersections where traffic is conflicting he shall sound his siren and have the red light on. He shall not exceed forty-five (45) miles per hour except when in immediate pursuit or when instructed to do so by his commanding officer or the dispatcher.

#### Section 55 - - Use of Radio Equipment

Members of the Department shall take every precaution against the abuse and damage to radio equipment. They shall immediately report any damage or defective equipment to the officer in charge.

#### Section 56 - - Federal Communications Law

Members of the Department shall make themselves familiar with the provisions of the federal law pertaining to radio messages and shall exercise every precaution against violating any part thereof.

#### Section 57 - - Maintenance of Equipment

Members of the Department shall be responsible for the proper care of all equipment issued to them for their use. They may be required to replace any equipment that is lost or destroyed through negligence or carelessness. They shall return all such equipment upon separation from the Department.

### DIVISION 8. SERGEANTS DUTIES

#### Section 58 - - Designation of Duties

- A. A sergeant of the Department shall have the following duties:
1. Determine the assignment of the officers under him.
  2. Be aware of the circumstances of each arrest made by the officers.
  3. Provide the required medical aid for any prisoner needing it while he is in charge of the shift.
  4. Require a report to be made on any police action where a report is required under Departmental procedure; make or have made a detailed report on any damage to City property.
  5. When an officer under his command become delinquent in making an investigation report, inquire into the reason and see that the report is properly made and filed.
  6. Prevent the officer under his command from doing anything to humiliate or embarrass any offender; and not do anything himself to publicly humiliate or embarrass any officer under his command.
  7. Counsel and advise subordinate officers in the performance of their duty and take proper note of any laxity, misconduct, incompetence, inefficiency, or neglect of duty which he may observe.
  8. Constantly scrutinize and follow up the activities of the men under his command to ascertain whether police efficiently performed.
  9. Immediately report the misconduct of any officer under his command to the Chief of Police.
  10. Be held responsible for the enforcement of the Departmental orders, rules, and regulations by the officer under his command.
  11. Immediately forward to the Chief of Police any complaint or grievance from the men under his command.
  12. Make an inquiry into the reason or reasons for any officer's laxity or neglect of duty before taking or recommending disciplinary actions.

- B. A sergeant shall serve as acting police chief when so designated by the Chief of Police.

## DIVISION 9. GENERAL REGULATIONS

### Section 59 - - Uniform Regulations

All officers shall keep their uniforms clean and neat at all times. All members shall wear the badge while on duty, and it shall be worn on the outermost garment in a conspicuous place over the left breast.

### Section 60 - - Uniform Accessories

During the winter or inclement weather, only black or dark blue accessories may be worn with the uniform. Any accessory that does not harmonize with the uniform shall not be worn.

### Section 61 - - Absence from Duty without Leave

Members of the Department shall not be absent from duty, except in the case of sickness or during leave of absence granted under the regulations of the Department, without the consent of the Chief of Police.

### Section 62 - - Substitution of Officers

Members of the Department shall not absent themselves from duty during the prescribed hours for their tour of duty, nor shall any member of the Department be allowed to serve as a substitute without the permission of their commanding officer, who must be advised in advance as to who the substitute will be.

### Section 63 - - Outside Activities

Members of the Department shall not engage in any outside activity that is in any way related to or influenced by their connection with the Police Department, without the consent of the Chief of Police. An officer must not allow other employment or activities to interfere in any degree with the proper performance of his duties as a police officer. Nor shall any officer solicit membership or organize any organization within the department without the permission of the Chief of Police.

### Section 64 - - Minors

All cases involving the detention of a person under the age of seventeen (17) years shall be immediately referred to the commanding officer. It shall be his duty to decide the proper action and disposition. No interrogation of such persons shall be conducted prior to conveying them to a juvenile officer.

#### Section 65 - - Political Activity

Members of the Department shall not use official authority or influence for the purpose of interfering with any election. While retaining the right to vote as he pleases and expressing privately his opinions, he shall take no active part as a representative of this Department in any political campaign.

#### Section 66 - - Revealing Name of Complainants

No member of the Department shall reveal the name of a complainant in a case unless authorized by his commanding officer or in the case of absolute necessity.

#### Section 67 - - Sleeping on Duty

Members of the Department shall remain awake during their tour of duty. If unable to do so, they shall report to their commanding officer who shall determine the proper course of action.

#### Section 68 - - Refreshments on Duty

At no time shall the period of time for refreshments be longer than is reasonable nor more often than established by Department order. Places to go by the officer for meals are so designated by the Chief of Police. No officer shall change without permission.

#### Section 69 - - Enforcement; Personalities

Members of the Department, when enforcing laws or ordinance, shall remember that the violation is not a personal offense, but an offense against the people.

#### Section 70 - - National Colors and Anthem

Members of the Department shall follow the prescribed procedure in paying respect to the National Colors and National Anthem. They shall acquaint themselves with the procedures and follow them when in uniform or out of uniform.

#### Section 71 - - Subject to Call

Members of the Department shall be subject to call in time of emergency; otherwise, they shall be assigned to a regular tour of duty which may be changed from time to time to equalize the working hours of all members of the Department.

Section 72 - - Familiarity with Ordinances, etc.

Members of the Department shall familiarize themselves with all the laws and ordinances which the Department is called upon to enforce.

DIVISION 10. PATROL PROCEDURES

Section 73 - - A Patrolman shall, while patrolling his beat and at reasonable intervals, observe all businesses and public places that are not open to ascertain if they are properly secured.

Section 74 - - Shall, except in cases or police emergency, detail or assignment, patrol his beat constantly and diligently to the limits thereof and shall not loiter or engage in unnecessary conversation with persons thereon.

Section 75 - - Shall not leave his beat, detail or assignment except in the performance of police duty by orders or permission of the Commanding Officer or in absolute personal necessity.

Section 76 - - Shall exercise constant vigilance in riding the streets, parks, and other public places throughout the City of vagrants and other undesirable or suspicious persons.

Section 77 - - Shall be considered negligent if he fails to discover on his beat any illegal entry into premises where evidence of such illegal entry should be observed by the efficient examination of doors and windows from his patrol car.

Section 78 - - Shall be considered negligent if he fails to discover a serious crime committed on his beat, which could have been discovered through the exercise of reasonable diligence.

Section 79 - - Shall obtain his meal at the time designated, and, if possible, within the confines of his beat.

Section 80 - - Duty to report existing conditions.

All members of the Department shall report to their commanding officer the location of all houses where gambling or other illegal activities are believed to be carried on, or houses believed to be resorts for disorderly persons. It shall then be the duty of the commanding officer to see that proper action is taken to secure

evidence of such conditions and activities, and when he feels that there is evidence sufficient to convict he shall then take the proper action. Failure to do so on the part of any officer shall be deemed a serious neglect of duty.

Section 81 - - Shall observe the condition of the public streets and sidewalks on his beat and report any defect or obstruction thereon which he cannot remove or remedy.

Section 82 - - Shall observe the condition of the public streets on his beat and report any defect or obstruction thereon which he cannot remove or remedy, or any other condition that may exist.

Section 83 - - Shall see that barriers and lights are maintained at the proper times over or around holes, excavations, building or other materials which may constitute an element of danger.

Section 84 - - Shall observe and report in writing in full detail all places on his beat suspected of being illegally operated.

Section 85 - - Shall observe the conduct of all known criminals, suspicious persons, or persons loitering on his beat at late and unusual hours, and the places they frequent, and make Field Interrogation Cards on same.

Section 86 - - Shall immediately proceed to the scene of any crime, accident, unusual occurrence or matter of importance on his beat that has come to his attention and take appropriate action, submitting a report of the circumstances.

Section 87 - - Shall, when dispatched or when appearing first at the scene of any crime, an unusual occurrence, or serious automobile accident, set about immediately to secure names and addresses of persons involved and of witnesses and preserve, insofar as possible, all available physical evidence.

Section 88 - - Shall deliver to his station all property coming into his possession as a result of his official position or official action.

Section 89 - - Shall, when any vehicle is left standing or parked on a street or public highway for an extended period of time, inspect said vehicle and conduct a reasonable search to determine the owner or operator of same.

Section 90 - - Shall make every effort to ascertain if the aforementioned car, owner, or operator is wanted for any particular reason before citing said vehicle or owner or operator.

Section 91 - - Shall not, while prisoners are being transported in a police vehicle, stop to permit them to make purchases of food or other articles.

Section 92 - - Shall remain within hearing of a signal calling for his services and promptly answer and respond to all police calls assigned to him.

Section 93 - - Radios shall be turned off at all times when the operator is not in attendance.

Section 94 - - Lights and motor shall be turned off at all times when vehicle is parked unless their use is necessary for the safety of the operator or vehicle.

Section 95 - - Members of the Department shall notify the dispatcher whenever he goes out of service for any reason. He shall give the location and reason for being out of service. As soon as he is again available for calls, he shall notify the dispatcher that he is again in service. Members of the Department shall not be out of service except in line of duty or as otherwise provided by the Departmental regulations.

Section 96 - - Shall not allow unauthorized persons to operate or be carried in his patrol vehicle. He shall, at all times, operate said vehicle in a reasonable manner and only in cases of extreme emergency may said vehicle be driven through a controlled intersection, against traffic, at a speed in excess of the posted speed limit.

Section 97 - - Shall report to his Commanding Officer as soon as possible and report in writing any accident disability, defect, damage to or loss of the vehicle or equipment used by him.

Section 98 - - A patrolman shall not leave his vehicle unattended except when necessary in the performance of police duty or in a case of personal necessity and shall, on leaving his patrol vehicle for such reason, take necessary precaution to protect the vehicle and its contents.

Section 99 - - Shall not leave a police vehicle at any place other than the designated for same without permission of the Chief of Police.

Section 100 - - No civilian help shall be requested by any officer with reference to surveillance or other police action, unless approved by the Chief, and or Commissioner, and or Mayor. Exception is a time of national emergency, fire or act of God such as tornado.

Section 101 - - All members of the Department shall discharge their duties with coolness and firmness. In time of peril, they shall act together and assist each other in the restoration of peace and order. Any member who refuses or fails to assist another officer in the performance of his legal duty or who shirks from responsibility or danger shall be judged



guilty of cowardice and gross neglect of duty and looked upon as unworthy of being an officer of the Department.

Section 102 - -It shall be the duty of all officers of the Department to read the daily bulletin immediately upon reporting for duty, and they shall acquaint themselves with all the information thereon and make notes of any wants or pickups that will require their attention during their tour of duty. They shall inquire of the officer in charge or the commanding officer on anything that seems to be incomplete or not clear.

Section 103 - -Officers at all times shall administer the law in a just, impartial and reasonable manner, and shall not accord to some more reasonable treatment than others. They shall recognize the limitations of their authority and at not time use power of their office for their own personal advantage.

#### DIVISION 11. CHIEF OF POLICE

##### Section 104 - - Designation of Duties

The Chief of Police shall have the following duties:

1. Be responsible for the proper performance of all police functions in the City and for the actions of his department when members are implementing his instructions.
2. Approve the duty assignments of all personnel and shall approve any change from one shift to another.
3. Prepare rules and regulations, within the limits of his authority, governing the functions of the Department and shall, from time to time, make necessary revisions to meet the needs.
4. Be responsible for the policies with reference to:
  - A. Release of information to the press representatives;
  - B. Supplying information to official or non-official organizations;
  - C. Assignment of police officers to perform duties other than those prescribed as police duties.
5. Diligently endeavor to promote friendly and courteous public relations.
6. Insist upon the maintenance of proper discipline throughout the Department.

7. Arrange for meeting of the personnel at convenient intervals to discuss Departmental problems and create harmony within the organization.
8. See that all duties are being properly performed and that all orders are being carried out satisfactorily.
9. Make careful studies of any conditions that are preventing the Department from functioning efficiently. Correct these conditions, where possible, and make recommendations to other authority for change in legislation or other factors that tend to destroy efficiency and morale.
10. Immediately and carefully investigate all charges of inefficiency or misconduct of any officer or function of the Department.
11. Be responsible directly to the Board of Aldermen for the faithful performance of all his responsibilities.
12. Devote his whole time to his office and execute and enforce all ordinances and police regulations.
13. Keep all records of police functions, as required.
14. Make a monthly report to the Board of Aldermen, as required.
15. Provide for the care and restitution of abandoned, lost, found, stolen or recovered property that may come into the possession of the Department or into the possession of any member thereof, and provide for the sale at public auction of unclaimed property as well as the disposition of such property as consists of weapons used, or that may be used in the commission of a crime, or the sale or disposition of which is prohibited by law.
16. Perform such other duties as may be assigned to him by the Board of Aldermen.
17. The Chief of Police shall have the power to hire and promote individuals within the City of Lakeshire Police Department with the consent of the Board of Aldermen. The individuals hired and promoted by the Police Chief will be subject to and bound by the Police Department Rules and Regulations as set forth in this Municipal Code of the City of Lakeshire. Police Chief shall adhere to the procedures set forth in the Municipal Code of the City of Lakeshire regarding Selection of Personnel during the hiring process.

#### Section 105- - Line of Authority

The Chief of Police shall be directly responsible to the Mayor as well as the duly enacted directives of the Board of Aldermen but not to individual members of the Board of Aldermen. Within the laws, orders and directives prescribed by the Mayor and the Board of Aldermen for the general operation of the police department, the Chief of Police shall have full operational, administrative and procedural control of the police department. Neither the Mayor nor individual members of the Board of Aldermen shall issue directives to members of the Police Department, except the Mayor may do so in an emergency when the Chief of Police or his assistant shall be unavailable.

#### Section 106 - - Suspension, Demotion or Dismissal

In the event that the Chief of Police determines that an officer has violated the rules, regulations or orders of the Department, the Chief of Police may discipline or demote said officer or suspend him without pay for up to five days without the approval of the Board of Aldermen. Upon recommendation by the Chief of Police, a majority of the members of the Board of Aldermen may, without cause being shown, dismiss or suspend without pay any full or part time member of the police department.

### DIVISION 12. SELECTION OF PERSONNEL

#### Section 107 - - Applicant Procedure

Applicants that are to be commissioned personnel of the Department are to enter at the rank of Probationary Patrolman. All applicants for appointment must appear in person at the Department where they will be required to fill out an Application, which will be filled out completely and filed with the Chief's office. All questions on the application forms must be truthfully and fully answered in the applicant's handwriting and sworn to.

#### Section 108 - - Police Chief to Maintain File of Applicants

The Chief of Police shall be responsible for preparing examinations, either written or oral, for the selection of new personnel. The Chief may accept and maintain a file of possible candidates for employment so that when personnel are needed within the Department he may utilize this file, plus any new applications, to fill the vacancies.

#### Section 109 - - General Hiring Requirements

The hiring of an Applicant shall be based on the merits and abilities gathered from these written, physical and oral examinations, together with a complete and thorough

investigation of the applicant's character; qualification of the minimum physical requirements, State of Missouri residency, sufficient education and any other qualifications that may be deemed necessary by the Chief of Police for training of a potential police officer.

#### Section 110 - - Qualifications

Each applicant must be a citizen of the United States and a resident of the State of Missouri.

The applicant must be a person of good moral character and possess ordinary physical strength and courage.

No person is eligible for appointment who has been convicted of a crime, or against whom any indictment or information may be pending for any criminal offense, or who has an unfavorable police record or who is addicted to narcotics or alcoholic liquors.

An applicant may be required to furnish a birth certificate, baptismal record, or other verifying date of birth.

An applicant must have a 12<sup>th</sup> grade (high school) education and be able to produce documentary proof or diploma, or G.E.D. certification.

An applicant must stand a thorough investigation of his character and background.

An applicant must successfully complete such medical, physical, and police aptitude tests as designated by the Chief of Police.

#### Section 111 - - Probationary Period and Termination

There shall be a probationary period of Twelve (12) months from the date of hiring to the Department during which period commissioned personnel must demonstrate their capacity as police officers by on-the-job performance of assigned duties, including the ability to efficiently perform professional type patrol, criminal investigation, and other police duties. During the probationary period of any such personnel may be discharged by the Chief of Police for a failure to either efficiently perform assigned duties, for failure to comply with the conditions prescribed in these Regulations or because the Chief of Police determines in his sole discretion that said probationary officer is not properly suited to be a Lakeshire police officer. Probationary patrolman shall be required to complete and satisfactorily pass a prescribed course in recruit training and may be required to take examinations from time to time during their service as

probationary patrolman. The length of the probationary period may be shortened by the Chief of Police at his discretion.

#### Section 112 - - Applicant Mis-Statements

Any mis-statement of facts in taking the oath of office in any application form or in an oral interview for employment or promotion shall be cause for rejection, disqualification, or dismissal.

#### Section 113 - - Approval of Outside Employment

No employee of the Department will be permitted to engage in any other regular full or part-time employment unless said employment has been requested in writing and been approved by the Chief of Police.

#### Section 114 - - Same Qualifications for Part-Time Personnel

Temporary and part-time employees must have same qualifications as outlined for regular employees.

#### Section 115 - - Annual Physicals

All regular commissioned personnel of the Police Department may be required to submit to an annual physical examination by the Police Physician for the purpose of determining whether a police officer is physically capable of carrying out his duties.

### DIVISION 13. POLITICAL ACTIVITY; UNION MEMBERSHIP; GENERAL DUTY PERFORMANCE

#### Section 116 - - Political Activity

Police Officers, in exercising their constitutional rights to engage in political activity, shall abide by the following rules:

- A. Officers shall be permitted to:
  - 1. Register and vote in any election.
  - 2. Express opinions as individuals privately and publicly on political issues and candidates.

3. Attend political conventions, rallies, fund-raising functions and similar political gatherings;
4. Actively engage in any nonpartisan political functions;
5. Sign political petitions as individuals;
6. Make financial contributions to political organizations;
7. Serve as election judges or clerks or in a similar position to perform nonpartisan duties as prescribed by state or local laws;
8. Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this Section;
9. Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.

B. Officers are prohibited from:

1. Using their official capacity to influence, interfere with or affect the results of an election;
2. Assuming active roles in the management, organization, or financial activities or partisan political clubs, campaigns or parties;
3. Serving as officers of partisan political parties or clubs;
4. Becoming candidates for or campaigning for a partisan elective public office;
5. Soliciting votes in support of, or in opposition to, any partisan candidates;
6. Serving as delegates to a political party convention;
7. Endorsing or opposing a partisan candidate for public office in a political advertisement, broadcast or campaign literature;

8. Initiating or circulating a partisan nominating petition;
9. Organizing, selling tickets to, or actively participating in a fund-raising function for a partisan political party or candidate;
10. Addressing political gatherings in support of, or in opposition to a partisan candidate;
11. Otherwise engaging in prohibited partisan activities on the federal, state, county or municipal level.

#### Section 117 - - Labor Activity

A. Officers shall have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.

B. Officers shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

#### Section 118 - - Unsatisfactory Performance

Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

### DIVISION 14. DISCIPLINE PROCEDURES

## Section 119 - - Complaints

- A. All complaints, including anonymous complaints, against an officer or against the Department shall be recorded on a Complaint Form as soon as practicable. An officer shall record a complaint on a Complaint Form or shall refer the complaint to the Chief of Police for recording on a Complaint Form.
- B. Anonymous complaints are to be accepted and investigated in the same manner that all other complaints are handled.
- C. Every citizen complaint shall be recorded on a Complaint Form. If the officer recording a complaint from a citizen resolves the complaint to the citizen's satisfaction, the officer shall note such on the Complaint Form and forward one copy to the Chief of Police.
- D. Any officer against whom a complaint is filed shall immediately be notified by the Chief of Police of the complaint, unless to do so might jeopardize the investigation of the complaint.

## Section 120 - - Preliminary Investigation

- A. Upon becoming aware of a possible violation of Department rules, the Chief of Police or an officer designated by him shall, as soon as practical, begin a preliminary investigation to determine whether a violation occurred.
- B. The preliminary investigation shall be limited to questioning other officers, witnesses and complainants who are immediately available, and gathering evidence which may be lost if not secured immediately. The officer making the investigation shall not take any investigative action which might jeopardize a simultaneous or subsequent investigation.
- C. Immediately upon completing the preliminary investigation, the Chief of Police or other officer making the investigation shall prepare a report concerning the alleged violation, and if the investigation has yielded sufficient evidence, may recommend a) demotion or dismissal, b) corrective or disciplinary action, or c) exoneration. In the event the Chief of Police makes the investigation, he shall note his conclusions and action taken on the report.

## Section 121 - - Procedures for Internal Investigation

- A. In the event the Chief of Police determines at the completion of the preliminary investigation that further investigation is warranted, then the Chief of



Police shall conduct the further investigation, and as part of that investigation he may order any officer to cooperate in such an investigation. In addition to any other authorized methods, the Chief of Police may utilize the following investigative procedures when appropriate.

1. An officer may be ordered to appear before the Chief of Police at a reasonable time and place to submit to questioning or other investigation.
2. In an interrogation of an officer, the questions shall be narrowly and directly related to the matter under investigation. If a criminal prosecution is contemplated against an officer who is to be interrogated by the Chief of Police, the officer shall be given the Miranda warnings and allowed to have counsel or other representative present. If no criminal prosecution is contemplated, the officer may be ordered to respond to questions. Counsel or other representative for the officer may be present at the discretion of the Chief of Police.
3. An officer may at any time be ordered to submit to a lineup, breath test, voice print, handwriting exam, or other non-testimonial evidence test. If a criminal prosecution of the officer is contemplated, the officer shall be entitled to have counsel or other representative present where provided by law. If criminal prosecution is not contemplated, counsel or representative may be present at the discretion of the Chief of Police.
4. An officer may at any time be ordered by the Chief of Police to submit to a polygraph examination which is specifically directed and narrowly related to an internal investigation. However, when a complaint from a citizen is the basis for the investigation, the infraction is noncriminal, and no corroborating information has been discovered, the officer shall not be required to submit to a polygraph examination unless the citizen also submits to a polygraph examination which is specifically directed and narrowly related to the investigation.
5. An officer's personal property shall not be subjected to search or seizure without probable cause, and a warrant where required by law. Departmental property may be searched at any time, even if assigned to or used exclusively by a single officer.
6. Departmental communications facilities may be monitored at any time, under conditions permitted by law. Other communications or conversations may be monitored at any time, under conditions permitted by law.

7. The Chief of Police investigating a suspected serious violation of departmental rules may, if necessary, engage in conduct which might constitute entrapment unless criminal prosecution against the officer complained against is contemplated.

Section 122 - - Temporary Relief from Duty, Summary Suspension or Discharge

A. The Chief of Police may temporarily relieve from duty an officer under his or her supervision for a period of not more than one work day on the grounds that the officer is unfit for duty. "Unfit for duty" may include any physical or mental condition which might, in the judgment of the Chief of Police, render the officer incapable of adequately performing duties, cause him to perform them in such a way as to embarrass or discredit the Department, or jeopardize the safety of any person or property.

B. When the Chief of Police relieves an officer from duty under sub-section A, he may direct that the officer be carried on sick leave, vacation time, or other appropriate leave with pay. A relief from duty under this section shall not involve a loss of pay; however, loss of pay for the period of relief from duty for this occurrence may be imposed in addition to any subsequent disciplinary suspension, demotion, or discharge based on this occurrence.

C. The Chief of Police may relieve an officer against whom a complaint has been filed, or about whom an investigation is pending, for a period not to exceed thirty days. If the case cannot be resolved within thirty days, the Chief of Police may continue the relief for additional periods as are necessary, not to exceed thirty days each. A relief from duty under this section shall not involve a loss of pay, however loss of pay for the period of relief from duty for this occurrence may be imposed in addition to any subsequent disciplinary suspension, demotion or discharge based on this occurrence.

D. In any case in which:

1. An officer engages in a strike as defined by department regulations;
2. An officer has been indicted for a criminal violation; or
3. An information or a warrant for the officer's arrest has been issued;

The Chief of Police, in writing, may summarily suspend or discharge the officer from the Department, thereby terminating the officer's salary.

## Section 123 - - Police Pay Policies

### A. Definitions

1. "Full-time police officer" shall mean any officer who is employed in a position with a normal work schedule which averages at least 40 hours per week over a 52-week period.
2. "Part-time police officer" shall mean any officer who is employed in a position with a normal work schedule which does not average 40 hours per week over a 52-week period.

### B. Holiday Pay

Each full-time police officer of the City who works the full calendar year shall be entitled to nine (9) paid holidays during the calendar year. Each part-time police officer of the City who works the full calendar year shall be entitled to five (5) paid holidays during the calendar year. However, if any officer quits, retires or is dismissed from the police force before the end of the calendar year, he or she shall be entitled to pay only for those holidays which have occurred since his or her employment and prior to his or her leaving the department. If any officer does not take his or her paid holidays during the course of the calendar year, then at the end of the year he or she shall forfeit those holidays unless the Board of Aldermen approves special compensation. Any full-time officer who is hired during the course of the calendar year shall only be entitled to those paid holidays which remain in the calendar year three months after his or her date of employment. Those paid holidays for full-time officers are as follows:

- |                   |                          |                  |
|-------------------|--------------------------|------------------|
| 1) New Year's Day | 2) Washington's Birthday | 3) Easter        |
| 4) Memorial Day   | 5) Independence Day      | 6) Labor Day     |
| 7) Columbus Day   | 8) Thanksgiving Day      | 9) Christmas Day |

Those paid holidays for part-time officers are as follows:

- |                   |                  |                     |
|-------------------|------------------|---------------------|
| 1) New Year's Day | 2) Easter        | 3) Independence Day |
| 4) Thanksgiving   | 5) Christmas Day |                     |

No full-time officer shall be entitled to any vacation days during the first three months of his or her employment.

### C. Sick Days

Each full-time police officer of the City shall be entitled to take up to seven (7) sick days per year. The year, for purposes of calculating sick days, shall run from the officer's employment anniversary date to his or her next subsequent employment anniversary date. The officer may use these sick days at any time during his or her employment year, or shall, at the end of said year, have the option of accumulating the unused sick days or taking pay for any unused sick days. However, if the officer retires, quits or is dismissed from the department, he or she shall forfeit any sick days not used from the year of retirement, leaving or dismissal, but he or she shall be entitled to compensation for any sick days he or she has accumulated from prior years. A full-time officer may accumulate up to thirty (30) sick days during his or her term of employment by the City. After 30 sick days have been accumulated, the officer may receive compensation at his or her current daily rate of any unused sick days remaining at the end of his or her employment year. No officer shall accrue or be paid for any sick days during the first three months of his or her employment. In the event an officer's condition prevents such officer from performing his or her duties for three consecutive work days, the Chief of Police shall require said officer to present a written statement from a licensed physician certifying the nature of the condition and that it prevents him or her from performing normal duties.

D. Vacation and Vacation Pay

Every full-time police officer of the City shall be entitled to two weeks of vacation each year after he or she has completed one full year of service with the department. After the officer has completed ten (1) full years of service, he or she shall be entitled to three weeks of vacation each year. The officer's vacation year shall be calculated in the same manner as his or her sick pay year. Each officer must submit a request for the dates he or she intends to take vacation days to the Chief of Police at least 30 days prior to the dates requested, and the approval of the Chief of Police must be obtained, however this approval shall not be unreasonably withheld. In the event a full-time officer retires, quits or is dismissed from the department during the first three months of his or her employment year, he or she shall not be entitled to any compensation for any vacation days. Any such officer leaving the department during the fourth, fifth or sixth month of his or her employment year shall be entitled to compensation for one-half of his or her vacation time, and after six months, he or she shall be entitled to all vacation time for that employment year. If an officer is dismissed from the department for the commission of a felony, he or she shall forfeit all vacation time. Vacation time cannot be accumulated from one employment year to the next without the specific permission of the Board of Aldermen for special circumstances; otherwise any vacation time not taken during the employment year shall be forfeited.

E. Workers' Compensation and Injury Leave

1. A police officer shall be granted leave without pay in the event of an injury incurred in the course and scope of his or her employment when such injury renders him or her incapable of performing normal duties. During this time period the officer may at his or her option use any accrued vacation or sick days.

2. The Chief of Police shall investigate the nature and cause of the injury and shall determine whether the injury was incurred in the course and scope of the officer's employment. If such a determination is made, then the injured officer shall be required to submit a Workers' Compensation Injury Report and Claim.

3. The City reserves the right to require any police officer on any injury leave to submit to an examination by a City-appointed physician to determine the extent of disability and the officer's fitness to perform his or her duties.

4. Injury leave shall not exceed 45 days, except that such leave may be extended with the approval of a majority of the members of the Board of Aldermen.

F. Part-time Police Officers

Part-time police officers shall not be entitled to or receive any holiday pay, sick pay, vacation pay or injury leave unless it is specifically authorized for special circumstances by the Board of Aldermen.

G. Compensation for night shifts.

The compensation of officers who work shifts between the hours of 11 p.m. to 7 a.m. ("night shifts") shall be entitled to an additional \$1.00 per hour for each hour worked during such night shifts.

## **CABLE TELEVISION FRANCHISE**

### **Chapter 800**

A copy of the Cable Television Franchise constituting Chapter 800 of the Municipal Code of the City of Lakeshire is maintained by the City Clerk and is available for inspection at any time upon request and without charge.

## **CONSTRUCTION, REPEALER AND SEVERABILITY**

### **Chapter 900**

#### **Section 900.010 - - General Definitions**

- A. Whenever the word “person” is used, that word shall include, when appropriate, an individual person, or any firm, association, company, corporation, or any other group of persons operating together or any other legal entity.
- B. Whenever the singular is used, it shall include the plural.
- C. Whenever the masculine gender is used, it shall include the feminine gender.
- D. Whenever the word “City” is used that word shall mean the City of Lakeshire.

#### **Section 900.020 - - Incorporation of State and County Laws**

- A. Whenever reference is made to any law of the State of Missouri, then, unless otherwise provided, such reference shall be prospective.
- B. Whenever reference is made to any ordinance of St. Louis County, then, unless otherwise provided, such reference shall be prospective, and any specification of Chapter or Section in the Revised Ordinances of St. Louis County shall be for convenience only, and shall not indicate any intention that the reference shall not be prospective.

#### **Section 900.030 - - Headings**

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

#### **Section 900.040 - - Designation**

This Code shall be known as the Municipal Code of the City of Lakeshire, and the word “Code”, when used in any Title, Chapter or section of this Code shall mean The Municipal Code of the City of Lakeshire.

#### **Section 900.050 - - Ordinances Not Included in this Code**

The adoption of this Code shall not of itself be deemed to repeal any specific ordinance fixing boundaries, granting franchises or easements, providing for the employment of officials or employees of the City, setting tax rates, providing for utility taxes and setting rates, providing for specific salaries not provided for in this Code, establishing election or other special districts within the City, calling for any election, or approving subdivision plats, or accepting dedications or other easements or property interests.

#### Section 900.060 - - General Repealer

All ordinances of the City other than those set forth in Section 900.050, whether or not they are inconsistent with any provisions of this Code, are hereby repealed.

#### Section 900.070 - - Severability

The Sections, paragraphs, sentences and clauses of this Code are severable and if any Section, paragraph, sentence or clause of this Code is declared to be unconstitutional by a court of competent jurisdiction, such unconstitutionality shall have no effect upon any of the remaining sections, paragraphs, sentences or clauses of this Code.

#### Section 900.080 - - General Penalty Provisions

Any person, corporation, company or association who shall be found guilty of violating any of the Sections or Chapters of the Lakeshire Municipal Code for which no specific penalty is provided by that Section or Chapter shall be subject to a fine not in excess of Five Hundred Dollars and/or imprisonment in the County jail not to exceed ninety days.