

CHAPTER 1: ADMINISTRATION

Article 1 Elections

Sec. 1-1 Conformance of Village Elections with State Law

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

Sec. 1-2 Declaration of Candidacy — Dates For Filing

Any person who desires to become a candidate for an elective Village office at the general Village election shall file with the Village Clerk, not prior to the hour of 8:00 A.M., on the 16th Tuesday prior to, nor later than 5:00 P.M., on the 11th Tuesday prior to the next Village municipal election, a written declaration of his/her intent to become a candidate at said election. The Village Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order. (RSMo. §115.127.5, 2003)

Sec. 1-3 Disqualification As Candidate For Elective Public Office, When — Disqualification From Participation In Election, When — Affidavit To Be Filed, Requirements — Investigation Of Alleged Delinquency

A. No person shall qualify as a candidate for elective public office in the State of Missouri who has been found guilty of or pled guilty to a felony under the Federal laws of the United States of America or to a felony under the laws of this State or an offense committed in another state that would be considered a felony in this State.

B. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any State income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State.

C. Each potential candidate for election to a public office shall file an affidavit with the Department of Revenue and include a copy of the affidavit with the declaration of candidacy required under Section 115.349, RSMo. Such affidavit shall be in substantially the form as set out in Section 115.306, RSMo.

D. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any State income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State, the Department of Revenue shall investigate such

potential candidate to verify the claim contained in the complaint. If the Department of Revenue finds a positive affirmation to be false, the Department shall contact the Secretary of State, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The Department shall notify the candidate of the outstanding tax owed and give the candidate thirty (30) days to remit any such outstanding taxes owed which are not the subject of dispute between the Department and the candidate. If the candidate fails to remit such amounts in full within thirty (30) days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint. (RSMo. §115.306, 2015, 2017)

Sec. 1-4 Declaration Of Candidacy — Notice To Public

A. The Village Clerk shall, on or before the 16th Tuesday prior to any election at which Village offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing, and the closing filing date of the election.

B. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the Village. (RSMo. §115.127.5, 2003)

Sec. 1-5 Notice of Elections

In Village elections, the Village Clerk shall notify the County Clerk prior to 5:00 P.M. on the 10th Tuesday prior to any Village election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Trustees is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the 10th Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission. (RSMo. §115.125)

Sec. 1-6 Qualifications: Tenure of Office

A. No person shall be eligible to become a member of the Board of trustees, unless such person is:

- (1) At least twenty-one Years of age; and
- (2) A citizen of the United States; and,

(3) Has been a resident of the Village of Arrow Rock at least one year at the time of his election.

B. Each member elected shall hold office for two years or until a successor is elected and qualified. (Ord. No.1, Sec. 2)

Article 2 Board of Trustees

Sec. 1-7 Trustees

The corporate powers and duties of the town of Arrow Rock are vested in a Board of Trustees, consisting of five members, whose manner of election, qualifications, powers and duties, compensation and tenure of office shall conform to the laws of this State and the ordinances of this town. (Ord. No.2, Art. 1, Sec. 1)

Sec. 1-8 Number

The Board of Trustees shall consist of five members (History: Originally Ord. No.1, Sec.1)

Sec. 1-9 Oath

A. Every Trustee, before entering upon the duties of his/her office, shall take the oath prescribed by the Constitution of this State that he/she will faithfully demean himself/herself in office.

B. Trustees shall be sworn in at the first meeting of the Board following their election or appointment

Sec. 1-10 Chairperson

A. At the first meeting following the election in April, or following the resignation or removal of the Chairman, the Board shall choose a Chairman of its number.

B. The Chairman may vote on any proposition before the Board.

C. In case of absence of the Chairman at any meeting of the Board, the Board may appoint a Chairman Pro Tempore, and in case he/she shall die, resign, be removed from office or remove from the Village, the Board of Trustees shall appoint one (1) of its number Chairman, who shall hold the office for the unexpired term. (RSMo. §80.120)

Sec. 1-11 Meetings

A. The Board of Trustees, by motion shall fix the time and place of holding its

stated regular meetings and in addition, meetings may be called:

- (1) By the Chairman at any time. (RSMo. §80.060); or
- (2) By the full Board by motion during a regular meeting; or
- (3) By any three Trustees by signed written notice to the full Board personally served on or waived by each of them.

B. Meetings of the Board of Trustees of the Village of Arrow Rock shall be held at the Village Hall located at 716 Main St., Arrow Rock, Missouri, and at other locations designated by the Board of Trustees. Regular meetings of the Board of Trustees shall be held on the first Monday of each month at 5:30 P.M.; provided, however, that a regular meeting may be rescheduled by the Chairman in a given instance if holidays, weather or a conflict with other events of concern to the Village necessitate.

Sec. 1-12 Quorum

At all meetings of the Board, a majority of the Trustees shall constitute a quorum to do business; a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board of Trustees previously, by ordinance, may have prescribed. (RSMo. §80.070)

Sec. 1-13 Call To Order

At the hour appointed, the Chairman, or in his/her absence any Trustee, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present.

Sec. 1-14 Committees

All committees shall be appointed by the Chairman unless, on motion, the Board shall elect to appoint any such committee.

Sec. 1-15 Robert's Rules of Order To Govern

Robert's Rules of Order shall govern the proceedings of the Board, except when otherwise provided by ordinance, and any question arising thereunder shall be decided by the Chairman subject to appeal to the Board of Trustees by any member.

Sec. 1-16 Board of Trustees to Keep A Journal

The Board of Trustees shall keep a journal of its proceedings and, at the desire of any member, shall cause the "yeas" and "nays" to be taken and entered on the journal on any question, resolution or ordinance. The Board's proceedings shall be public. (RSMo.

§80.080)

Sec. 1-17 Ordinances — How Passed

The style of ordinances of the Village of Arrow Rock shall be: "Be it ordained by the Board of Trustees of the Village of Arrow Rock, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its passage a majority of all the members of the Board of Trustees vote therefor, and the "yeas" and "nays" be entered upon the journal. Every proposed ordinance shall be introduced to the Board of Trustees in writing and shall be read by title or in full two (2) times prior to passage; both readings may occur at a single meeting of the Board of Trustees. 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 Trustees. All ordinances shall be in full force and effect from and after their passage after being duly signed by the Chairman of the Board of Trustees and attested by the Village Clerk. (RSMo. §§80.100, 80.110)

Sec. 1-18 Semiannual Reports

The Chairman of the Board of Trustees shall semiannually make out a correct statement of all monies received and expended on account of the Village of Arrow Rock during the six (6) months next preceding; and shall cause such statement, within ten (10) days thereafter, to be published, either in some newspaper printed in the Village, or by causing copies of such statement to be put up in six (6) of the most public places in the Village. (RSMo. §80.210)

Sec. 1-19 Trustees — Vacancy, How Filled

All vacancies in the Board of Trustees shall be filled by the remaining members of the Board. In case the office of Chairman becomes vacant, the remaining members shall select one (1) of their own number as Chairman and then proceed to elect some person to fill such vacancy; provided, the Chairman or temporary Chairman shall have no vote except in case of a tie. (RSMo. §80.230)

Sec. 1-20 Trustees — Power Of Appointment

The Board of Trustees shall have the power to appoint an Assessor, Collector, Marshal, Treasurer, and such other officers, servants and agents as may be necessary, remove them from office, prescribe their duties and fix their compensation. (RSMo. §80.240)

Sec. 1-21 Appointive Officers

The Board of Trustees shall have power to appoint an assessor, collector, marshal, treasurer, and such other officers, servants and agents as may be necessary, remove them from office, prescribe their duties and fix their compensation

Sec. 1-22 Bond for Certain Appointive Officers

The Village shall obtain a bond with good and sufficient surety in any sum not less than one thousand dollars (\$1,000.00) to ensure faithful performance according to law by the Marshal, Treasurer and the Village Collector.

Sec. 1-23 Sargent-At-Arms

The Marshal, should the position be filled, shall act as Sargent-At-Arms of the Board, and shall attend its meetings, execute its orders, have charge of its place of meeting and keep the same in proper order. (Ord. No.1, Sec. 8)

Sec. 1-24 Member Not to Vote, When

No member of the Board shall vote upon any ordinance appropriating money for the allowance of any account or for the awarding or approval of any contract in which such member is directly or indirectly interested. (Ord. No.1, Sec. 9)

Sec. 1-25 Order of Business

At regular meetings the business of the Board shall be as follows:

1. Reading of the minutes- of previous meeting__
2. Unfinished business.
3. Reading petitions and other communications.
4. Reports of committees. a. Standing b. Special
5. Report of Village Officers.
6. Allowance of accounts and claims.
7. Introduction of bills.
8. Introduction of resolutions.
9. New business.

The order of business at special meetings shall be as determined by the Chairman or the Trustees calling the meeting.

Sec. 1-26 Decorum and Debate

The Board shall be governed in its deliberations by the following rules:

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- (1) A member desiring to speak, shall arise and address the Chairman, and shall not proceed to speak further until recognized by the chair.
- (2) When more than one member shall arise at the same time the Chairman shall designate the one who is to speak first.
- (3) No member shall speak more than twice on the same question without permission.
- (4) Disrespectful language and personalities shall be avoided in all discussions.
- (5) A member called to order by the chair shall immediately be seated unless permitted to explain.
- (6) Unless appealed from the decision of the Chairman shall be final upon questions of decorum and debate. Such decisions may be appealed to the Board as a whole, who shall decide the question without debate.
- (7) No resolution or motion shall be discussed until seconded .
- (8) Every member present shall vote when a question is put by the chair unless excused by the Board or prohibited by this ordinance.
- (9) A motion or resolution, after being stated by the Chairman or Clerk, shall be deemed in the possession of the Board, but may be withdrawn at any time before a decision or amendment, but not afterward unless by consent of the Board .
- (10) The rules of the Board may be temporarily suspended, altered or amended at any time by the Board. (Ord. No.1, Sec. 13)

Sec. 1-27 Appointment of Committees

At the first regular meeting of the Board after each annual election, the Chairman shall appoint the following standing committees, to consist of three members each, to wit:

Committee on finance.

Committee on streets, alleys and sidewalks.

The chair shall also have power to appoint such other committees as circumstances may suggest or require. (Ord. No.1, Sec. 14)

Sec. 1-28 Duties of Committee on Finance

It shall be the duty of the Committee on Finance to consider all reports, resolutions and propositions relating to the financial affairs of the town which may be referred to it. To report to the Board any dereliction of duty on the part of officers, relating to the finances of the town. To make recommendations touching the financial condition of the Village. To examine all claims and accounts presented to the Board against the town and report on same. To examine the annual, final and all other settlements of all town officers and make report thereof to the Board, and to perform such other duties relating to the finances of the town as the Board may require. (Ord . No.1, Sec. 15)

Sec. 1-29 Duties of Committee on Streets, Alleys, Etc

It shall be the duty of the Committee on Streets, Alleys and Sidewalks to consider all communications, resolutions and propositions concerning the streets, alleys , sidewalks and commons of the town, and relating to the improvement or repair thereof, which may be referred to them by the Board and to report to the Board thereon. To see that ordinances relating to the use, construction, improvement and repair of streets, alleys and sidewalks are complied with and report violations thereof to the Board. To examine and audit all accounts for work done or material furnished in the construction, improvement or repair of streets, alleys and sidewalks; to exercise a general supervision over streets, alleys and sidewalks of the town and to make recommendations to the Board relating to the same; to see that all contracts relating to same are properly drawn and complied with and to superintend the purchase of materials for such improvements. (Ord. No.1, Sec. 16)

Article 3 Village Clerk

Sec. 1-30 Selection

The Board of Trustees shall select some qualified individual to serve as Village Clerk, who shall serve at the pleasure of the Board of Trustees. The Village Clerk shall receive such compensation as may be fixed by ordinance from time to time. The Person appointed to the office of town clerk shall hold his/her office, unless sooner removed, for one year and until the successor is appointed and qualified.

Sec. 1-31 Duties

The Village Clerk shall have the following duties:

To have charge and custody of the Seal, ordinances and other records, papers and documents entrusted to his/her care and keeping by the Board of Trustees;

To attend to such correspondence as may be required;

To keep the journal of the proceedings of the Board of Trustees and to enter therein the "yeas" and "nays" of the members of each bill presented for passage as an ordinance;

To attest each ordinance passed by subscribing his/her name on the face thereof;

To issue and attest all warrants ordered by the Board;

Issue licenses and such other duties as prescribed by ordinance or the Board of Trustees;

To act as head of the Administrative Department of the Village; and

In general, to perform such other duties as may be prescribed by law or ordinance or as directed by the Board of Trustees.

Sec. 1-32 Oath of Office and Bond

Before entering upon the duties of his office, the Village Clerk shall take an oath, before some officer authorized by law to administer oaths, that he/she possesses the qualifications prescribed by law for the office of Village Clerk; that he/she will support the constitution of the United States and of the State of Missouri, the laws of the state and the ordinances of this town, and faithfully demean him/herself in office.

Before entering upon the discharge of the duties of his or her office the Village Clerk shall execute to the Village of Arrow Rock a bond in an amount determined by the Board of Trustees with good and sufficient security, conditioned that he or she will faithfully discharge the duties of his or her office as required by law and the ordinances of the town, and promptly pay over all moneys coming into his possession that belongs to the Village, at the time and in the manner provided by law. Such bond shall be at the cost of the Village. Such bond, with the approval of the Chairman of the Board endorsed thereon, shall be filed with the Village Treasurer. (Ord . No. 2, Art. 2, Sec. 3)

Sec. 1-33 Financial Statement.

The fiscal year of the town shall commence on the first day of April of each year and terminate on the last day of March of the succeeding year. At the close of any fiscal year it shall be the duty of the Clerk to prepare and present to the Board of Trustees, at its first regular meeting thereafter, a complete statement of the town finances, containing an explicit and concise summary of the total receipts and sources thereof for the year then ending , the total disbursements for said year and for what purposes, and the total amount remaining in the Treasury to the credit of each fund unappropriated. (Ord. No.2, Art, 2, Sec. 5)

Sec. 1-34 Form of Warrants

When accounts have been audited and allowed against the town and the Board of Trustees by ordinance shall have made the necessary appropriation for the payment thereof, it shall be the duty of the Clerk to draw a warrant on the Village Treasurer for the amount due. All such warrants shall be signed by the Chairman of the Board of Trustees and the Clerk shall attest the same and affix the seal of the town thereto, - Such warrants shall be in the following form:

No. _____ \$ _____
Office of Town Clerk, Town of Arrow Rock, Mo.
_____, 19 ____.
To the Treasurer of the Town of Arrow Rock, Missouri:
Pay to the order of _____,
Dollars, out of any money in the Town Treasury belonging to the
_____ fund appropriated to the payment of town
expenditures.
Given under our hands and the seal of the town of Arrow
Rock, Missouri, by order of the Board of Trustees.

Chairman of the
Board of Trustees
Attest: _____
Clerk
(Ord. No. 2, Art. 2, Sec. 6)

(Ord.

No.2, Art. 2, Sec. 6)

Sec. 1-35 Temporary Clerk.

Whenever, for any reason, the Village Clerk is unable to perform the duties of his or her office, the Board of Trustees, may, by resolution, appoint a temporary clerk, who shall have all the power and perform all the duties of the regular clerk and receive the salary of the regular clerk for the time he/she so acts.

(Ord. No.2, Art. 2, Sec. 7)

Article 4 Marshal

Sec. 1-36 Appointment

The Board of Trustees may appoint a Marshal who, if appointed, is hereby authorized to execute orders and process, arising under the ordinances of said town, and who, within the corporate limits of said town.

Sec. 1-37 Oath and Bond.

Before entering upon the discharge of his or her duties the Village Marshal shall take and subscribe an oath before some officer authorized to administer oaths, that he or she possesses the qualifications herein prescribed, that he or she will support the Constitution

of the United States and of the State of Missouri, the laws of this State and the ordinances of this village relating to his or her duties, and faithfully demean himself or herself in office; which oath shall be filed with the Village Clerk. Within five days after his or her appointment and before entering upon the discharge of his or her official duties he or she shall execute to the Village of Arrow Rock a proper bond in an amount determined by the Board, with good and sufficient security, conditioned that he or she will faithfully perform his or duties as required by the laws of the State of Missouri and the ordinances of this village, and that he or she will promptly pay over all moneys coming into his or her possession, belonging to the Village of Arrow Rock, at the time and in the manner provided by law and the ordinances of this town. Said bond, with the approval of the Chairman of the Board of Trustees endorsed thereon, shall be filed with the Village Clerk. The Village shall pay the costs of such bond.

(Ord. No.2. Art. 3. Sec. 9)

Sec. 1-38 Duties

The Marshal may be designated as the Chief of Police if authorized to serve as a law enforcement officer by Missouri Statutes.

Article 5 Treasurer

Sec. 1-39 Selection.

The Board of Trustees shall select some qualified individual to serve as Village Treasurer, who shall serve at the pleasure of the Board of Trustees. The Village Treasurer shall receive such compensation as may be fixed by ordinance from time to time. At the time of his/her appointment the town treasurer shall hold the office for a term of one year and until the successor is appointed and qualified, unless sooner removed.

Sec. 1-40 Duties.

It shall be the duty of the Village Treasurer to collect, receive and safely keep all monies, warrants, bonds and other property belonging to the Village and entrusted to his/her care, and to deliver the same to any successor in office; to act as head of the Village Finance Department; to pay over all monies, bonds and property of the Village only on warrant ordered by the Board of Trustees, signed by the Chairman, issued and attested by the Village Clerk and having the Seal of the Village affixed thereto; to keep in proper books a full, accurate and complete account of all monies or the other property received and disbursed by the Treasurer in his/her official capacity, showing the date of each transaction, the persons from whom received or to whom paid and on what account so received and disbursed; to issue receipts to every person making payment of money to the Village and file a duplicate of same with the Village Clerk; to make written report to the Board of Trustees at each monthly meeting or whenever required, showing the amount on hand and the items of receipts and disbursements since the previous report; to make annual report in writing showing receipts and expenditures for the previous year and the

specific amount on hand, to the Board of Trustees at its first regular meeting in April; and to give bond to the Village of Kingdom City in the amount agreed upon and in the manner approved by the Board, the cost of which, if any, shall be paid by the Village.

Article 6 Collector

Sec. 1-41 Selection.

The Board of Trustees shall select some qualified individual to serve as Village Collector, who shall serve at the pleasure of the Board of Trustees. The Village Collector shall receive such compensation as may be fixed by ordinance from time to time. The Collector at the time of his/her appointment shall hold the office for one year, unless sooner removed and until the successor is appointed and qualified.

Sec. 1-42 Duties

It shall be the duty of the Village Collector to collect and enforce the payment of all taxes lawfully assessed in the manner and under the same rules and regulations as may be provided by law for collection and enforcement of the payment of State and County taxes, and to annually make out and return, under oath, to the Board of Trustees, a list of delinquent taxes remaining due and uncollected on the first day of January of each year, to be known as the "delinquent list," the amount of which as approved by the Board of Trustees, after examination and a finding that such taxes are property returned as delinquent, shall be credited on the account of the Collector; and the Board of Trustees shall cause said delinquent list or a certified copy thereof to be placed in the hands of the County Collector for collection as other delinquent taxes are collected, and take his/her receipt therefor.

Sec. 1-43 Pay Over To Treasurer.

The Village Collector shall pay over the taxes collected to the Village Treasurer, at the times and in the manner provided by law for the payment of County taxes to the County Treasurer, and shall make the same statements and settlements for such taxes with the Board of Trustees and at the same time as may be provided by law for statements and settlements with the County Court for County taxes, and all taxes shall bear the same rate of interest, and the same penalties shall attach to the non-payment of such taxes when due as may be provided by law in the case of County taxes, and the same shall be a lien on the property described in such tax bill.

Sec. 1-44 Special Taxes.

It shall be the duty of the Village Collector to collect and enforce the payment of any special taxes, fees, dues, licenses and other obligations owing to the Village which may be levied by the Board of Trustees, or which he/she may be directed to collect by the Board of Trustees from time to time.

Sec. 1-45 Bond.

The Village Collector, before entering on the duties of that office, shall give bond payable to the Village of Arrow Rock in the amount agreed upon and in the manner approved by the Board of Trustees, conditioned that the Collector will faithfully perform the duties of office according to law; the cost of which, if any, shall be paid by the Village.

Article 7 Attorney

Sec. 1-46 Qualifications and Tenure of Office.

The Village Attorney must be a person licensed to practice law in the State of Missouri for a period of at least five years.

Sec. 1-47 Oath

Before entering upon the discharge of his/her official duties the Village Attorney shall take and subscribe an oath that he/she possesses the qualifications herein required, that he/she will support the Constitution of the United States and the State of Missouri, the laws of the State and the ordinances of this town, and faithfully demean himself/herself in office. (Ord . No . 2, Art. 6, Sec . 23)

Sec. 1-48 Duties.

The Village Attorney shall prosecute all persons charged with violating the ordinances of the Village. The Attorney shall give the Attorney's opinion to the Board of Trustees or any Village officer respecting any legal question in which the Village is interested, and perform such, other duties of a like nature as may be required of him by the Board of Trustees and represent the Village in all legal proceedings . (Ord . No.2, Art. 6, Sec. 24)

Sec. 1-49 Special Counsel.

In case of a vacancy in the office of Village Attorney, or when the Board of Trustees may deem it expedient that the Village Attorney have assistance, such Board may employ some person as counsel to represent the Village in any legal proceeding or to advise or render an opinion to the Board in any matter in which the Village is interested; and such special counsel shall receive such reasonable compensation for his services as may be determined by the Board. (Ord. No.2, Art. 6, Sec. 25)

Article 8 CHAIRMAN OF THE BOARD

Sec . 1 - 44 Duties.

The Chairman of the Board of Trustees shall preside over the meetings of the Board and preserve decorum and order, and shall have power to decide all questions of order, subject to an appeal to the Board. He shall affix his signature to all ordinances passed by the Board of Trustees. He shall cause to be printed and published, as often as may be necessary the ordinances of the Board, for the information of the inhabitants. He shall see that the provisions of the ordinances of the town are carried out. He shall, on the first day of March and September of each year, make out a correct statement of all moneys received and expended by this town during the six months next preceding, and shall, within twenty days thereafter, cause such statement to be published in some newspaper published in this town, or by causing copies of such statement to be put in six of the most public places in this town.

(Ord. No.2, Art. 7, Sec. 26)

Sec. 1-50 Penalty for Neglect of Duty.

If the Chairman of the Board of Trustees shall, at any time, neglect to make and cause the statement provided for in the next preceding section to be published, as therein provided, he shall forfeit for every such neglect the sum of fifty dollars, to be recovered by civil action in any court of record, one-half whereof shall be to the use of this town and the other half to the use of the tax-payer of the town who may sue for the same. (Ord. No.

2, Art. 7, Sec. 27)

Article 9 STREET COMMISSIONER

Sec. 1-51 Ex-Officio Street Commissioner.

The person holding the office of Village Marshal shall be Ex-Officio Street Commissioner and shall perform all the duties required of Street Commissioner, and shall be liable under his/her official bond for the faithful performance of such duties. (Ord. No.2, Art. 7, Sec. 28)

Sec. 1-52 Duties of Street Commissioner.

The Street Commissioner shall personally superintend and direct all labor required to be done in the opening, widening, grading, guttering, paving or other improvement of any street, alley, sidewalk or thoroughfare of this town, or in the construction of any building, bridge, culvert, drain or sewer or in the improvement of any park or cemetery or other public place, whenever so required by ordinance or resolution of the Board of Trustees. He or she shall see that all streets, alleys, sidewalks, gutters, drains and sewers are kept free from obstructions and in a cleanly condition. He/She shall cause to be removed from all sidewalks and street crossings any accumulation of ice, snow, mud, filth or other offensive matter, or anything calculated to impede the free passage of pedestrians.

She/He shall see that all sidewalks in the town are kept in good condition and repair, and shall at any time report to the Committee on Streets, Alleys and Sidewalks for their information and action, what new sidewalks, in his/her judgment should be constructed. She/He shall see that all contracts with the town for public work are faithfully complied with. (Ord. No. 2, Art. 7, Sec. 29)

Sec. 1-53 Shall Keep Account and Make Report.

The Street Commissioner shall keep an itemized account of all purchases made by him/her in her/his official capacity, and for all services rendered by those in his/her employ or under his control, together with all work done by her/himself, and a total of the expenditures for which the town is liable, which account he/she shall certify to the correctness of and submit the same to the Board of Trustees at their regular monthly meeting. (Ord. No.2, Art. 7, Sec. 31)

Article 10 MISCELLANEOUS PROVISIONS

Sec. 1-54 Residence

All town officers, except the Attorney and Clerk shall reside and maintain their offices in the Village of Arrow Rock. (Ord. No.2, Art. 8, Sec. 33)

Sec. 1-55 Removal from Office.

Any officer may be removed from office by the Board of Trustees, for any cause, which in their judgment is sufficient to require his or her removal. (Ord. No.2, Art. B, Sec. 35)

Sec. 1-56 Additional Duties.

The Board of Trustees may require such additional services of village officers, not inconsistent with their office, as the interests of the town may demand. (Ord. No.2, Art. 8, Sec. 36. Passed September 9, 1908)

ARTICLE III CHAIRMAN'S COURT

Article 11 FEES AND SALARIES

Sec. 1-57 Board of Trustees.

Members of the Board of Trustees shall receive an annual salary of two dollars each.
(Ord. No.4, Sec. 2)

Sec.

Article 12, BOARDS AND COMMISIONS

Sec. 1-80 Arrow Rock Improvement Committee (ARIC)

- A. The purpose of ARIC is to promote economic development and ensure the economic viability of the Village
- B. Not less than 5 or more than 7 committee members shall be appointed by the Chairman of the Arrow Rock Board of Trustees and approved by the Board of Trustees.
- C. All initiatives and actions of ARIC shall be consistent with the vision and goal of retaining the National Historic Landmark status of the village and supporting the Village's role as a cultural center where history, arts, and education are celebrated
- D. ARIC will work to achieve the following objectives:
 - a. Expand awareness of Arrow Rock
 - b. Maintain Historic Landmark Status
 - c. Provide safe and stable infrastructure to support residents and visitors
 - d. Support and expand programming in support of ARIC goals
 - e. Embrace Arrow Rock as an inclusive and diverse community

Article 13, PUBLIC PROPERTY ADMINISTRATOR

Sec. 1-90 Public Property Administrator

The Public Property Administrator (hereinafter PPA) shall schedule and facilitate the rental or other use of town owned property. The PPA shall collect rents and other compensation owed to the town and provide a thorough accounting thereof to the Town Board of Trustees. Rental rates from users and commission amounts due the PPA will be set by the Town Board of Trustees and may be modified from time to time. The PPA will be selected or terminated by a majority vote of the Board of Trustees.

Article 14, Municipal Court

Sec 1-100 Violations of Municipal Ordinances Heard and Determined by an Associate Circuit Judge of the Fifteenth Judicial Circuit.

- A. The Board of Trustees of the Village of Arrow Rock does hereby elect to have violations of its municipal ordinances heard and determined by an associate circuit judge of the Fifteenth Judicial Circuit, pursuant to 479.040.2, RSMO, and Local Courts Rules of the Fifteenth Judicial Circuit.

Chapter 2. ANIMALS AND FOWL

Sec. 2-1. Definitions.

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

Animal Control Authority-The person or persons designated to enforce this ordinance

Animal establishment-Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198 and 101-624.

Animal Shelter-Facility designated or recognized by the Village of Arrow Rock for the purpose of impounding and caring for animals.

At large-A dog or cat shall be deemed to be at large when off the property of the owner and not under restraint.

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

Humane manner-Care of an animal to include but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

Kennel-An establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats.

Licensing authority-The agency or department of the Village of Arrow Rock or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

Neutered-Rendered permanently incapable of reproduction.

Nuisance-A dog or cat shall be considered a nuisance if it: damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, "dangerous", or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public or private property.

OWNER or KEEPER Any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in his/her care, or acts as its custodian, or who

knowingly permits a dog or cat to remain on or about any premises owned or occupied by him/her.

Person-Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

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

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

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

VICIOUS DOG Any of the following dogs:

- (1) Any dog, whether or not running at large and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.
- (2) Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.
- (3) Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.
- (4) Any dog that has killed another dog, cat or other domestic animal without provocation.
- (5) Any dog which has been adjudged vicious by a court of competent jurisdiction.
- (6) Pit bull dogs.

Sec. 2-2. Vaccination And Tag.

The owner or keeper of any dog or cat in the Village of Arrow Rock is hereby required to have such animals vaccinated against rabies by a licensed veterinarian and to procure a certificate of such vaccination from the veterinarian and to present such certificate to the Village Clerk on or before January 1 of each year; and the Village Clerk shall register such certificate, which registration shall remain in force until the December 31 next

following said registration.

Sec. 2-3. Running At Large Prohibited — Impoundment.

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large within the Village at any time. Any dog or cat found without the tag provided in Section 2-2, and any dog or cat found running at large, shall be impounded.

Sec. 2-4. Responsibility Of Parent Or Guardian Of Minor Owning.

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of, or harbored by that minor child. (RSMo. §578.014)

Sec. 2-5. Vicious Dogs Prohibited — Exceptions.

A. It shall be unlawful to own, keep or harbor a vicious dog in the Village of Arrow Rock except in accordance with the following provisions:

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

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

C. Confinement Indoors. No vicious dog may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

D. Signs. All owners, keepers or harbors of vicious dogs within the Village shall display in a prominent place on their premises a sign easily readable by the public

using the words BEWARE OF DOG. In addition, a similar sign is required to be posted on the kennel or pen of such dog.

Sec. 2-6. Notice Of Impoundment.

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

Sec. 2-7. Reimbursement Of Costs.

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

Sec. 2-8. Term of Impoundment.

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

Sec. 2-9. Animal Neglect.

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

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

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

- (1) The care and maintenance of neglected animals within the person's custody or ownership;
- (2) The disposal of any dead or diseased animals within the person's

custody or ownership;

(3) The reduction on of resulting organic debris affecting the immediate area of the neglect; and

(4) The avoidance or minimization of any public health risks created by the neglect of the animals. (RSMo. §578.009)

Sec. 2-10. Animal Trespass.

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

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

Sec. 2-11. Animal Abuse.

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

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

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

C. Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal. (RSMo. §578.012, 2013, 2014 effective 1-1-2017)

Sec. 2-12. Knowingly Releasing An Animal.

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

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

The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties. (RSMo. §578.029)

Sec. 2-13. Animal Waste Prohibited On Public And Private Property — Exception.

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

Sec. 2-14. Quarantine Order To Be Issued By Chairman — To Be Published And Posted.

Whenever rabies becomes prevalent in the Village, the Chairman shall, according to the necessity of the case, issue a quarantine order, requiring every owner or person in charge of any dog or dogs within the limits of the Village, to either kill or impound his/her dog or dogs, or to have such dog or dogs immunized. Said order shall be published once in the paper officially publishing the business of the Village; and in the absence of such paper, shall be posted as in case of sales of personal property. The Chairman is authorized by proclamation, to terminate any such quarantine whenever, in his/her judgment, the necessity for it no longer exists. (RSMo. §322.040)

Sec. 2-15. Keeping A Dangerous Wild Animal.

A person commits the offense of keeping a dangerous wild animal if he or she keeps any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguar, hyena, wolf, bear, nonhuman primate, coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge. (RSMo. §578.023, 2014 effective 1-1-2017, revised by codifier)

Sec. 2-16. Prohibiting The Housing Of Livestock Within Fifty (50) Feet Of A Commercial Or Governmental Establishment.

A. It shall be unlawful for any person to house or pen cattle, hogs, sheep, goats, domestic fowl, or any other kind of domestic livestock within fifty (50) feet of a commercial or governmental establishment.

B. Section A of this ordinance shall not be construed to apply in those places where livestock was being regularly kept on January 1, 2019. However, if at any time subsequent to that date, livestock is no longer regularly kept in any one (1) of the excepted areas, then from that time forward livestock may not be kept in that area.

Sec. 2-17. Prohibition-Dumping Dogs and cats

Any person or persons found dumping dogs or cats within the limits of the Village of Arrow Rock shall be fined up to \$500 per incidence and shall be guilty of a misdemeanor.

Sec. 2-20 Cat-Definitions and Sub-definitions

A cat shall be defined in one of the following categories:

Feral cat-A cat that lives apart from humans and supports itself primarily by hunting. A feral cat is an unsocialized cat and may be one or more generations removed from a home environment living on the fringes of human existence.

Feral-acting cat-A cat that shuns direct human contact, even once confined, whose major source of support and shelter is provided by humans or human actions, and who would suffer physically if support is withdrawn because of their behavior, learned skills and physical type are unsuitable for their environment.

Stray cat- A past pet that has become lost or was abandoned with no identified owner.

Free-roaming pet cat-A cat that is currently attached to a particular household receives all of its support and shelter from that household, person(s) or institution and is generally approachable or at least only mildly alarmed by strangers.

Indoor pet cat-A cat whose life has been spent confined to a human residence. Indoor cats may be tame or feral-acting. They can become a stray and can also return to pet life if they survive the outdoor experience.

Sub-definitions

Owned cat-Any cat, whether feral-acting or a free-roaming or indoor pet, whose presence is tolerated by the landowner and receives intentional support via food, shelter, or veterinary care.

Un-owned cat-True feral if not welcomed nor provided with any support by the landowner or land manager.

Quasi-owned cat-A cat that roams freely and is fed by several residents in an area but "owned" by none of them.

Potential lost property-Stray cats are considered "potential lost property." If abandoned, they are Un-owned unless the cat is wearing identification, whether a collar with or without tag, microchip, tattoo, or has a notched ear tip.

Feral colony-A colony of cats isolated from neighborhood support and is a number of generations removed from "pethood." Feral colonies can exist in residential and industrial areas. They cannot be tamed and derive their food sources from dumpsters, handouts, feeding stations set up by feral cat rescuers and from pet food left outside on porches.

Feeding station-The indiscriminate dumping of dog or cat food on sidewalks, back and front porches, alleys and streets, behind and under buildings and structures in order to provide support to un-owned cats.

Feral cat rescuer-A person or persons who provides support for feral or feral-acting cats by providing shelter, food and veterinary care or other protection.

Feral cat shelter-A physical structure built exclusively for the express purpose of housing and maintaining a feral cat or feral-acting cat population.

Sec. 2-21 Dog and Cat-In General

Because dog and cat bites are a serious public health problem that inflicts considerable physical and emotion damage on victims and incurs immeasurable hidden costs to communities, the following provisions shall be included.

Sec. 2-22 Licensing and Rabies Vaccination

- a. No person shall own, keep, or harbor any dog or cat over six (6) months of age within the Village of Arrow Rock unless such dog or cat is vaccinated and licensed. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility.
- b. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian in the state of Missouri, in accordance with the latest "Compendium of Animal Rabies Prevention and Control" authored by the National Association of State Public Health Veterinarians.
- c. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall receive a durable vaccination tag indicating the year in which it was issued.
- d. Application for a license must be made within thirty (30) days after obtaining a dog or cat over 6 months of age.
- e. Written application for a dog or cat license shall be made with the Town Clerk of Arrow Rock and shall include the name and address of the owner and the name, breed, color, age, and sex of the dog or cat. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.
- f. The licensing period shall be for one (1) year. License renewal may be applied for within sixty (60) days prior to the expiration date. New residents must apply for a license within thirty (30) days of establishing residence in Arrow Rock, whether a full-time resident or business owner or as an owner of a second home or part-time business owner.
- g. A license shall be issued after payment of a fee of \$5.00 for a neutered cat or dog and \$25.00 for each unneutered cat or dog. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a delinquent fee of \$25.00 per animal.
- h. License fees shall be waived for dogs serving the blind or deaf or government-owned dogs used for law enforcement. All other licensing provisions shall apply.
- i. Upon acceptance of the license application and fee, the Town Clerk shall issue a durable license tag including an identifying number, year of issuance, city, county, and state. Both rabies and license tags must be attached to the collar of the dog or cat. Tags must be worn at all times and are not transferable to another animal. The Town Clerk shall maintain a record of all licenses issued and a photo of the licensed animal provided by the owner applying for the license at the time of application. Such records will be maintained by the Town Clerk in a separate book and record all licenses issued. This record shall be available to the Animal Control Authority or law enforcement upon request.

Sec. 2-23 Prohibitions-Shelter

No person shall operate an animal shelter for dogs or cats or a feral cat colony shelter within the limits of the Village of Arrow Rock as defined in Section 2-15 and Section 2-16.

Sec. 2-24 Prohibitions-Feeding Stations

No person shall engage in the practice of feeding stations with the intent to provide support to

Un-owned dogs or cats.

Sec. 2-25 Feeding Stations-Fine

Any person whether a full-time or part-time resident of the Village of Arrow Rock or a nonresident found engaging in the use of a "feeding station" for animals shall be fined \$100.00 per station location paid to the Town Clerk within 10 days of written notice of fine.

Sec. 2-26 Prohibitions-Kennel-Dog or Cat

No person shall operate a dog or cat kennel within the limits of the Village of Arrow Rock as defined in Section 2-15.

Sec. 2-27 Prohibitions-Number of Cats-Limited

The maximum number of cats per household that may be owned shall be limited to four (4).

Sec. 2-28 Prohibitions-Number of Dogs-Limited

The maximum per household that may be owned shall be limited to two (2) dogs.

Sec. 2-29 Failure to Comply-Fine

Failure to comply with the provisions of Section 2-19, Section 2-20, Section 2-21, Section 2-22, Section 2-23 and Section 2-24 is subject to a fine of \$100.00 per animal subject to the violation of the provision and shall be paid for by the owner of the animal, or the person sheltering the animals, to the Town Clerk within 10 days of receiving a written notice signed by the Board of Trustees of Arrow Rock.

Sec. 2-30 Issuance and revocation of licenses

- a. The Town Clerk of the Village of Arrow Rock may revoke a license if the person holding a license refuses or fails to comply with this ordinance, the regulations promulgated by the Village of Arrow Rock or any other law governing the protection and keeping of animals.
- b. If an applicant is shown to have withheld or falsified any material information on the application, the Town Clerk of the Village of Arrow Rock may refuse to issue or may revoke a license with a written notice to the owner. Revocation of the license and failure to comply will subject the owner to the provisions of Section 2-25.

Sec. 2-31 Owners responsibility-Compliance with ordinance

- a. All dogs and cats shall be kept under restraint at all times if they are within the limits of the Village of Arrow Rock. The Animal Control Authority may impound all dogs running at large. Dogs shall be restrained by tethering, behind a locked or electronic fence, or on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older. Dogs shall not be allowed to obstruct sidewalks or streets, gutters, alleys or intersections or interfere with pedestrians and cars.
- b. Under the statement by the Humane Society of the U. S., -"Cats Belong In Homes," all cats deserve loving, permanent homes with responsible caregivers who keep cats safely confined and meet their long-term needs. Cats allowed to free-roam by owners are hit by cars, attacked by other animals and poisoned by humans or starved. Small mammals, songbirds and other wildlife along with the spread of zoonotic diseases are caused by cats. Defecating cats destroy private and public property and are an offense to the provision of this ordinance- hence it is called the "Good Neighbor" Ordinance. Likewise, dogs are subject to the same fate

and pose the same problems including biting and attacking humans and animals. Owners shall make every attempt to keep cats inside at all times and dogs under the owner's control.

- c. Every "dangerous" dog or cat, as determined by the Board of Trustees of the Village of Arrow Rock, under Section 2-15, Definitions, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- d. No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this ordinance including the reimbursement for the loss or destruction of property as determined by the homeowner or business owner involved in the action. Disputes over compensation or damage to property shall be settled by the owner of the animal and all other parties involved and shall not be the financial or legal responsibility of the Town of Arrow Rock or the Board of Trustees of the Village of Arrow Rock under the provisions of the "Good Neighbor" ordinance.
- e. A dog shall be determined a "nuisance" to the Neighborhood if it chases vehicles, barks excessively, turns over trash cans and dumpsters, defecates and urinates on property other than the owners or digs up bedding plants, bulbs or trees within the limits of the Village of Arrow Rock.
- f. Failure to comply with the provisions of this section shall be subject to a fine of \$100.00 per animal per offense payable to the Town Clerk of the Village of Arrow Rock within 10 days of written notice signed by the Board of Trustees.
- g. Dog and cat owners shall ensure that their dog or cat carries identification at all times in the form of a microchip, tag, or other means to allow easy determination of the owners.

Sec. 2-32 Impoundment-Dog and Cat

Any dog or cat found running at large may be impounded by the Animal Control Authority in a designated animal shelter or a license veterinary clinic outside of Arrow Rock and confined in a humane manner. Immediately upon impounding a dog or cat, the Animal Control Authority shall make every effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. A list of the animals with identifiable owners that are picked up and impounded will be found on the Town Bulletin Board on the Boardwalk if the owner cannot be reached. The list will be there for seven (7) days with the location where the animal can be redeemed.

Sec. 2-33 Impoundment-Dog and Cat-Period of Time

Dogs and cats not claimed by their owners with a period of seven (7) full days in which the designated shelter or licensed veterinary clinic is open to the public shall become the property of the shelter or the licensed veterinarian accepting the impounded animal.

Sec. 2-34 Impoundment-Dog and Cat-Payment of Costs by owner

When a dog or cat is found running at large and its ownership is verified by the Animal Control Authority, the authority may exercise the option of serving the owner with a notice of violation

in lieu of impounding the animal. The owner of the animal shall immediately pick up the animal and will be responsible for the costs incurred by the Animal Control Authority in this action if any have occurred payable to the Town Clerk of the Village of Arrow Rock.

Sec. 2-35 Impoundment-Dog and Cat-Suffering Animal

In the event that the Animal Control Authority finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering. The Animal Control Authority shall use humane methods such as live traps or snares in order to minimize injury to the animal. Return to the owner may be withheld until the owner shall have made full payment for all expenses so incurred by the impoundment, euthanasia, veterinary fees, and boarding charges. If the animal dies while impounded, the owner shall be responsible for all costs incurred by the animal including the disposal fee.

Sec. 2-36 Sick Dog and Cat-Returned to Owner

Sick dogs or cats running at large within the limits of the Village of Arrow Rock and not under the control of the owner may be picked up by the Animal Control Authority and immediately returned to the owner if identified by tag or license. The owner will be responsible to control the sick animal and will be given a warning for the first offense; given a notice to have the animal treated and be responsible for payment of the pickup fee. If the same animal is picked up by the Animal Control Authority for a second time and it is determined to still be sick and/or carrying a contagious disease, the owner(s) of the dog or cat will be fined \$50.00 per sick animal and will pay the pick-up fee. All fines and pick up fees will be paid to the Town Clerk of the Village of Arrow Rock. The owner of the animal will also be liable for all veterinary charges and fees incurred in behalf of the animal if any.

Sec. 2-37 Impoundment-Disposal of Animal-Fee Paid by owner

Disposal of an animal by any method specified here in does not relieve the owner of financial or legal liability for violations and any accrued charges by the Animal Control Authority and the animal shelter or licensed veterinary clinic. Owners will be responsible to pay the disposal fee for each dog or cat euthanized by a licensed veterinarian under the provisions of the Ordinance.

Sec. 2-38 Redemption-Owner responsible for costs and pick up fee

Any animal impounded may be redeemed by the owner thereof within seven (7) days upon payment of the impoundment fee (*pick up*) at the contracted rate, provided that if any such animal has been previously impounded, the impoundment fee (*Pick up*) shall be double the contracted rate. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or license fees.

Sec. 2-39 Redemption-Owner responsible for veterinary fees and other costs

Any animal impounded by the Animal Control Authority and then confined for rabies

quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of the contracted impoundment fee (*pick up*) and in addition to any fees charged by the shelter or veterinary clinic.

Sec. 2-40 Redemption-Owner failure to license redeemed animal

No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing have been fulfilled and proof provided to the Animal Control Authority for approval. The Animal Control Authority will contact the shelter or veterinary clinic to give notice to release the animal provided a copy of the license is shown to the shelter or veterinarian.

Sec. 2-41 Adoption -Fee paid by owner

An adoption fee of \$10.00 payable to the Town Clerk of the Village of Arrow Rock shall be assessed at the time of adoption. No dog or cat shall be released for adoption as a pet without being neutered or without a written agreement from the adopter guaranteeing that the animal will be neutered. Vaccination fees, licensing fees, and veterinary costs shall be assessed above and beyond the adoption fee. Adoption of an animal that would exceed the animal limit or the prohibition against "shelter" as provided in this ordinance is a violation of the provisions and will be subject to a fine against the adopting owner under Section 2-25.

Sec. 2-42 Interference

No person shall interfere with, hinder, or molest any agent of the Animal Control Authority and licensed veterinarian contracted by the Village of Arrow Rock in the performance of any duty as herein provided. The Animal Control Authority may use snaring or live traps within the Village of Arrow Rock to capture animals running at large. Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$500.00 or no more than \$1000.00.

Sec. 2-43 Licensed Veterinarian and Employees-Held Harmless

The licensed veterinarian and his/her employees contracted by the Village of Arrow Rock while in the performance of any duty herein provided in the provisions of the Good Neighborhood Ordinance, shall be held harmless from any action by the owners of dogs and cats that have been impounded, provided medical treatment or euthanized.

Sec. 2-44 Repeals (conflicting ordinances)

All other ordinances of the Village of Arrow Rock that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Sec. 2-45 Severability

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the

invalidity thereof shall not affect the remaining parts of this ordinance.

Sec. 2-46 Applicability

This ordinance shall be in full force and effect following the provisions of Section 1-12 Ordinances, How Passed, Administration. Under these provisions of Section 1-12, this ordinance shall be declared adopted when a majority of all the members of the Board of Trustees of the Village of Arrow Rock vote therefore. (See Ord. No.1, Sec. 12)

Sec. 2-47 Dog and Cat Bite Prevention

Under provisions of the ordinance, it is understood that the citizens of the Village of Arrow Rock shall be responsible pet owners. Pet ownership is an ongoing responsibility, not a passive activity. Every effort will be made to prevent injury or death by an animal within the limits of Arrow Rock.

Sec. 2-48 Dog attacks-actions allowed by authorized persons

If any dog shall attack a person or domestic animal who was peaceably conducting himself in any place where he may lawfully be, any person, for the purpose preventing imminent injury or further injury, may use such force as is required to stop the attack.

Sec. 2-49 Dog attacks-force used by authorized persons

A police officer, sheriff or deputy, or peace officer acting pursuant to his statutory duties may, where the threat of serious injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such injury.

Sec. 2-50 Dangerous dog-definitions

- a. "Dangerous dog" means any dog which without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. A dog's breed shall not be considered in determining whether or not it is "dangerous."
- b. No dog shall be declared "dangerous"
 - I. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
 - II. If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog;
 - III. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog;
 - IV. If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner, or custodian, of the dog;
 - V. If the dog was responding to pain or injury, or protecting itself, its kennels or its offspring;

- VI. If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating.
- VII. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."
- c. "Attack" means aggressive physical contact initiated by the dog.
- d. "Serious injury" means any physical injury consisting of broken bones or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery.
- e. "Domestic animal" means any animal commonly kept as a pet in family households in the United States, including, but not limited to dogs, cats, guinea pigs, rabbits and hamsters; and any animals commonly kept for companion or commercial purposes.

Sec. 2-51 Complaints-alleged "dangerous" dog

Any person may make a complaint of ,ill alleged "dangerous" dog as that term is defined herein to a police officer, sheriff or deputy, or peace officer of the appropriate municipality.

Sec. 2-52 Control measures-"dangerous" dog

If legal authorities and/or a judge or justice has reviewed evidence and finds that an animal is considered a "dangerous" dog, the owner of such animal shall be required to adhere to the following control measures in order to prevent further attacks on humans if the animal has been found to have caused serious injury.

- a. Indoors, when not alone, the dog be under the control of a person eighteen (18) years of age or older.
- b. Outdoors, and unattended, the dog be kept within a locked fenced area from which it cannot escape.
- c. When outdoors the dog must be attended and kept on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older.
- d. When outdoors, the dog must be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
- e. Outdoors and unattended, the dog must be confined to an escape-proof kennel.
- f. Placement of a sign or signs of a description and in places directed by the judge or justice, advising the public of the presence and tendencies of said animal.
- g. Neutering or spaying of the dog at the owner's expense, unless medically contraindicated.
- h. That the dog be permanently identified by tattooing or by injecting an identification microchip, using standard veterinary procedures and practices, identification number and the identification of the person performing the procedure to be registered with the State Animal Control Agency.
- I. Procurement of liability insurance in an amount to be determined by the judge or justice.
- J. If the above conditions ordered by a judge or justice, are not complied with, the owner shall be subject to a fine of not more than ten thousand (\$10,000.00)
- k. If further incident of attack occurs under such circumstances that the dog, after

judicial review, is determined to be a "dangerous" dog, the judge or justice may impose or reimpose any applicable directives listed above and may include the directive for humane destruction of the dog but only where the further incident involves serious injury to a person.

Section 2-53 Dog and Cat Bite-Notification-Authorities

All dog and cat bites to humans, whether with laceration of the skin or not, shall be notified to the Animal Control Authority and the county health department immediately. Dog attacks on humans must be reported immediately to the county health department; local law enforcement; those providing care to the victim and the Town Clerk of the Village of Arrow Rock. The report shall include the following:

- Name of victim
- Address of victim
- Home telephone number
- Work telephone number
- Incident date and time
- Reported to whom
- Date and time of report

Section 2-54 Investigation and Report-County Health Department-Rulemaking Authority

(Under Title 21. Public Safety and Morals, Chapter 22 Protection Against Rabies Regulations in Certain Counties, 322.140 R.S.Mo (2003)

If a county does not adopt rules and regulations pursuant to sections 322.090 to 322.130, whenever an animal bites or otherwise possibly transmits rabies or any zoonotic disease, the incident shall be immediately reported to the county health department. The county health department shall immediately report the incident to the department of health and senior services and shall cooperate fully with the department of health and senior services in its investigation.

Sec. 2-55 Receipt Of An Incident Report

Upon receipt of an incident report where an animal bites or otherwise possibly transmits rabies or any zoonotic disease, the department of health and senior services shall investigate the incident and shall have discretion to order the animal quarantined, isolated, impounded, tested, immunized or disposed of to prevent and control rabies or zoonotic disease.

Section 2-56 Investigation and Issuance of Order-County Health Department

With regard to exposure to rabies or zoonotic disease the department of health and senior services shall, in its investigation and issuance of its order, consider the following:

- (1) Prior vaccinations for rabies or zoonotic disease;
- (2) The degree of exposure to rabies or zoonotic disease;
- (3) The history and prior behavior of the animal prior to exposure;
- (4) The availability and effectiveness of human post exposure immunization for

rabies or zoonotic disease;

(5) The willingness of the individual so exposed to submit to post exposure immunization for rabies or zoonotic disease; and .

(6) Any other relevant information.

Section 2-57 Unlawful For Owner To Knowingly Fail or Refuse To Comply

It shall be unlawful for the owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease to knowingly fail or refuse to comply with the lawful order of the department of health declaring a quarantine, isolation, impounding, testing, immunization or disposal of an animal. It shall also be unlawful for an owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease to sell, give away, transfer, transport to another area or otherwise dispose of an animal until the animal has been released by the department of health and senior services. A violation of this subsection shall be a Class A misdemeanor.

Section 2-58 Owner Responsible For All Costs

The owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease shall be responsible for all costs associated with the incident, including:

- (1) The cost to test the animal for rabies or zoonotic disease;
- (2) The cost to test the exposed person for rabies or zoonotic disease; and
- (3) The cost to treat the person exposed to rabies or zoonotic disease.

Sec. 2-59 Department of Health and Senior Services-Authority

The department of health and senior services shall have authority to promulgate rules and regulations concerning the classification of disease as a zoonotic disease. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annual a rule are subsequently held unconstitutional, then the grant rulemaking authority and any rule proposed or adopted after August 28, 2001 shall be invalid and void.

Section 2-60 Dog and Cat Bite-Notification-Owner of animal

Any bite or attack on humans shall be notified to the owner of the attacking animal. Every attempt will be made to find the owner and to obtain vaccination records on the animal. The owner shall contact the local law enforcement authority, the Animal Control Authority and the Town Clerk of the Village of Arrow Rock about the incidence.

Sec. 2-61 Dog and Cat Bite-Animal Quarantine

Any dog owner who has been notified that has an animal who has bitten or attacked a human must quarantine the animal at home or at a licensed veterinary clinic. The period of quarantine

will run for 10 days. Written proof from a licensed veterinarian that the animal does not have rabies shall be provided to the Animal Control Authority and the Town Clerk before the animal is released from quarantine.

Sec. 2-62 Dog Bite-Confinement

Confinement during the quarantine period may include chaining, tethering, electronic fence and keeping the animal caged indoors during assessment.

Sec. 2-63 Dog and Cat-Attacks on animals

All attacks on animals shall be reported to the Animal Control Authority and the Town Clerk of the Village of Arrow Rock. A report shall be made to those who are providing care for the attacked animal. It shall include:

- Owner of victim
- Type of victim
- Address of owner of victim
- Telephone of owner of victim
- Incident time and location
- Name and address of owner or custodian of attacking dog or cat
- Reported to whom
- Date and time of report

Sec. 2-64 Dog and Cat-Animal Control investigations

All owners of dogs and cats who have bitten or attacked humans or animals shall cooperate fully with the Animal Control Authority investigating the incidence. The owner shall be legally and financially responsible for personal injury, medical bills, veterinary costs and other costs with regard to the bite or attack. The owner shall authorize the disposal of the animal by euthanasia if deemed necessary by a licensed veterinarian and shall be responsible for all costs incurred therein.

Sec. 2-65 Prohibition-"Fighting dogs"

Dogs purchased, bred and used for "fighting," known as "fighting dogs" no matter the breed are prohibited in the limits of Arrow Rock.

Sec. 2-66 Prohibition-Dumping Dogs and cats

Any person or persons found dumping dogs or cats within the limits of the Village of Arrow Rock shall be fined up to \$500 per incidence and shall be guilty of a misdemeanor.

Chapter 3 ELECTIONS

Sec. 3-1. Conformance Of Village Elections With State Law.

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

Sec. 3-2. Date Of Municipal Election.

A. A municipal election for the qualified voters of this Village shall be held on the first Tuesday after the first Monday in April of each year.

B. On the first Tuesday after the first Monday in April of odd-numbered years, a municipal election of the qualified voters of the Village of Arrow Rock shall be held for the purpose of electing 2 Trustees who shall hold their offices for a term of two (2) years and until their successors are elected and qualified.

C. On the first Tuesday after the first Monday in April of even-numbered years, a municipal election of the qualified voters of the Village of Arrow Rock shall be held for the purpose of electing 3 Trustees who shall hold their offices for a term of two (2) years and until their successors are elected and qualified

Sec. 3-3. Declaration Of Candidacy — Dates For Filing.

Any person who desires to become a candidate for an elective Village office at the general Village election shall file with the Village Clerk, not prior to the hour of 8:00 A.M., on the 16th Tuesday prior to, nor later than 5:00 P.M., on the 11th Tuesday prior to the next Village municipal election, a written declaration of his/her intent to become a candidate at said election. The Village Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order. (RSMo. §115.127.5, 2003)

Sec. 3-4. Disqualification As Candidate For Elective Public Office, When — Disqualification From Participation In Election, When — Affidavit To Be Filed, Requirements — Investigation Of Alleged Delinquency.

A. No person shall qualify as a candidate for elective public office in the State of Missouri who has been found guilty of or pled guilty to a felony under the Federal laws of the United States of America or to a felony under the laws of this State or an offense committed in another state that would be considered a felony in this State.

B. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any State income taxes, personal property taxes,

municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State.

C. Each potential candidate for election to a public office shall file an affidavit with the Department of Revenue and include a copy of the affidavit with the declaration of candidacy required under Section 115.349, RSMo. Such affidavit shall be in substantially the form as set out in Section 115.306, RSMo.

D. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any State income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State, the Department of Revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the Department of Revenue finds a positive affirmation to be false, the Department shall contact the Secretary of State, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The Department shall notify the candidate of the outstanding tax owed and give the candidate thirty (30) days to remit any such outstanding taxes owed which are not the subject of dispute between the Department and the candidate. If the candidate fails to remit such amounts in full within thirty (30) days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint. (RSMo. §115.306, 2015, 2017)

Sec. 3-5. Declaration Of Candidacy — Notice To Public.

The Village Clerk shall, on or before the 16th Tuesday prior to any election at which Village offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing, and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the Village. (RSMo. §115.127.5, 2003)

Sec. 3-6. Notice Of Elections.

In Village elections, the Village Clerk shall notify the County Clerk prior to 5:00 P.M. on the 10th Tuesday prior to any Village election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Trustees is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the 10th Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission. (RSMo. §115.125)

Chapter 4 FIRE PREVENTION AND PROTECTION

Chapter Reserved

CHAPTER 5 - MISCELLANEOUS OFFENSES AND PROVISIONS

Article I General Provisions

Sec 5-1 Definitions

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

ACCESS: To instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network.

AFFIRMATIVE DEFENSE

1. The defense referred to is not submitted to the trier of fact unless supported by evidence; and
2. If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.

BURDEN OF INJECTING THE ISSUE

1. The issue referred to is not submitted to the trier of fact unless supported by evidence; and
2. If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

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

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

system" is used. "Information" refers to all the information on a computer system, including both software applications and data.

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

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

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

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

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

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

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

CONFINEMENT

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

- a. A court orders the person's release; or
 - b. The person is released on bail, bond or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine the person authorizes his/her release without guard and without condition that he/she return to confinement.
2. A person is not in confinement if:
 - a. The person is on probation or parole, temporary or otherwise; or
 - b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement.

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

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
2. It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
3. It is induced by force, duress or deception.

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

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

CUSTODY: A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

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

DANGEROUS FELONY: The felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in Subdivision (14) of Section 565.002, RSMo., kidnapping in the first degree, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under Section 568.060, RSMo., child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo., and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be an "habitual offender" or "habitual boating offender" as such terms are defined in Section 577.001, RSMo.

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

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

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

DIGITAL CAMERA: A camera that records images in a format which enables the images to be downloaded into a computer.

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

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

FELONY: An offense so designated or an offense for which persons found guilty

thereof may be sentenced to death or imprisonment for a term of more than one (1) year.

FORCIBLE COMPULSION

Either:

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

INCAPACITATED: A temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act.

INFRACTION: A violation defined by this Code or by any other Statute of this State if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction.

INHABITABLE STRUCTURE

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

KNOWINGLY

1. When used with respect to conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or
2. When used with respect to a result of conduct, means a person is aware that his or her conduct is practically certain to cause that result.

LAW ENFORCEMENT OFFICER

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

MISDEMEANOR

An offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one (1) year or less.

OF ANOTHER: Property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement.

OFFENSE: Any felony, ordinance violation, misdemeanor or infraction.

PHYSICAL INJURY: Slight impairment of any function of the body or temporary loss of use of any part of the body.

PLACE OF CONFINEMENT

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

POSSESS or POSSESSED

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

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

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

witnesses.

PURPOSELY: When used with respect to a person's conduct or to a result thereof, means when it is his/her conscious object to engage in that conduct or to cause that result.

RECKLESSLY: Consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

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

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

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

SEXUAL ORIENTATION: Male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender.

SPECIAL VICTIM: Any of the following:

1. A Law Enforcement Officer assaulted in the performance of his or her official duties or as a direct result of such official duties;
2. Emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;
3. A probation and parole officer assaulted in the performance of his/her official duties or as a direct result of such official duties;
4. An elderly person;
5. A person with a disability;
6. A vulnerable person;

7. Any jailer or corrections officer of the State or one (1) of its political subdivisions assaulted in the performance of his/her official duties or as a direct result of such official duties;
8. A highway worker in a construction or work zone as the terms "highway worker," "construction zone" and "work zone" are defined under Section 304.580, RSMo.;
9. Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his/her job duties, including any person employed under a contract;
10. Any cable worker, meaning any employee of a cable operator, as such term is defined in Section 67.2677, RSMo., including any person employed under contract, while in the performance of his/her job duties; and
11. Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his/her job duties.

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

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

VOLUNTARY ACT:

1. A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his/her control for a sufficient time to have enabled him or her to dispose of it or terminate his/her control; or
2. An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

VULNERABLE PERSON: Any person in the custody, care, or control of the Department of Mental Health who is receiving services from an operated, funded, licensed, or certified program. (RSMo. §§556.061, 565.002[14], 2014 effective 1-1-2017, 2017)

Sec. 5-2 Attempt.

- A. Guilt for an offense may be based upon an attempt to commit an offense if, with the purpose of committing the offense, a person performs any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.
- B. It is no defense to a prosecution under this Section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be. (RSMo. §562.012, 2014)

Sec. 5-3 Conspiracy.

- A. Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating the commission of an offense, agrees with another person or persons that they or one or more of them will engage in conduct which constitutes such offense.
- B. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons.
- C. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense so long as such multiple offenses are the object of the same agreement.
- D. No person may be convicted of an offense based upon a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or her or by a person with whom he or she conspired.
- E. Exceptions.
 - (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).
- F. For the purpose of time limitations on prosecutions:
 - (a) 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/her abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.

G. A person shall not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense. (RSMo. §562.014)

Article II Offenses Against The Person

Sec 5-20 Assault.

A. A person commits the offense of assault if:

(a) The person attempts to cause or recklessly causes physical injury, physical pain or illness to another person;

(b) With criminal negligence the person causes physical injury to another person by means of a firearm;

(c) The person purposely places another person in apprehension of immediate physical injury;

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

(e) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative. (RSMo. §565.056, 2014 effective 1-1-2017)

Sec 5-22 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:

(a) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;

(b) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;

(c) The person purposely places such domestic victim in apprehension of immediate physical injury by any means;

(d)The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;

(e)The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or

(f)The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation. (RSMo. §565.076, 2014 effective 1-1-2017)

Sec 5-24 Harassment.

A person commits the offense of harassment if he/she, without good cause, engages in any act with the purpose to cause emotional distress to another person. (RSMo. §565.091, 2014 effective 1-1-2017)

Sec 5-26 Stalking — Definitions.

A. Definitions. As used in this Section:

“DISTURBS” shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.

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

D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section. (RSMo. §565.227, 2014 effective 1-1-2017)

Article III Offenses Concerning the Administration Of Justice

Sec 5-40 Concealing an Offense.

A. A person commits the offense of concealing an offense if he or she:

(a)Confers or agrees to confer any pecuniary benefit or other consideration to any

person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or

(b)Accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof. (RSMo. §575.020, 2014 effective 1-1-2017)

Sec 5-42 Hindering Prosecution.

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

(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/her 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. (RSMo. §575.030, 2014 effective 1-1-2017)

Sec 5-44 Refusal To Identify As A Witness.

A person commits the offense of refusal to identify as a witness if, knowing he or she has witnessed any portion of an offense, or of any other incident resulting in physical injury or substantial property damage, he or she refuses to report or gives a false report of his or her name and present address to a Law Enforcement Officer engaged in the performance of his or her duties. (RSMo. §575.190, 2014 effective 1-1-2017)

Sec 5-46 Disturbing A Judicial Proceeding.

A person commits the offense of disturbing a judicial proceeding if, with the purpose to intimidate a judge, attorney, juror, party or witness and thereby influence a judicial proceeding, he or she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter, concerning the conduct of the judicial proceeding, or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party, or witness in connection with such proceeding. (RSMo. §575.250, 2014 effective 1-1-2017)

Sec 5-48 Tampering With A Witness Or Victim.

A. A person commits the offense of tampering with a witness or victim if:

(a) With the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information, or documents, or testify falsely, he or she:

- a. Threatens or causes harm to any person or property; or
- b. Uses force, threats or deception; or
- c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
- d. Conveys any of the foregoing to another in furtherance of a conspiracy; or

(b) He or she purposely prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:

- a. Making any report of such victimization to any peace officer, State, Local or Federal Law Enforcement Officer, prosecuting agency, or judge;
- b. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
- c. Arresting or causing or seeking the arrest of any person in connection with such victimization. (RSMo. §575.270, 2005, 2014 effective 1-1-2017)

Sec 5-50 Tampering With Physical Evidence.

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

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

(b) Makes, presents or uses any record, document or thing knowing it to be false with the purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation. (RSMo. §575.100)

Sec 5-52 Improper Communication.

A person commits the offense of improper communication if he/she communicates,

directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person. (RSMo. §575.290, 2014 effective 1-1-2017)

Sec 5-54 False Impersonation.

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

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

- a. Performs an act in that pretended capacity; or
- b. Causes another to act in reliance upon his/her pretended official authority.

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

- a. Performs an act in that pretended capacity; or
- b. Causes another to act in reliance upon such representation; or

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

Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records. (RSMo. §575.120, 2004, 2014 effective 1-1-2017)

5-56 False Reports.

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

(1) Gives false information to any person for the purpose of implicating another person in an offense; or

(qqqqqqqqq)Makes a false report to a Law Enforcement Officer that an offense has occurred or is about to occur; or

(rrrrrrrrr)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.

It is a defense to a prosecution under Subsection (A) of this Section that the person retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.

The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section. (RSMo. §575.080, 2014 effective 1-1-2017)

Sec 5-58 Resisting Or Interfering With Arrest, Detention Or Stop.

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

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

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

This Section applies to:

(1) Arrests, stops or detentions with or without warrants;

(rrrrrrrrr)Arrests, stops or detentions for any offense, infraction or ordinance violation; and

(sssssssss)Arrests for warrants issued by a court or a probation and parole officer.

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

It is no defense to a prosecution under Subsection (A) of this Section that the Law

Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest. (RSMo. §575.150, 2009, 2014 effective 1-1-2017)

Sec 5-60 Escape Or Attempted Escape From Custody.

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any offense, he/she escapes or attempts to escape from custody. (RSMo. §575.200, 2014 effective 1-1-2017)

Sec 5-62 Interference With Legal Process.

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

"Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court. (RSMo. §575.160, 2014 effective 1-1-2017)

Sec 5-64 Signal Or Direction Of Law Enforcement Officer Or Firefighter, Duty To Stop, Motor Vehicle Operators And Riders Of Animals — Violation, Penalty.

A. It shall be the duty of the operator or driver of any vehicle or any other conveyance regardless of means of propulsion, or the rider of any animal traveling on the highways of this Village to stop on signal of any Law Enforcement Officer or Firefighter and to obey any other reasonable signal or direction of such Law Enforcement Officer or Firefighter given in directing the movement of traffic on the highways or enforcing any offense or infraction.

The offense of willfully failing or refusing to obey such signals or directions or willfully resisting or opposing a Law Enforcement Officer or a Firefighter in the proper discharge of his or her duties is an ordinance violation. (RSMo. §575.145, 2002, 2014 effective 1-1-2017)

Section 210.430 through Section 210.510. (Reserved)

Article IV Offenses Concerning Public Safety

Sec 5-70 Abandonment Of Airtight Or Semi-Airtight Containers.

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

to be confined therein.

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

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

The offense of abandonment of an airtight or semi-airtight container is an ordinance violation. (RSMo. §577.100, 2014 effective 1-1-2017)

Sec 5-72 Littering.

A person commits the offense of littering if he or she places, deposits, or causes to be placed or deposited, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this Village or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or the Village, or on any private real property owned by another without the owner's consent. (RSMo. §577.070, 2014 effective 1-1-2017)

Sec 5-74 Littering Via Carcasses.

A. A person commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal:

- (1) Into any well, spring, brook, branch, creek, pond, or lake; or
- (2) On any public road or highway, river, stream, or watercourse or upon premises not his or her own for the purpose of annoying another or others.
(RSMo. §577.076, 2014 effective 1-1-2017)

Sec 5-76 Tampering With A Water Supply.

A. A person commits the offense of tampering with a water supply if he or she purposely:

- (1) Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes; or
- (2) Diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for his/her, their or its use.

The offense of tampering with a water supply is an ordinance violation. (RSMo. §577.150, 2014 effective 1-1-2017)

Section 210.560 through Section 210.650. (Reserved)

ARTICLE V OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Sec. 5-80 Unlawful Use Of Weapons — Exceptions.

A. A person commits the offense of unlawful use of weapons, except as otherwise provided by Sections 571.101 to 571.121, RSMo., if he or she knowingly:

- (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under Section 571.107, RSMo; or
- (2) Sets a spring gun; or
- (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in Section 302.010, RSMo., or any building or structure used for the assembling of people; or
- (4) Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
- (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or
- (6) Discharges a firearm within one hundred (100) yards of any occupied schoolhouse, courthouse, or church building; or
- (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
- (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal Government, State Government, or political subdivision thereof; or
- (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in Section 301.010, RSMo., discharges or shoots a firearm at any person, or at any

other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of Section 579.015, RSMo.

B. Subdivisions (1), (8), and (10) of Subsection **(A)** of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subdivisions (3), (4), (6), (7), and (9) of Subsection **(A)** of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:

(1) All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such Officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection **(H)** of this Section, and who carry the identification defined in Subsection **(I)** of this Section, or any person summoned by such Officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1, of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. § 44921, regardless of whether such officers are on duty, or within the law enforcement agency's

jurisdiction;

(7) Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Department of Public Safety under Section 590.750, RSMo.;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney, municipal, associate or circuit judge, or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection 2 of Section 571.111, RSMo.;

(11) Any member of a Fire Department or Fire Protection District who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the Governing Body of a Fire Department or Fire Protection District, any paid Fire Department or Fire Protection District member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

Subdivisions (1), (5), (8), and (10) of Subsection **(A)** of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of Subsection **(A)** of this Section does not apply to any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subdivision (10) of Subsection **(A)** of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

Subdivisions (1), (8), and (10) of Subsection **(A)** of this Section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of Subsection **(A)** of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.

Notwithstanding any provision of this Section to the contrary, the State shall not prohibit any State employee from having a firearm in the employee's vehicle on the State's property provided that the vehicle is locked and the firearm is not visible. This Subsection shall only apply to the State as an employer when the State employee's vehicle is on property owned or leased by the State and the State employee is conducting activities within the scope of his or her employment. For the purposes of this Subsection, "State employee" means an employee of the executive, legislative, or judicial branch of the government of the State of Missouri.

Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

C. As used in this Section, "qualified retired Peace Officer" means an individual who:

- (1) Retired in good standing from service with a public agency as a Peace Officer, other than for reasons of mental instability;
- (2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had Statutory powers of arrest;
- (3) Before such retirement, was regularly employed as a Peace Officer for an aggregate of fifteen (15) years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- (4) Has a non-forfeitable right to benefits under the retirement plan of the agency if such a plan is available;
- (5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active Peace Officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by Federal law from receiving a firearm.

I. The identification required by Subdivision (1) of Subsection **(B)** of this Section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a Peace Officer that indicates that the individual has, not less recently than one (1) year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a Peace Officer; and

(3) A certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one (1) year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active Peace Officers to carry a firearm of the same type as the concealed firearm. (RSMo. §571.030, 2010, 2011, 2012, 2013, 2014; SB 656 of 2016, vetoed and overridden 9-2016)

Sec. 5-80 Fast Riding or Driving.

Any person who shall ride or drive any horse, mare, gelding, mule, ass or cow or any other animal in a fast immoderate, violent or furious manner, in or upon any street, alley or other public place in this town, shall be guilty of a misdemeanor. (Ord. No.9, Sec. 19)

Sec. 5-82 Bicycles

Any person who shall ride a bicycle in a fast, immoderate, violent or furious manner, in or upon any street, alley or other public place within this town, shall be deemed guilty of a misdemeanor. (Ord. No.9, Sec. 20)

Sec. 5-84 Riding on Sidewalk, Etc.

Every person who shall within this town ride, drive, lead or place any horse or other animal or vehicle or bicycle on any sidewalk or footway, otherwise than by crossing such sidewalk or footway as a matter of necessity, or shall hitch or fasten any horse or other animal to any pump, well, railing, fence, ornamental shade tree, lamp post or awning post in such manner as that damage may be or is done to such pump, well, railing, fence, ornamental shade tree or post, or in any such manner as to obstruct any sidewalk or footway, shall be deemed guilty of an ordinance violation. (Ord. No.9, Sec. 21)

Sec. 5-86 False Alarm of Fire.

Any person who shall willfully sound or give any false alarm or cry of fire in this town, shall be deemed guilty of a misdemeanor.

(Ord. No.9, Sec. 27)

Sec. 5-88 Excavations

Whoever shall, in this town, dig or cause to be dug any excavation in or adjoining any street, alley or other public through fare or place, and shall not, during the night have the same secured by a substantial fence, or by lighted lanterns placed in plain view along such excavation, shall be deemed guilty of an ordinance violation. (Ord. No.9, Sec. 38)

ARTICLE VI OFFENSES AGAINST PUBLIC PEACE

Sec. 5-90 Disturbing the Peace.

If any person or persons shall willfully disturb the peace of any neighborhood or of any family or of any person, by loud and unusual noise or by offensive or indecent conversation, or by threatening, quarreling, challenging or fighting , every person so offending shall, upon conviction, be adjudged guilty of an ordinance violation. (Ord. No.9, Sec. 1)

Sec. 5-92 Disturbing Lawful Assembly.

Every person who shall willfully, maliciously or contemptuously disquiet or disturb any assembly of people met together for any lawful purpose whatever , by making a noise, or by rude or indecent behavior or profane discourse, so as to disturb the order or solemnity of such meeting, shall be deemed guilty of an ordinance violation. (Ord. No . 9, Sec . 2)

ARTICLE VII OFFENSES AGAINST PUBLIC PROPERTY

Sec. 5-94 Interfering with Streets, Alleys, Etc.

Any person who shall take from or deposit on any street, alley, thoroughfare , sidewalk or other public place in this town, or from or on property not owned or controlled by him without having lawful authority so to do, any turf, loam, gravel, rock or other material, shall be deemed guilty of an ordinance violation. (Ord. No.9, Sec. 22)

Sec . 5-96 Injuring Sidewalks, Bridges, Etc.

Any person who shall remove, tear up or otherwise destroy or injure any sidewalk, crosswalk, stepping stones, bridge, culvert, in or upon any thoroughfare or alley of this town, without having lawful authority so to do, shall be deemed guilty of an ordinance

violation. (Ord. No.9, Sec. 23)

Sec . 5-98 Obstructing Gutters, Etc.

Any person who shall destroy, tear up or otherwise injure any gutter, trench or channel, dug, made or used for the purpose of carrying off water or draining any street, alley or other public place in this town, or shall fill up or otherwise obstruct the free passage of water through the same without lawful authority, shall be deemed guilty of an ordinance violation. (Ord. No.9, Sec. 24)

Sec . 5-100 Suspending Articles over Sidewalks.

Any person who shall suspend any merchandise or other article or thing over any sidewalk in front of any store or house, more than two feet from the wall thereof, at any height above the sidewalk, without permission of the Board of Trustees, shall be deemed guilty of an ordinance violation. (Ord. No.9, Sec. 25)

Sec. 5-102 Setting Up Posts, Etc.

Any person who shall set up or cause to be set up any awning post or other post on any street, alley or thoroughfare of this town, without first obtaining permission of the Board of Trustees, shall be deemed guilty of an ordinance violation. (Ord. No.9, Sec . 26)

Sec . 5-104 Throwing Missiles.

Any person who shall within this town wantonly or mischievously throw any stone, brick, metal or other hard substance in, upon, over or across any public street, alley or other public thoroughfare or place of travel, or in, upon, over or across any private property without lawful permission, shall be deemed guilty of an ordinance violation. (Ord . No.9, Sec. 30)

Sec. 5-106 Throwing Objects onto Property and Leaving Them.

Any person who shall throw into or onto any street, alley, sidewalk or other public place belonging to said town of Arrow Rock, any decaying vegetable or animal matter or any refuse of any kind whatsoever, which is or may become obnoxious in any sense, shall be guilty of an ordinance violation. (Ord. No. 10A, Sec . 1. Passed May 2, 1911)

|Article VII Offenses Concerning Property

Sec 5-110 Definitions.

As used in this Article, the following terms mean:

ENTER UNLAWFULLY or REMAIN UNLAWFULLY

A person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

TO TAMPER

To interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing.

UTILITY

An enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated. (RSMo. §569.010, 2014 effective 1-1-2017)

Sec. 5-112 Tampering.

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

- a. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or
- b. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
- c. Tampers or makes connection with property of a utility; or
- d. Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.

In any prosecution under Subsection **(A)(4)**, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service with one (1) or more of the effects described in Subsection **(A)(4)**, shall be sufficient to support an inference which

the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such Subsection by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service. (RSMo. §569.090, 2005, 2014 effective 1-1-2017)

Sec. 5-114 Property Damage.

- A. A person commits the offense of property damage if he/she:
- a. Knowingly damages property of another; or
 - b. Damages property for the purpose of defrauding an insurer. (RSMo. §569.120, 2014 effective 1-1-2017)

Sec. 5-116 Claim Of Right.

A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.

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

No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs or removes any part of a leased structure or dwelling unit, or the facilities, equipment or appurtenances thereof, may inject the issue of claim of right. (RSMo. §569.130, 2014)

Sec. 5-118 Trespass

A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

- a. Actual communication to the actor; or
- c. Posting in a manner reasonably likely to come to the attention of intruders. (RSMo. §569.140, 2014 effective 1-1-2017)

Sec. 5-120 Stealing.

A person commits the offense of stealing if he or she:

- a. Appropriates property or services of another with the purpose to deprive

him or her thereof, either without his or her consent or by means of deceit or coercion;

- b. Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
- c. For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen. (RSMo. §570.030, 2005, 2014 effective 1-1-2017)

Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable. (RSMo. §537.125)

Sec. 5-122 Using, Setting Off Fireworks Prohibited.

It shall be unlawful for any person to willfully or deliberately set off, use, burn, explode or fire off, any firecracker, torpedo, bomb, rocket, pinwheel, Roman candle, or fireworks of any kind or character, including, but not limited to those above mentioned, within the corporate limits of the Arrow Rock.

Sec. 5-130 Weeds, Grasses, Trash and Debris on Private Property to be a Nuisance

A. All weeds or grasses on private property having a height of one foot or more are hereby defined and declared to be a nuisance . Property accumulating dead trees, limbs, and unnatural debris (trash and discarded items) are declared to be a nuisance. properties not receiving regular maintenance in regard to debris removal are declared to be a nuisance . properties that are found to be a hazard to public safety are declared to be a nuisance.

B. Upon receipt of any report that such a nuisance exists as , ~efined herein, or as defined at common law, or by the laws of the State of Missouri, the Chief Administrative Officer of the Village of Arrow Rock, Missouri, shall investigate the conditions so reported, and if satisfied that said conditions constitute a nuisance as herein defined, shall thereupon bring such report to

the attention of the Board of Trustees, either at the next regular meeting thereof, or at a special meeting called by the Chairman of the Board of Trustees.

C. The Board of Trustees shall determine and declare by resolution, whether or not a nuisance exists, and if their finding be in the affirmative, the Board of Trustees shall cause the City Clerk to prepare a notice in form substantially as hereinafter set out, addressed to the owner or occupant of the premises, or to both the owner and the occupant, ordering the abatement of said nuisance.

D. A notice to abate the nuisance shall be in form substantially as follows:

You are hereby notified that the Board of Trustees has received a report that the

(Here describe the nuisance, stating growth of weeds, grasses, and/or other defined nuisance condition.)

Situated on the premises owned/occupied by you at _____, constitutes a nuisance.

And that the Board of Trustees has by resolution determined and found said (weeds, grasses, etc.) to constitute a nuisance as provided by the ordinances of the Village of Arrow Rock, Missouri.

The Board of Trustees of the Village of Arrow Rock, Missouri, therefore hereby notify you that you are required to abate said nuisance by _____, or within (15) days from your receipt of this notice.

You are further advised that if the action herein ordered is not taken within said (15) days from your receipt of this notice, that the Village of Arrow Rock, Missouri, may proceed to abate said nuisance and may issue a special tax bill for the expense of abating said nuisance. You are further advised that this or any other procedure taken to effect the abatement of said nuisance does not preclude the filing of a complaint in the Associate Circuit Court of Saline County, Missouri or other court of competent esteem.

E. A notice to abate a nuisance shall be served by the City Clerk by mailing a copy thereof to the addressee or addressees at his or her last known address by certified mail. Upon (his) (her) service of any such notice, the City Clerk shall endorse upon a copy of such notice a statement of when, where and how such notice was mailed, and to whom it was addressed.

F. If any such nuisance is not abated within the time prescribed in the notice to abate, it shall be sufficient cause for the employees or agents of the Village of Arrow Rock, Missouri, to enter upon the premises where said nuisance exists , and said employees or agents shall abate said nuisance by whatever means may seem appropriate and necessary at the time.

G. The costs of abating any nuisance under the provisions of F, above, shall be reported to the City Clerk, and the City Clerk shall issue a special tax bill therefore against the lot or pieces of ground upon which such nuisance was abated .

Chapter 6 SOLID WASTE

ARTICLE I - IN GENERAL

|Sec. 6-1 Definitions.

For the purpose of this Chapter, the following terms shall be deemed to have the meaning indicated below:

APPROVED INCINERATORS - an incinerator which complies with all current regulations of the Missouri Air Conservation Commission.

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 collection vehicles by solid waste collectors, with the equipment available therefor.

CITY - the City of Arrow Rock, Missouri.

COLLECTION - removal and transportation of solid waste from its place of storage to its place of processing or disposal.

DEMOLITION AND CONSTRUCTION WASTE – waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR - the director of the Solid Waste Management Program of the City, 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 a tenant.

PERSON - any individual, partnership, copartnership, 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 two (2) dwelling units.

(b) Residential solid waste – solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than two (2) 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 deposition 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.

YARD WASTES - grass clippings, leaves, tree trimmings.

(Ord. No. 71, Sec. 1)

ARTICLE II STORAGE

|Sec. 6-2 Occupant to Provide Containers.

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. (Ord. No. 71, Sec. 2.1)

|Sec. 6-3 Solid Waste to be Placed in Proper Containers.

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. (Ord. No. 71, Sec . 2.2)

|Sec. 6-4 Requirements of Containers.

Residential solid waste shall be stored in containers of not more than 100 gallons nor less than 25 gallons in nominal 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. Galvanized metal containers, rubber or fiberglass containers and 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 Village Board may also be used for storage of residential solid waste. (Ord. No. 71, Sec. 2 .3)

|Sec. 6-5 Village Board to Approve Containers.

Commercial solid waste shall be stored in solid waste containers as approved by the Village Board. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 6-22. (Ord. No. 71, Sec . 2.4)

|Sec. 6-6 Dimensions of Tree Limb and Brush Bundles.

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 75 pounds. (Ord. No. 71, Sec. 2.5)

|Sec. 6-7 Weight of Container Not to Exceed 75 Pounds.

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 75 pounds. (Ord . No . 71, Sec. 2 . 6)

|Sec . 6-8 Unapproved Containers to be Disposed Of.

Solid waste containers which are not approved will be collected together with their contents and disposed of. (Ord . No. 71 , Sec . 2.7)

ARTICLE III COLLECTION

|Sec. 6 - 9 City to Provide for Collection of Solid Wastes .

The City shall provide for the collection of solid waste as follows:

(a) Collection of residential solid waste: The City shall provide for the collection of all residential solid waste in the City, provided , however, that the City may provide the collection service by contracting with a person, private company, 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) Other collections:

The City (may, at its discretion) provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.

(Ord. No . 71, Sec . 3. 1)

|Sec. 6-10 Upon Being Collected, Solid Waste Becomes the Property of the Collection Agency.

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 Village Board as hereinafter provided. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency. (Ord. No. 71, Sec.

3.2)

|Sec. 6-11 Solid Waste to be Placed at the Curb.

Solid waste containers as required by this ordinance for the storage of residential solid waste shall be placed at the curb for collection. Any solid waste containers permitted by this ordinance to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day. (Ord. No. 71, Sec. 3.3)

|Sec. 6-12 Bulky Rubbish Collected by Request to the Director.

Bulky rubbish shall be collected by request to the (Director). The Village Board shall establish the procedure for collecting bulky rubbish. (Ord. No. 71, Sec. 3.4)

|Sec. 6-13 Collectors are Authorized to Enter Upon Premises for Collecting Solid Wastes.

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 hereto as required by this ordinance. 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 Village Board. (Ord. No. 71, Sec. 3.5)

Sec. 6- 14 Collection Frequencies.

The following collection frequencies shall apply to collections of solid waste within the Village:

All residential solid waste, other than bulky rubbish, shall be collected at least once weekly .

At least 120 hours shall intervene between collections.

All commercial solid waste shall be collected once weekly, and shall be collected at such lesser intervals as may be fixed by the Village Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

(Ord. No. 71, Sec. 3.6)

Sec. 6-15 Container Storage.

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. This storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. (Ord. No. 71, Sec. 3.7)

Sec. 6-16 Requirements of Collection Vehicles.

All collection vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection 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. (Ord.No. 71, Sec. 3.8)

Sec. 6-17 Permit Are Not Required to Haul Rock Materials.

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. (Ord. No. 71, Sec. 3.9)

Sec. 6- 18 Transporting' and Disposal.

Transportation and disposal of demolition and construction wastes shall be in accordance with Section 6-19 to 6-21 . (Ord. No. 71, Sec. 3.10)

ARTICLE IV DISPOSAL

Sec. 6-19 Solid Waste to be Disposed of at Processing Facility.

Solid wastes shall be disposed of at a processing facility of disposal area approved by the Village and complying with all requirements of the Missouri Division of Health. (Ord. No. 71, Sec . 4 . 1)

Sec. 6-20 The Village Board to Classify Hazardous Wastes.

The Village Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only i n a manner acceptable to the Village Board and which will meet all Local, State and Federal regulations. (Ord. No. 71, Sec. 4.2)

ARTICLE V RULES AND REGULATIONS

Sec. 6-21 The Village Board to Enforce Rules.

The Village Board 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 container s and of the covers thereof, and of equipment thereto appertaining, if any.
- (d) Weight limitations of the combined weight of solid waste containers.

- (e) Storage of solid waste in solid waste containers.
- (f) Sanitation, maintenance and replacement of solid waste containers.
- (g) Schedule of and routes for collection of solid waste.
- (h) Collection points of solid waste containers.
- (i) Collection and disposal of solid waste.
- (j) Processing facilities and fees for the use thereof.
- (k) Disposal facilities and fees for the use thereof.
- (1) 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, agricultural, construction, bulky items, tires, automobiles, oils, greases, etc.

The Village Clerk or such other Village official who is responsible for preparing utility and other service charge billing for the Village, 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 Village Clerk of the City. (Ord. No. 71, Sec. 5)

|Sec. 6-22 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 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 Village, or those of a solid waste collection agency operating under contract with the Village; (3) dispose of solid waste at any facility or location which is not approved by the Village and Missouri Division of Health. (Ord. No . 71, Sec. 6)

|Sec. 6-23 Service Charges.

There is hereby imposed, for the collection and disposal of solid waste, a service charge for each dwelling unit and each commercial establishment to which such service shall be provided under the provisions of this ordinance. The service charge for collection of residential solid waste shall be in the amount established by contract agreement between

the board and the collector per calendar month. The service charge for each commercial establishment will be determined by the Village Board on the basis of quantity and characteristics of material, point of pickup and time required to collect the solid waste if service is performed by the Village.

The service and service charge shall be terminated upon written request and the approval by the Board of Trustees at their next meeting. A subsequent letter of approval must then be sent to the person requesting the action.

The system of services established by the provisions of this ordinance hereof is designed as an integral part of the Village's program of health and sanitation, to be operated as an adjunct to the Village's system for providing potable water. The Village may enforce collection of such charges by bringing proper legal action against the occupant of any premises which has received such services, to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the Court.

The service charge herein provided for is hereby imposed upon the occupant of each dwelling unit receiving such service under the provisions of this ordinance and billing therefore shall be made to each household. Service charges shall be payable to the department empowered to collect service charges imposed by the Village. Residents will be billed monthly on, or by, the first of each month and bills are due to the Village by the 10th of the same month. (Ord. No. 71, Sec. 7)

|Sec. 6-24 Penalties.

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than five dollars (\$50.00) nor more than five hundred dollars (\$500.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof. (Ord. No. 71, Sec. 8).

Chapter 7 STREETS, SIDEWALKS, ALLEYS AND PUBLIC PLACES

|Sec. 7-2 Board of Trustees may Cause Sidewalks to be Constructed or Repaired.

The Board of Trustees shall have power, by ordinance, to cause the owner or owners of any property or lot adjacent to any street or alley in this town, to build, pave, construct, improve or repair any sidewalk along the side of any of said property or lot in this town. (Ord. No.7, Sec . 1)

|Sec . 7-3 Board to Proceed, How.

Whenever the Board of Trustees shall determine to have any sidewalk built or repaired, they shall, by ordinance , define the location *of* said sidewalk, describing each property or lot abutting thereon, and giving a general description *of* the character *of* said sidewalk, giving the length and breadth *of* same, and the material of which all or any part thereof shall be composed. (Ord. No.7, Sec . 2)

|Sec. 7-4 Notice to Property Owners.

Whenever the Board of Trustees shall provide for the construction or repair of any sidewalk, as in the preceding section provided, said Board *of* Trustees shall cause at least ten days' notice in writing, to be served on the owners of the property or lots adjacent to said sidewalk, which said notice shall contain a general description of the character of such sidewalk, giving the length and breadth of such sidewalk and the material of which all' or any part thereof shall be composed together with a description of each property or lot adjacent thereto, as aforesaid, and which notice shall require such owner or owners of such property or lot to begin to build, repair and complete the building and repairing of such sidewalk within a reasonable time thereafter; and if at the expiration of fifteen days after the service of said notice, if in writing, or if by publication, at the end of four weeks after said publication, said owner or owners as aforesaid shall not in good faith have commenced to build or repair such sidewalk as aforesaid and complete the same in a reasonable time thereafter, said Board *of* Trustees shall cause such sidewalk to be built 'as hereinafter provided. (Ord . No, 7, Sec. 3)

|Sec. 7-5 Notice to Non-Resident Property Owners.

If the notice in writing cannot be personally served in this state as provided in this ordinance, or if the owner or owners are unknown and cannot be personally served, the Board of Trustees shall cause four weeks notice to be published in the English language, in some daily or weekly newspaper published in Saline County, setting forth all the facts required in the written notice heretofore provided for. (Ord. No.7, Sec. 4)

|Sec. 7-6 Property Owner Failing to Build or Repair - Procedure.

Upon failure of any property owner or owners to build or repair such sidewalk, after notice as hereinbefore provided, the Board of Trustees shall cause the Street Commissioner, or such other persons as they may direct to proceed to construct such sidewalk at the expense of the town, and the person in charge thereof shall keep an accurate account of the amount of labor and material, including grading and filling opposite each lot or piece of property, and present the same to the Board of Trustees for assessment, and each lot to piece of ground abutting on the sidewalks so constructed, shall be liable for the cost thereof, as reported by the person or persons having charge thereof, to the Board of Trustees and special tax bills shall be issued for the amount thereof, which tax bills shall constitute a lien against said property, and shall in any action thereon be prima facie evidence of the regularity of the proceedings for such assessment, of the validity of the bill, of the doing of the work and furnishing the materials charged for, and the liability of the property to the charge stated in said bill, and may be collected by suit against the owner of the land in the name of the Village of Arrow Rock, to the use of the holder thereof as any other claim. (Ord. No.7, Sec. 5)

|Sec. 7-7 The Special Tax Bill.

The Village Clerk shall prepare such special tax bills, reciting therein the ordinance under which the work was done, a description of the property charged, the name of the owner or owners of such property, the amount of the charge, and the nature of the work for which such charges is made, and such tax bills shall bear interest at the rate of eight percent per annum from date of issue, and shall be signed by the Chairman of the Board of Trustees and attested by the Village Clerk; and the Clerk shall enter an abstract of such tax bills in a book kept for that purpose. (Ord. No. 7, Sec. 6)

|Sec. 7-8 How Collected.

As soon as any special tax bill for the construction or repair of sidewalks shall have been made out and recorded, the Village Clerk shall deliver the same to the Village Collector, charging him/her therewith and taking her/his receipt therefore, and the Village Collector shall immediately proceed to collect or sell and assign same for not less than their face value. All such tax bills not so collected or sold within thirty days from date of issue shall be turned over to the Village Attorney for collection. (Ord. No.7, Sec. 7. Passed September 28, 1908)

CHAPTER 8: LICENSING AND TAXATION

Article I City Sales Tax

Sec. 8-2 Imposition of City Sales Tax.

Pursuant to the authority granted by and subject to the provisions of Sections 94.500 to 94.570 RSMo., a tax for general revenue purposes is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 to 144 . 510 RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of tax shall be one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within Arrow Rock, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Sections 144 . 010 to 144.510 RSMo. (Ord. No. 89, Sec. 1 (1977))

Sec. 8-4 One-Half of One Per Cent Sales Tax For Capital Improvements

A capital improvements sales tax, of one-half of one per cent (.5%) shall be imposed in the Village of Arrow Rock, Missouri. That such tax rate shall be used for the purposes of making capital improvements as set forth in R.S.Mo. §94.577.

Article II Gasoline Tax

(Editor's note: City gasoline tax replaced with State collected tax.)

Article III Property Tax

Sec. 8-18 Persons and Property to be Taxed.

For the support of the government of this town, the payment of outstanding debt, for the improvement of the town and for the advancement of the public interest, a tax shall be levied on real and personal property within the limits of this town, made taxable for state purposes (Ord. No.8, Sec . 1) (Editor's note: Poll tax found unconstitutional and removed).

(Editor's note: Property taxes are now collected by the County on behalf of the City.)

Sec. 8-40 Merchant and Manufacturer's Tax.

(Editor's note: Merchant and Manufacture's Tax was replace by statute with the ad volerum surcharge on county taxes.)

ARTICLE IV LICENSE TAX

DIVISION 1 AUCTIONEERS

(Editor's Note: Cities are only allowed to license Auctioneers who have an office in the City)

Sec . 8-41 Defined.

An auctioneer, as referred to in this ordinance is any person who, for his own gain, shall sell or offer for sale at any place in this town, by public out cry any goods, wares, merchandise or other personal property and who maintains an office within the Town.
(Ord. No.6, Art. 1, Sec. 1)

Sec. 8-42 License

No person shall exercise the function of an auctioneer in this town without obtaining a license therefor from the Village Clerk; provided, any person may publicly cry the sale of his own household goods without license. (Ord. No.6 , Art. 1, Sec. 2)

Sec. 8-43 License Tax.

Each party obtaining an auctioneer's license shall pay a tax of \$6.00.

(Ord. No.6, Art. 1, Sec. 3)

DIVISION 2 BANKERS, BROKERS AND INSURANCE AGENTS

(Editor's note: Licensing and taxing of Insurance Agents by municipalities now prohibited by § 71.620.2 RSMo.)

Sec. 8-44 Banker's Institutions Defined.

Every person, firm, bank, banking company or incorporated institution or association, having a place of business in this town, where credits are open in favor of anyone on time or current deposits, or on collection of money or currency, subject to be repaid or remitted on drafts, checks or orders, or where money or currency is advanced or loaned on stocks, bonds, bullion, bills of exchange or promissory notes are received for sale or discount is hereby declared to be a banker or banking corporation or institution . (Ord. No.6, Art. 2, Sec. 4)

Sec. 8-45 License.

No person, firm, company, corporation or institution within this town, shall carryon the business of banking as defined in the preceding section without obtaining a license therefor. (Ord. No.6, Art. 2, Sec. 5)

Sec. 8-46 Tax

Every banker, banking corporation or institution doing a banking business in this town shall pay a license tax to the town in the sum of Five Dollars per annum. (Ord. No.6, Art. 2, Sec. 6)

Sec. 8-47 Brokers to Obtain License.

No person, firm or corporation other than those specified in Section 8-44 of this ordinance, whose business shall be for a commission or premium, to affect sales or purchases of any kind of stocks, bonds, bills of exchange, checks, drafts, bullion, moneys, promissory notes or other securities, for themselves or others and commonly known as brokers, and who maintain an office within the town, shall carryon such business without first obtaining a license therefor. (Ord. No.6, Art. 2, Sec. 7)

Sec . 8-48 Tax.

Every broker as defined by this ordinance shall pay to the town a license tax of Five Dollars per annum. (Ord. No.6, Art. 2, Sec. 8)

Sec. 8-49 Insurance Agents to Obtain License.

No person, firm or company in this town whose business shall be to collect, receive,

accept or receipt for any money on account of or for any contract of fire, marine, life, mutual or any other insurance made or solicited by or through him/her or them, for any insurance company, corporation or association or who shall receive or receipt for any money from other persons to be transmitted to any such insurance company, corporation or association, or who shall effect or place or cause to be effected or placed any insurance or insurance risks in any such insurance company, corporation or association, and who maintains an office in the town, shall engage in such business without first obtaining from this town a license therefore. (Ord. No.6, Art. 2, Sec. 9)

Sec. 8-50 Tax.

Each insurance agent as defined in this ordinance shall pay to the town a license tax in the sum of \$2 .50 per annum. (Ord. No.6, Art. 2, Sec. 10)

DIVISION 3 AMUSEMENTS

Sec. 8-51 License Required.

No person shall within this town or within one-half mile of the limits thereof, without first obtaining a license therefor, own, control, manage, conduct, or carry on for gain, any show, circus, menagerie, sideshow, museum, theatrical performance, equestrian performance, street exhibition, dance, public bail or masquerade, operatic or minstrel performance, legerdemain, rope or wire walking exhibition or concert or merry-go-round or other amusement. (Ord. No.6, Art. 3, Sec. 11)

Sec. 8-52 Tax

On every circus or menagerie, including sideshows and street parade under the control and management of the proprietor of such circus or menagerie, there shall be paid to the town a license tax in the sum of Ten Dollars for the first day and the sum of Five Dollars for each additional day.

For a show of any other kind under canvass, and not otherwise provided for by ordinance, there shall be paid as a license tax the sum of Three Dollars per day. (Ord. No.6, Art. 3, Sec. 12)

Sec. 8-53 Tax on Theatrical Performance, Etc.

Every person, company or troupe who shall in this town or within one-half mile of the limits thereof, conduct or carry on for gain, any theatrical, operatic, minstrel or musical performance or exhibition shall pay to the town a license tax of One Dollar per day. (Ord. No.6, Art. 3, Sec. 13)

Sec. 8-54 Tax on Other Exhibitions.

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Other exhibitions shall pay a license tax to the town as follows:

For a license to conduct museum	\$1.00 per day
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For a license to conduct a public dance hall	\$2.00 per day
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For a license for a merry-go-round	\$2.00 per day
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For a license to conduct an exhibition of legerdemain, rope or wire walking, either upon the street or other place within the territory defined in Section 8-51 of this ordinance	\$1.00 per day
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(Ord. No.6, Art. 3, Sec. 14)

Sec. 8-55 Exemptions.

Nothing in this ordinance shall be construed as to require a license for any entertainment given by the citizens of this town when the same shall not be given for the gain or profit of the person giving such entertainment, and no license shall be required for any concert, tableaux or other entertainment or exhibition when the same is given solely for educational, religious or charitable purposes. (Ord. No.6, Art. 3, Sec. 15)

Sec. 8-56 Dance Hall License.

That anyone person may obtain a license to operate or run a dance hall for a period of one year upon payment to the Village of Arrow Rock the sum of \$10. (Ord. No. 15, Sec. 1. Passed May 2, 1955)

DIVISION 4 SUNDRY OPERATIONS

Sec. 8-57 License.

No person, firm, company or corporation without first obtaining a license therefor shall in this town, engage in the business of a merchant, druggist, confectioner, grocer, butcher or peddler or shall keep for gain any livery stable, board or feed stable, billiard or pool table, pigeon hole table, bagatelle table, shovel table, pistol gallery or shooting gallery, ten pin alley or ball alley. (Ord. No.6, Art. 4, Sec. 16)

Sec. 8-58 Certain Businesses and Occupations Defined.

For the purpose of this ordinance certain businesses, occupations and contrivances are defined as follows:

Merchant Defined: A merchant is any person, firm, company or corporation who shall deal in the selling of goods, wares and merchandise of any description at any stand, store or place occupied for that purpose. .

Butcher Defined: A butcher is any person, firm, company or corporation who sells fresh meat of cattle, hogs or sheep in any quantity less than one quarter of an animal, at any store, stand of place kept for that purpose.

Livery Stable Defined: A livery stable is any place where horses or mules and vehicles are kept for hire. Feed or Boarding Stable Defined: A feed or boarding stable is any place where horses or other animals are fed or boarded, but not kept for hire.

Peddler Defined: A peddler is any person who shall deal in the selling of patents" patent rights, patent or other medicines, lightning rod's goods, wares or merchandise, except pianos, organs, sewing machine books, charts, maps and stationary, agricultural and horticultural products, including milk, butter, eggs and cheese, by going_ about from place to place to sell the same.

Shooting Gallery Defined: A shooting gallery is any place where any kind of firearms or air guns are kept for public use, practice or sport, for hire, gain or profit.

Ten-Pin or Ball Alley Defined: A keeper of a ten-pin, bail or bowling alley is one who owns, controls or keeps such alley for public use without regarding to the number of pins used in such alleys and permits other persons to play upon for his gain or profit.

Billiard and other tables Defined: A keeper of a billiard, pool or pigeon-hole table or a shuffle board or bagetelle table is any person who owns, controls or keeps such table or tables and permits other persons to play games thereon for his own gain or profit.

(Ord. No.6, Art. 4, Sec. 17 and Ord. No. 20, Sec. 17)

Sec. 8-59 License Tax.

Under the provisions of this article there shall be levied and collected a license tax as follows:

Upon a merchants license	\$10 per annum
Upon a butchers license	\$10 per annum
Upon a license to keep a livery stable	\$10 per annum
Upon a license to keep a feed and boarding stable	\$10 per annum
Upon a license to keep a shooting gallery	\$10 per annum
Upon a license to keep a ten-pin, or bowling alley	
Upon a license to keep a billiard, pool, pigeonhole or other like tables	\$10 per annum
for each table	

Upon a peddlers license \$5 per year

(Ord. No. 20, Art. 4, Sec. 18)

DIVISION 5 HOTELS, BOARDING HOUSES, ETC.

Sec. 8-60 Must Obtain a License.

No person shall carry on the business of keeping a hotel, public or private boarding house or lodging house or restaurant within this town, without first obtaining a license therefor.

(Ord. No. 20, Art. 5, Sec. 19)

Sec. 8-61 Definitions

Any person, firm, company or corporation within this town who for gain or profit, shall maintain, conduct, keep or carry on any public house within travelers or other persons are furnished with board and lodging, shall -be deemed a hotel keeper or public boarding house keeper.

A lodging house is any building where for pay, hire, or rent, persons are furnished with rooms and lodging, but not with board.

A restaurant is any place wherein for gain or profit, meals or lunch is served, but not lodging.

A private boarding house is any private residence, where transient guests are furnished board and lodging, or where more than one regular boarder is kept, for gain or profit.

(Ord. No.6, and Ord. No. 20, Art. 5, Sec. 20)

Sec. 8-62 Tax

There shall be levied and collected under this article license taxes as follows:

Upon each license to keep a hotel, public boarding house, private boarding house, lodging house or restaurant, the sum of Five Dollars per annum.

(Ord. No.6, Art. 5, Sec. 21)

Sec. 8-63 Article Construed.

Nothing in this article shall be so construed as to require a license of any person, firm, company or corporation who shall furnish board or lodging exclusively to persons in their

employ.

(Ord. No.6, Art. 5, Sec. 22)

DIVISION 6 MISCELLANEOUS PROVISIONS

Sec. 8-64 Duties of Village Clerk.

Upon payment of the proper license fees provided in this ordinance to the Village Clerk, it shall be the duty of said Clerk to issue to the proper person such license provided for herein as such person may desire, designating therein the business or vocation for which each license is issued, the name of the person to whom issued, the duration of said license, and the amount paid therefor. The Clerk shall in no case deliver a license until the license fee therefor is paid. The Clerk shall keep in a book provided for that purpose, an abstract of all licenses issued by him, showing therein the name of the person to whom issued, the nature of the business for which issued, date of issuance date, date of expiration and the amount paid therefor. (Ord. No.6, Art. 6, Sec. 23)

Sec. 8-65 Form of License.

All licenses authorized under this ordinance shall be signed by the Chairman of the Board of Trustees and countersigned by the Village Clerk, and shall be delivered to the person entitled thereto upon payment of the tax required. On such license, and such license shall be substantially in the following form:

" State of Missouri,

County of Saline, ss

Village of Arrow Rock.

The Village of Arrow Rock to all Who Shall See These

Presents:

Know ye that _____ having on the ____ day of _____,
20____, paid to the Village Clerk of the town of Arrow Rock, the sum of
_____ dollars, being the amount of license tax levied upon his license as
_____, and having otherwise complied with the provisions of the ordinances
of said town in this behalf; therefore the said _____ is hereby
empowered and authorized to _____

_____ within the town of Arrow Rock for a period of
_____ beginning the _____ day of _____,
20____, and ending the _____ day of _____, 20____.

In witness whereof, I have hereto set my hands at my office in Arrow Rock, Missouri,
this _____ day of _____, 20____

Chairman of the Board of Trustees

Attest: _____

City Clerk

(Ord. No.6, Art. 6, Sec. 24)

Sec. 8-66 Penalty for Violation of License Ordinance.

Any person who shall engage in any business, occupation or vocation for which license is required by ordinance, without first obtaining a license therefor, as provided by ordinance or who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than One Dollar and not more than One Hundred Dollars. (Ord. No.6, Art. 6, Sec. 25. Passed November 10, 1908)

Sec. 8-67 Taxi License.

Every person operating a motor vehicle for hire in this town for the purpose of carrying passengers, shall pay to the Village a license tax in the sum of \$3.00 per annum. (Ord. No. 11, Sec. 1. Passed March 2, 1915)

Sec. 8-68 License Tax Required of all Businesses.

That every person or firm operating a place of business regardless of kind, shall pay the Village a license tax of the \$25.00 per annum. (Ord. No. 68, Sec. 1)

Sec. 8-69 Alcoholic Beverage License Fee. . '

The Board further agreed that any person or firm where beverage are kept for the purpose of retail, that contain a larger percentage of alcohol than 3-2 beer shall pay the Village a license tax of the sum of \$25.00 per annum. (Ord. No. 68, Sec. 2. Passed February 3,

1970)

Sec . 8-70 License Due Date.

That all licenses of the Village of Arrow Rock are to become due on the same day, July 1 of each year. (Ord. No. '64, Sec. 1. Passed October 27, 1961)

ARTICLE 7 OTHER TAX PROVISIONS

Sec 8-90 Administrative Fees Payable to the Town From County Economic Development Sales Tax Revenue

An Administrative Fee of 2% of village receipts from the Saline County Economic Development Sales Tax will be retained by the Village General Operating Fund to compensate the town for administrative time, materials and overhead required for program administration.

Chapter 9 TRAFFIC AND MOTOR VEHICLES

ARTICLE I IN GENERAL

Sec. 9 -1 Persons to Exercise Highest Degree of Care in Operation of Motor Vehicles.

Every person operating a motor vehicle on any public street, alley or highway in the Village of Arrow Rock, Missouri, shall operate the same in a careful and prudent manner, and shall exercise the highest degree of care and at a rate of speed so as not to endanger the property of others or the life or limb of any person, PROVIDED, that a rate of speed in excess of twenty (20) miles per hour for a distance of two hundred (200) feet upon Main Street shall be considered as evidence, presumptive but not conclusive of driving at a rate of speed which is not careful and prudent, considering the time of day, the amount of vehicular traffic, the number of pedestrians, weather conditions, the condition of the surface of the street where violation is alleged to have occurred, but the burden of proof shall continue to be on the prosecution to show by competent evidence that at the time and place charged the operator was driving at a rate of speed which was not careful and prudent considering all conditions at said time and place, PROVIDED, that a rate of speed in excess of forty (40) miles per hour over that part of Missouri State Highway Route No. 41 lying and being within the confines of the Village of Arrow Rock, Missouri, for a distance of two hundred (200) feet shall be considered as evidence but not conclusive of driving at a rate of speed which is not careful and prudent considering the time of day, the amount of vehicular traffic, the number of pedestrians, weather conditions, the condition of the surface of the street where violation is alleged to have occurred, shall be considered as evidence presumptive but not conclusive of driving at the highest rate of speed which is not careful and prudent but the burden of proof shall continue to be on the prosecution to show by competent evidence that at the time and place charged the operator was driving at a rate of speed which was not careful and prudent considering all conditions at said time and place.

(Ord . No. 18, Sec. 1 & Ord. No. 58, Sec. 1 . Passed January
16, 1952)

Sec. 9-2 Stop Completely.

Every person operating a motor vehicle in the Village of Arrow Rock, Missouri, shall come to a complete stop before driving onto or across any street upon which any State Highway is now or may hereafter be routed. (Ord . No. 18" Sec. 2)

Sec. 9-3 State Highway Commission to Erect Stop and Speed Signs

The State Highway Commission of Missouri, its employees and/or the proper officials and employees of the Village of Arrow Rock, Missouri, are and shall be authorized to paint and erect stop and speed signs on' the surface or by the side of the traveled portion of streets and highways as a warning to motor vehicle operators. (Ord. No. 18, Sec. 3)

Sec. 9-4 Violation

Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five (\$5.00) Dollars and not more than One Hundred (\$100.00) Dollars, together with the costs of prosecution. (Ord. No . 18, Sec . 4. Passed April 14, 1939 .)

ARTICLE II PARKING AND STOPPING

Sec. 9-5 No Parking at State Park Entrance.

That there shall be no parking between signs at the entrance to the Arrow Rock State Park . (Ord. No. 14, Sec. 1)

Sec. 9- 6 Stopping at School Zones.

That all traffic on Main Street shall stop at School Zone Stop Signs. (Ord. No . 14, Sec. 2)

Sec. 9-7 Penalty 'for Violation.

Upon violation of the above ordinance the penalty shall be in the amount of a fine of from \$1.00 to \$5.00 and costs. (Ord. No. 14, Sec. 3. Passed October 5, 1937.)

Sec . 9-8 Stopping or Parking in Required Manner Only.

No person shall stop and park any motor or other vehicle upon any alley, street or public thoroughfare within the Village of Arrow Rock, Missouri, without parking such motor vehicle in the manner required of this ordinance and other ordinances of the Village of Arrow Rock, Missouri. (Ord. No. 18A, Sec. 1)

Sec. 9-9 Vehicles to be Parked Close to the Curb.

All motor or other vehicles hereafter parked or hitched along that part of Main Street shall be drawn up along the curb in such a manner that the part of said vehicle most remote from the right hand curb shall not extend into the street or highway more than ten (10) feet from the said curb.(Ord. No. 18A, Sec. 2)

Sec. 9-10 Parking on Route 41 Prohibited.

It shall be unlawful for any person operating a motor or other vehicle to stop and angular park said motor or other vehicle on any part of Missouri State Highway Route 41 for its entire length through the Village of Arrow Rock, Missouri. (Ord. No. 18A, Sec. 3)

Sec. 9-11 Parking Prohibited Near Main Street and Highway 41 Intersection.

It shall be unlawful for any person operating a motor or other vehicle to stop and park said motor or other vehicle along Missouri State Highway Route No. 41 closer than two hundred (200) feet to intersection of Main Street with said Missouri State Highway Route No. 41. (Ord. No. 18A, Sec. 4)

Sec . 9-12 Parking on Main Street.

It shall be unlawful for any person operating a motor or other vehicle to stop and park said motor or other vehicle upon Main Street closer than two hundred fifty (250) feet to intersection of Main Street with Missouri State Highway Route

No. 41. (Ord . No. 18A, Sec. 5)

Sec. 9-13 Violation - Penalty.

Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five (\$5.00) Dollars and not more than One Hundred (\$100.00) Dollars, together with the costs of prosecution. (Ord. No . 18A, Sec. 6. Passed April 14, 1939.)

Sec . 9-14 Vehicles to Park at Right Hand Curb.

All motor or other vehicles shall be pulled up along Main Street in such a manner that part of said vehicle most remote from the right hand curb shall not extend into the street or highway more than ten feet from the said curb. (Ord. No. 70, Sec . II)

Sec. 9-15 Parking Signs to be Observed at All Times.

All motor or other vehicles shall observe all parking signs on all streets in the Village of Arrow Rock, Missouri, at all times. (Ord. No. 70, Sec. III)

Chapter 9 Traffic and Parking

Article I General Provisions

Sec. 9-005 Model Traffic Code — Adoption And Exceptions.

Chapter 300, RSMo., consisting of Sections **300.010** through 300.600, as herein amended and amended from time to time by the State Legislature, commonly known as the "Model

Traffic Ordinance" is hereby adopted as and for the traffic ordinance of this Village with the exception of the following Sections: 300.010(40) (definition of Traffic Division), 300.015 (Police Administration), 300.020 (Duty of Traffic Division), 300.035 (Traffic Accident Studies), 300.045 (Driver Files to be Maintained), 300.055 (Traffic Division to Designate Method of Identifying Funeral Processions), 300.070 (Traffic Commission Established — Powers and Duties), 300.100 (Authorized Emergency Vehicles — Permitted Acts of Drivers), 300.105 (Operation of Vehicles on Approach of Authorized Emergency Vehicles), 300.310 (Driving Through Funeral or Other Procession), 300.320 (Funeral Procession to be Identified), 300.400.1 (obedience of pedestrians to bridge signals) and 300.575 to 300.590 (this removed all the sections concerning Traffic Violations Bureau and procedure on arrest). All references to "Traffic Division" in the Model Traffic Ordinance are changed to read "Police Department." All references to streetcars have been deleted.

Sec. 9-010 Definitions.

The following words and phrases, when used in this Title, mean:

ABANDONED PROPERTY

The definition for abandoned property shall be the same as that set out in Section 217.010 of this Code.

ALL-TERRAIN VEHICLE

Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

ALLEY or ALLEYWAY

Any street with a roadway of less than twenty (20) feet in width.

BUSINESS DISTRICT

The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT

All streets and portions of streets within the area described by Village ordinance as such.

COMMERCIAL MOTOR VEHICLE

A motor vehicle designed or regularly used for carrying freight and merchandise or more than eight (8) passengers but not including vanpools or shuttle buses.

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.

CRIMINAL HISTORY CHECK

A search of criminal records, including criminal history record information as defined in Section 43.500, RSMo., maintained by the Missouri State Highway Patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal history records, including but not limited to, any record of conviction, plea of guilty or nolo contendere, or finding of guilty in any State for any offense related to alcohol, controlled substances, or drugs.

CROSSWALK

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE

A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER

Every person who drives or is in actual physical control of a vehicle.

EMERGENCY VEHICLE

A vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation

Commission, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, Traffic Officer or Coroner or by a privately owned emergency vehicle company;

2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.070 of this Title;

4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;

7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

9. Any vehicle owned by the State Highways and Transportation Commission and operated by an authorized employee of the Department of Transportation that is marked as a Department of Transportation emergency response or motorist assistance vehicle.

10. Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials, or in support of official requests from the State of Missouri involving unknown substances or hazardous materials, or as may be requested by the appropriate State agency acting on behalf of the Governor.

FREIGHT CURB LOADING ZONE

A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

GOLF CART

A motor vehicle designed and manufactured for operation on a golf course and for sporting and recreational purposes, and that is not capable of exceeding speed of twenty miles per hour, and otherwise satisfies the definition of "golf cart" as provided in Section 304.034 RSMo.

HIGHWAY

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INTERSECTION

1. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY

A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

LOW SPEED VEHICLE (LSV)

A four wheeled motor vehicle capable of speeds greater than twenty miles per hour, but less than twenty five miles per hour, and otherwise satisfies that definition of "low speed vehicle" as provided in Missouri Revised Statutes Chapter 304 Section 304.029

MOTOR VEHICLE

Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

MOTORCYCLE

Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE

Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

NEIGHBORHOOD VEHICLE

Low Speed Vehicle or a Golf Cart.

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 Village.

OFFICIAL TRAFFIC CONTROL DEVICES

All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

PARK or PARKING

The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PASSENGER CURB LOADING ZONE

A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN

Any person afoot.

PERSON

Every natural person, firm, copartnership, association or corporation.

POLICE OFFICER

Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

RAILROAD

A carrier of persons or property upon cars operated upon stationary rails.

RAILROAD TRAIN

A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

RECREATIONAL OFF-HIGHWAY VEHICLE

Any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty (50) inches but no more than sixty-seven (67) inches in width, with an unladen dry weight of two thousand (2,000) pounds or less, traveling on four (4) or more non-highway tires and which may have access to ATV trails.

RESIDENCE DISTRICT

The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY

The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY

That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway," as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

STAND or STANDING

The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STOP

When required, complete cessation from movement.

STOP or STOPPING

When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

STREET or HIGHWAY

The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "State highway" shall mean a highway maintained by the State of Missouri as a part of the State highway system.

THROUGH HIGHWAY

Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign when such signs are erected as provided in this Title.

TRACTOR or TRUCK-TRACTOR

A self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof.

TRAFFIC

Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRAILER

Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in Subsection (8) of Section 301.010, RSMo., and shall not include manufactured homes as defined in Section 700.010, RSMo.

URBANIZED AREA

An area with a population of fifty thousand (50,000) or more designated by the Bureau of the Census within boundaries to be fixed by the State Highways and Transportation Commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census.

UTILITY VEHICLE

Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three (63) inches or less in width, with an unladen dry weight of one thousand eight hundred fifty (1,850) pounds or less, traveling on four (4) or six (6) wheels, to be used primarily for landscaping, lawn care or maintenance purposes.

VEHICLE

Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers, or motorized wheelchairs operated by handicapped persons. (RSMo. §§300.010, 301.010[7],[48], 2012, 301.010[59],[65], 2007, 2008, 2014, 302.010[4], 2012, 304.001, 304.022[4], 2007, 2012, 2017)

Article II Traffic Administration

Sec. 9-110 Records Of Traffic Violations.

B. A. The Police Department shall keep a record of all violations of the traffic ordinances of the Village 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.

C. B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

D. C. All such records and reports shall be public records. (RSMo. §300.025)

Sec. 9-120 Police Department To Investigate Accidents.

It shall be the duty of the Police Department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. (RSMo. §300.030)

Sec. 9-130 Traffic Accident Reports.

The Police Department shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the Village Traffic Engineer. (RSMo. §300.040)

Sec. 9-140 Police Department To Submit Annual Traffic Safety Report.

A. The Police Department shall annually prepare a traffic report which shall be filed with the Chairman. Such report shall contain information on traffic matters in the Village as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
2. The number of traffic accidents investigated and other pertinent data on the safety activities of the Police.
3. The plans and recommendations of the Police Department for future traffic safety activities. (RSMo. §300.050)

Sec. 9-150 Village Traffic Engineer.

A. The office of Village Traffic Engineer is established. The Village Engineer or other designated Village Official shall serve as Village Traffic Engineer in addition to his/her other functions and shall exercise the powers and duties with respect to traffic as provided in this Title.

B. The Village Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigation of traffic conditions, plan the operation of traffic on the streets and highways of the Village, and cooperate with other Village Officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of the Village. (RSMo. §300.060)

Sec. 9-160 Emergency And Experimental Regulations.

A. The Chief of Police by and with the approval of the Village Traffic Engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the Village and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The Village Traffic Engineer may test traffic control devices under actual conditions of traffic. (RSMo. §300.065)

Sec. 9-170 Fire Lanes and Fire Lane Designations and Penalties for Violation of the Same

A. When signs are erected or the pavement is marked giving notice thereof, no person shall stop, leave or park a vehicle at any time upon any portion of a public or private street, highway, roadway, alley, or driveway so designated pertaining to fire lanes. In emergencies a duly authorized member of the police or state, county or local law enforcement, member of the county fire department or the Board of Trustees are authorized and empowered to establish and designate fire lanes to provide unobstructed access for fire apparatus and emergency vehicles.

B. It shall be unlawful for any person to stop, park or leave a vehicle in or upon, or to obstruct in any manner, any fire lane so designated by the Board of Trustees and marked with appropriate signs or markings.

C. The presence of any vehicle in or upon or obstructing in any manner any fire lane in violation hereof shall be prima facie evidence that the person in whose name such vehicle is registered committed such violation. If the vehicle is operated by someone other than the registered owner thereof, the registered owner shall furnish the name, address and operator's license number of the person operating the vehicle at the time the violation occurred to the duly authorized member of the police or local law enforcement within three working days from the time of receipt of a notice of the violation from the issuing law enforcement department. If the registered owner shall fail to furnish such information within the time provided above, the registered owner shall then be deemed to have committed the violation. The report in writing from the registered owner of the name of the person having operated the vehicle shall be prima facie evidence that the person

named committed the violation.

D. Members of the police department, local law enforcement, state law enforcement, county law enforcement shall have the authority to remove a vehicle stopped in, parked in, or obstructing a fire lane.

E. Fire lanes so designated by the Board of Trustees shall be posted with appropriate signs or markings by the use of red paint on the associate curb if such curb exists in order that the public will be aware of the existence of such fire lanes. In case of fire lanes established on public or private property, the Village Board of Trustees shall provide the signs or markings at the expense of the Village.

F. Any person found guilty of violating the provisions of the section shall be subject to a Misdemeanor and shall be fined no more than \$100.00 in addition to direct removal and remedial costs for such violation.

Article III Traffic Control Devices

Sec. 9-210 Authority To Install Traffic Control Devices.

The Village Traffic Engineer shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of the Village to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under the traffic ordinances of the Village or under State law or to guide or warn traffic. (RSMo. §300.130)

Sec. 9-220 Manual And Specifications For Traffic Control Devices.

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highways and Transportation Commission or resolution adopted by the Board of Trustees of the Village. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the Village. All traffic control devices so erected and not inconsistent with the provisions of this Title shall be official traffic control devices. (RSMo. §300.135)

Sec. 9-230 Obedience To Traffic Control Devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this Title, unless otherwise directed by a traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Title. (RSMo. §300.140)

Sec. 9-240 When Official Traffic Control Devices Required For Enforcement Purposes.

No provision of this Title for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily

observant person. Whenever a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place. (RSMo. §300.145)

Sec. 9-250 Official Traffic Control Devices — Presumption Of Legality.

A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B. Any official traffic control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence. (RSMo. §300.150)

Sec. 9-260 Traffic Control Signal Legend — Right Turn On Red Light — When.

A. Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green Indication.

- a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- c. Unless otherwise directed by a pedestrian control signal as provided in Sec. 9-070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. Steady Yellow Indication.

- a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

- b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Sec. 9-070, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- 3. Steady Red Indication.
 - a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in Subsection (A)(3)(b) below.
 - b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof.
 - c. Unless otherwise directed by a pedestrian control signal as provided in Sec. 9-070, pedestrians facing a steady red signal alone shall not enter the roadway.
- 4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal. (RSMo. §300.155)

Sec. 9-270 Pedestrian Control Signals.

A. Whenever special pedestrian control signals exhibiting the words WALK or DON'T WALK or appropriate symbols are in place, such signals shall indicate as follows:

- 1. WALK: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- 2. WAIT or DON'T WALK: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing. (RSMo. §300.160)

Sec. 9-280 Flashing Signals.

- A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:
1. Flashing Red (Stop Signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 2. Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- B. This Section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Sec. 9-890 of this Title. (RSMo. §300.165)

Sec. 9-290 Lane Direction Control Signals.

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown but shall not enter or travel in any lane over which a red signal is shown. (RSMo. §300.170)

Sec. 9-300 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. (RSMo. §300.175)

Sec. 9-310 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. (RSMo. §300.180)

Sec. 9-320 Authority To Establish Play Streets.

The Village Traffic Engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. (RSMo. §300.185)

Sec. 9-330 Play Streets.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof. (RSMo. §300.190)

Sec. 9-340 Village Traffic Engineer To Designate Crosswalks And Establish Safety Zones.

- A. The Village Traffic Engineer is hereby authorized:
1. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway and at such other places as he/she may deem necessary.
 2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians. (RSMo. §300.195)

Sec. 9-350 Traffic Lanes.

- A. The Village Traffic Engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.
- B. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. (RSMo. §300.200)

Article Speed Regulations

Sec. 9-410 State Speed Laws Applicable.

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the Village, except that the Village 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. (RSMo. §300.205)

Sec. 9-420 Regulation Of Speed By Traffic Signals.

The Village Traffic Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof. (RSMo. §300.210)

Sec. 9-430 General Speed Limit.

Except where otherwise provided by signs erected pursuant to duly passed and approved ordinances, no person shall operate a vehicle on any street in the Village in excess of twenty (20) miles per hour.

Sec. 9-440 Slow Speed — Regulations.

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace Officers may enforce the provisions of this Section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is an ordinance violation. (RSMo. §304.011)

Sec. 9-450 Special Speed Limits On Roadways.

No person shall operate a motor vehicle upon those portions of the roadways which are set forth and described in Schedule I at a rate of speed in excess of that speed limit set for such portions of the roadways by said Schedule.

Article Turning Movements

Sec. 9-510 Required Position And Method Of Turning At Intersection.

A. The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established.
2. Left Turns On Two-Way Roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right-half of the roadway nearest the 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-Way Roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn

lanes have been established.

4. Designated Two-Way Left-Turn Lanes. Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:

- a. A left turn shall not be made from any other lane;
- b. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law;
- c. A vehicle shall not be driven in the lane for a distance more than five hundred (500) feet. (RSMo. §300.215)

Sec. 9-520 Authority To Place And Obedience To Turning Markers.

A. The Village Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. (RSMo. §300.220)

Sec. 9-530 Authority To Place Restricted Turn Signs.

The Village Traffic Engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. (RSMo. §300.225)

Sec. 9-540 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. (RSMo. §300.230)

Sec. 9-550 Limitations On Turning Around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic. (RSMo. §300.235)

Article One-Way Streets and Alleys

Sec. 9-610 Authority To Sign One-Way Streets And Alleys.

Whenever any ordinance of the Village designates any one-way street or alley, the Village Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (RSMo. §300.240)

Sec. 9-620 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. (RSMo. §300.245)

Sec. 9-630 Authority To Restrict Direction Of Movement On Streets During Certain Periods.

A. The Village Traffic Engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Village Traffic Engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

B. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this Section. (RSMo. §300.250)

Article Stop and Yield Intersections, Railroad Crossings

Sec. 9-710 Through Streets Designated.

Those streets and parts of streets described by ordinances of the Village are declared to be through streets for the purposes of Sections **335.010** to **335.090**. (RSMo. §300.255)

Sec. 9-720 Signs Required At Through Streets.

Whenever any ordinance of the Village designates and describes a through street, it shall be the duty of the Village Traffic Engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the Village Traffic Engineer upon the basis of an

engineering and traffic study. (RSMo. §300.260)

Sec. 9-730 Other Intersections Where Stop Or Yield Required.

The Village Traffic Engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Sec. 9-740 in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required. (RSMo. §300.265)

Sec. 9-740 Stop And Yield Signs.

A. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

B. Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. (RSMo. §300.270)

Sec. 9-750 Vehicle Entering Stop Intersection.

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (B) of Sec. 9-740 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. (RSMo. §300.275)

Sec. 9-760 Vehicle Entering Yield Intersection.

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his/her failure to yield right-of-way. (RSMo. §300.280)

Sec. 9-770 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. (RSMo. §300.285)

Sec. 9-780 Stop When Traffic Obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (RSMo. §300.290)

Sec. 9-790 Obedience To Signal Indicating Approach Of Train.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he/she can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

C. No person shall drive a vehicle through a railroad crossing when there is not sufficient space to drive completely through the crossing.

D. No person shall drive a vehicle through a railroad crossing unless such vehicle has sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from contacting the railroad crossing.

E. Every commercial motor vehicle as defined in Section 302.700, RSMo., shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said commercial motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear. This Section does not apply to vehicles which are required to stop at railroad crossings pursuant to Section 304.030, RSMo. (§§300.295, 304.035, 2004)

Article Miscellaneous Driving Rules

Sec. 9-810 Following Emergency Vehicle Prohibited.

The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (RSMo. §300.300)

Sec. 9-820 Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Department official in command. (RSMo. §300.305)

Sec. 9-830 Funeral Processions.

A. Definitions. As used in this Section, the following terms shall mean:

FUNERAL DIRECTOR

A person licensed as a funeral director pursuant to the provisions of Chapter 333, RSMo.

FUNERAL LEAD VEHICLE or LEAD VEHICLE

Any motor vehicle equipped with at least one (1) lighted circulating lamp exhibiting an amber or purple light or lens or alternating flashing headlamps visible under normal atmospheric conditions for a distance of five hundred (500) feet from the front of the vehicle. A hearse or coach properly equipped may be a lead vehicle.

ORGANIZED FUNERAL PROCESSION

Two (2) or more vehicles accompanying the remains of a deceased person from a funeral establishment, church, synagogue or other place where a funeral service has taken place to a cemetery, crematory or other place of final disposition or a funeral establishment, church, synagogue or other place where additional funeral services will be performed if directed by a licensed funeral director from a licensed establishment.

B. Driving Rules.

1. Except as otherwise provided for in this Section, pedestrians and operators of all other vehicles shall yield the right-of-way to any vehicle which is a part of an organized funeral procession.
2. Notwithstanding any traffic control device or right-of-way provision prescribed by State or local law, when the funeral lead vehicle in an organized funeral procession lawfully enters an intersection, all vehicles in the procession shall follow the lead vehicle through the intersection. The operator of each vehicle in the procession shall exercise the highest degree of care toward any other vehicle or pedestrian on the roadway.
3. An organized funeral procession shall have the right-of-way at all intersections regardless of any traffic control device at such intersections, except that operators of vehicles in an organized funeral procession shall yield the right-of-way to any approaching emergency vehicle pursuant to the provisions of law or when directed to do so by a Law Enforcement Officer.
4. All vehicles in an organized funeral procession shall follow the preceding vehicle in the procession as closely as is practical and safe under the conditions.
5. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.
6. Any person who is not an operator of a vehicle in an organized funeral procession shall not:
 - a. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Subsection **(B)(5)** above, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;
 - b. Join a funeral procession for the purpose of securing the right-of-way; or
 - c. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.
7. When an organized funeral procession is proceeding through a red signal light as permitted herein, a vehicle not in the organized funeral procession shall not enter the

intersection unless such vehicle may do so without crossing the path of the funeral procession.

8. No ordinance, regulation or any other provision of law shall prohibit the use of a motorcycle utilizing flashing amber lights to escort an organized funeral procession on the highway.

C. Any person convicted of violating any provision of this Section shall be punished by a fine not to exceed one hundred dollars (\$100.00). (RSMo. §§194.500 to 194.512)

Sec. 9-840 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. (RSMo. §300.315)

Sec. 9-850 When Permits Required For Parades And Processions.

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State, and the forces of the Police and Fire Departments shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply. (RSMo. §300.325)

Sec. 9-860 Vehicle Shall Not Be Driven On A Sidewalk — Prohibition On Obstruction Of Bicycle Lanes — Drivers To Yield To Bicycles In Designated Bicycle Lanes.

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane. As used in this Section, the term "designated bicycle lane" shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles. (RSMo. §300.330, 2005)

Sec. 9-870 Limitations On Backing.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (RSMo. §300.335)

Sec. 9-880 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. (RSMo. §300.340)

Sec. 9-890 Riding On Motorcycles — Additional Passenger — Requirements.

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to the rear or side of the operator.

B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger. (RSMo. §300.345)

Sec. 9-900 Riding Bicycle On Sidewalks — Limitations — Motorized Bicycles Prohibited.

A. No person shall ride a bicycle upon a sidewalk within a business district.

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

C. No person shall ride a motorized bicycle upon a sidewalk. (RSMo. §300.347)

Sec. 9-910 All-Terrain Vehicles — Prohibited — Exceptions — Operation Under An Exception — Prohibited Uses — Penalty.

A. No person shall operate an all-terrain vehicle, as defined in Section **300.010**, upon the streets and highways of this Village, except as follows:

1. All-terrain vehicles owned and operated by a governmental entity for official use;
2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
3. The Village may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the Village limits. Fees of \$15.00 may be collected and retained by the Village.
4. The Village may by resolution or ordinance allow all-terrain vehicle operation on

streets or highways under the Village's jurisdiction. Any person operating an all-terrain vehicle pursuant to a Village resolution or ordinance shall maintain proof of financial responsibility in accordance with Section 303.160, RSMo., or maintain any other insurance policy providing equivalent liability coverage for an all-terrain vehicle.

B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this Village, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.

D. No person shall operate an all-terrain vehicle:

1. In any careless way so as to endanger the person or property of another;
2. While under the influence of alcohol or any controlled substance; or
3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.

E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. (RSMo. §300.348, 304.013, 2013)

Sec. 9-915 Utility Vehicles, Operation On Highway And In Streams Or Rivers Prohibited — Exceptions — Passengers Prohibited — Violations, Penalty.

A. No person shall operate a utility vehicle, as defined in Section **300.010** of this Title, upon the highways of this Village or State, except as follows:

1. Utility vehicles owned and operated by a governmental entity for official use;
2. Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;

3. Utility vehicles operated by handicapped persons for short distances occasionally only on the State's secondary roads when operated between the hours of sunrise and sunset;

4. The Village may issue special permits for utility vehicles to be used on highways within the Village limits by licensed drivers.

5. The Village may by resolution or ordinance allow utility vehicle operation on streets or highways under the Village's jurisdiction. Any person operating a utility vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial responsibility in accordance with Section 303.160, RSMo., or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle.

B. No person shall operate a utility vehicle within any stream or river in this Village or State, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this Village or State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

C. A person operating a utility vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under Subsection (A)(3) of this Section shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than forty-five (45) miles per hour.

D. No persons shall operate a utility vehicle:

1. In any careless way so as to endanger the person or property of another; or
2. While under the influence of alcohol or any controlled substance.

E. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this Subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one (1) person.

F. A violation of this Section shall be an ordinance violation. (RSMo. §304.032, 2013)

Sec. 9-917 Golf Carts, Operation On Streets And Roads — Classification As Low-Speed Vehicles — Violations, Penalty.

A. Classification. A golf cart which may be operated on the streets, roads and alleyways of the Village shall be classified as a low-speed vehicle (LSV).

1. The following must appear on the manufactured statement of origin (MSO):

- a. The body type must be specified as a low-speed vehicle.
 - b. There must be a statement indicating that the LSV meets or exceeds the minimal Federal safety requirements.
2. All golf carts classified as low-speed vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles. Golf carts operated on Village streets shall conform to safety standards as outlined in 49 CFR 571.500c.

A. Requirements For Operating Golf Carts On Streets, Roads Or Alleyways Within The Village.

1. The golf cart shall be currently registered and licensed pursuant to Village ordinances.
2. Any individual operating a golf cart shall have a valid operator's or chauffeur's license, but is not required to pass an examination for the operation of a motorcycle.
3. The golf cart shall be properly insured and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model.
4. Any individual operating a golf cart shall be at least eighteen (18) years old.
5. Any individual operating a golf cart shall wear a securely fastened safety helmet on his or her head.
6. Any individual operating a golf cart shall wear a properly fastened seat belt.
7. The golf cart shall be operated at a speed of less than twenty (20) miles per hour pursuant to Section 304.034, RSMo.
8. The golf cart shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle; the flag shall be day-glow colored and shall be triangular shaped, with an area not less than thirty (30) square inches.

B. No individual operating a golf cart shall:

1. Operate the golf cart in any careless or imprudent manner so as to endanger any person or property of any person.
2. Operate the golf cart while under the influence of alcohol or controlled

substance.

3. Operate the golf cart between the hours of official sunset and sunrise, unless the golf cart is properly equipped with headlights, tail lights, brake lights and turn signals.
4. Operate the golf cart on any Federal, State or County highways, except to cross.
5. Cross any Federal or State highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five (45) miles per hour.

C. Registration

1. Neighborhood Vehicles operating on public streets under jurisdiction of the Town of Arrow Rock shall be registered with the City Clerk for the Town of Arrow Rock
2. Each application for registration shall include basic identifying information for the neighborhood vehicle (make, model, color, and other such identifying information as the city clerk deems advisable.
3. An Identification and Registration sticker, issued upon registration and/or upon registration renewal, and properly displayed per operation regulations, will constitute all permits required by the Town of Arrow Rock
4. The Town of Arrow Rock may charge a registration fee of \$20 for each two year registration.

D. Additional Regulations and Exemptions

1. Any Neighborhood Vehicle without operating front and rear lights shall only be operated on public streets between sunrise and sunset.
2. Any Neighborhood Vehicle is required to have fully functioning brakes and steering.

E. A violation of this Section shall be an ordinance violation. (RSMo. §304.034)

Sec. 9-920 Recreational Off-Highway Vehicles, Operation On Highways Prohibited, Exceptions — Operation Within Streams And Rivers Prohibited, Exceptions — License Required For Operation, Exception.

A. No person shall operate a recreational off-highway vehicle, as defined in Section 300.010 of this Code, upon the highways of this Village, except as follows:

1. Recreational off-highway vehicles owned and operated by a governmental entity for official use;
2. Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;
3. Recreational off-highway vehicles operated within three (3) miles of the operator's primary residence. The provisions of this Subsection shall not authorize the operation of a recreational off-highway vehicle in a Village unless such operation is authorized by such Village as provided for in Subsection (A)(5) below;
4. Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the State's secondary roads;
5. The Village may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the Village limits. A fee of fifteen dollars (\$15.00) may be collected and retained by the Village for such permit.

B. No person shall operate a recreational off-highway vehicle within any stream or river in this State, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

C. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to Subsection (A)(4) of this Section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway in this Village without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this Village unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover. (RSMo. §304.033, 2012)

Sec. 9-925 Riding Bicycles, Sleds, Roller Skates By Attaching To Another Vehicle Prohibited — Pulling A Rider Behind Vehicle Prohibited.

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle. (RSMo. §300.350)

Sec. 9-930 Controlled Access.

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority. (RSMo. §300.355)

Sec. 9-940 Railroad Trains Not To Block Streets.

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes; provided that this Section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely. (RSMo. §300.360)

Sec. 9-950 Driving Through Safety Zone Prohibited.

No vehicle shall at any time be driven through or within a safety zone. (RSMo. §300.365)

Sec. 9-960 Manner Of Operation Of Motor Vehicles — Careful And Prudent.

Every person operating a motor vehicle on the highways and roadways of this Village shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care. (RSMo. §304.012)

Sec. 9-970 Driving To The Right.

A. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of the Village where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

B. Upon all public roads or highways of sufficient width, a vehicle shall be driven upon the right-half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;
2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;

3. When the right-half of a roadway is closed to traffic while under construction or repair;
4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.

C. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section or to make any left turn or semicircular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the State Highways and Transportation Commission or the Department of Transportation. The provisions of this Subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the Commission or the Department.

D. The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and Police Officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

E. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo.
4. Official signs may be erected by the State Highways and Transportation Commission, or the Highway Patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway whenever possible.

F. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

G. All trucks registered for a gross weight of more than forty-eight thousand (48,000) pounds shall not be driven in the far left-hand lane upon all interstate highways, freeways, or expressways within urbanized areas of the State having three (3) or more lanes of traffic proceeding in the same direction. This restriction shall not apply when:

1. It is necessary for the operator of the truck to follow traffic control devices that direct use of a lane other than the right lane; or
2. The right-half of a roadway is closed to traffic while under construction or repair.

H. As used in Subsection (G) of this Section, "truck" means any vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in Section 300.010 of this Title. (RSMo. §304.015, 2008)

Sec. 9-980 Passing Regulations.

A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

B. Passing To The Right Of Another Vehicle.

1. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

- a. When the vehicle overtaken is making or about to make a left turn;

- b. Upon a Village street with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles in each direction;
- c. Upon a one-way street.

2. The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the center line of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

- 1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
- 2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing. (RSMo. §304.016)

Sec. 9-990 Hand And Mechanical Signals.

A. No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

1. An operator or driver when stopping, or when checking the speed of the operator's vehicle if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.

2. An operator or driver intending to turn the vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is

proceeding before turning.

3. An operator or driver intending to turn the vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the center line of the highway along which the operator is proceeding before turning.

4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided, further, that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first day of January 1954. (RSMo. §304.019)

Sec. 9-1000 Stopping For School Bus.

A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signaled by its driver to proceed.

B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop While Bus is Loading and Unloading." Each school bus subject to the provisions of Sections 304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education which will display a signal plainly visible from the front and rear and indicating intention to stop.

C. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand (10,000) pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be

equipped with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five (5) feet six (6) inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in Subsection (B) of this Section. This Subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.

D. Except as otherwise provided in this Section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district has the authority pursuant to Section 304.050, RSMo., to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four (4) or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution and, in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred (500) feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty (60) miles per hour and at least three hundred (300) feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.

E. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway. (RSMo. §304.050)

Sec. 9-1010 Right-Of-Way At Intersection — Signs At Intersections.

- A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.
- B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles

approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.

- C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- D. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.
- E. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Section 304.351, RSMo.:
 - 1. 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 at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.
 - 2. The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping the driver 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 traffic is moving across or within the intersection.
- F. The driver of a vehicle about to enter or cross a highway from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.
- G. The Village may, on any section of road where construction or major maintenance operations are being effected, fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section **340.160**. (RSMo. §304.351, 2006)

Sec. 9-1020 Distance At Which Vehicle Must Follow.

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway. (RSMo. §304.017)

Sec. 9-1030 Text Messaging While Operating A Motor Vehicle Prohibited — Exceptions — Definitions — Violation, Penalty.

- A. Except as otherwise provided in this Section, no person twenty-one (21) years of age or younger operating a moving motor vehicle upon the highways of this Village shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.
- B. Except as otherwise provided in this Section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.
- C. Except as otherwise provided in this Section, no person shall operate a commercial motor vehicle while using a wireless communications device to send, read or write a text message or electronic message.
- D. The provisions of Subsections (A) through (C) of this Section shall not apply to a person operating:
 - 1. An authorized emergency vehicle; or
 - 2. A moving motor vehicle while using a hand-held electronic wireless communications device to:
 - a. Report illegal activity;
 - b. Summon medical or other emergency help;
 - c. Prevent injury to a person or property; or
 - d. Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.
- E. Nothing in this Section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a non-commercial motor vehicle upon the

highways of this Village.

- F. As used in this Section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.
- G. As used in this Section, "hand-held electronic wireless communications device" includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.
- H. As used in this Section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.
- I. As used in this Section, "send, read, or write a text message or electronic message" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.
- J. A violation of this Section shall be deemed an ordinance violation.
- K. The State preempts the field of regulating the use of hand-held electronic wireless communications devices in motor vehicles, and the provisions of this Section shall supersede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by the operator of a motor vehicle.
- L. The provisions of this Section shall not apply to:
 - 1. The operator of a vehicle that is lawfully parked or stopped;
 - 2. Any of the following while in the performance of their official duties: a Law Enforcement Officer; a member of a Fire Department; or the operator of a public or private ambulance;
 - 3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
 - 4. The use of voice-operated technology;

5. The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service. (RSMo. §304.820, 2009, 2013)

Sec. 9-1040 Endangerment Of An Emergency Responder, Elements.

A. Definitions. As used in this Section, the following terms shall have the meanings set out herein:

ACTIVE EMERGENCY

Any incident occurring on a highway, as the term "highway" is defined in Section 302.010, RSMo., that requires emergency services from any emergency responder.

ACTIVE EMERGENCY ZONE

Any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred (300) feet of visual sighting of:

1. Appropriate signs or traffic control devices posted or placed by emergency responders; or
2. An emergency vehicle displaying active emergency lights or signals.

EMERGENCY RESPONDER

Any Law Enforcement Officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway.

B. Offense Of Endangerment Of An Emergency Responder, Elements.

1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:
 - a. Exceeding the posted speed limit by fifteen (15) miles per hour or more;
 - b. Passing in violation of Subsection (C)(3) of this Section;
 - c. Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

- d. Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;
 - e. Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument; or
 - f. Intentionally striking, moving or altering barrels, barriers, signs or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.
2. Except for the offense established under Subsection **(B)(1)(f)** of this Section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.
 3. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under Subsection **(B)(1)** of this Section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.

C. Violations, Penalties.

1. Upon the first conviction, finding of guilt or plea of guilty by any person for a moving violation, as the term "moving violation" is defined in Section 302.010, RSMo., or any offense listed in Section 302.302, RSMo., other than a violation described in Subsection **(C)(2)** of this Section, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars (\$35.00) in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars (\$75.00) in addition to any other fine authorized by law.
2. Upon the first conviction, finding of guilt or plea of guilty by any person for a speeding violation under either Section 304.009 or 304.010, RSMo., or Chapter **320** of this Code, or a passing violation under Subsection **(C)(3)** of this Section, when the violation or offense occurs within an active emergency zone and emergency responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars (\$250.00) in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt or plea of guilty, the court shall assess a fine of three hundred dollars (\$300.00) in addition to any other fine authorized by law. However, no person assessed an additional fine under this Subsection shall also be assessed an additional fine under Subsection

(C)(1) of this Section.

3. The driver of a motor vehicle shall not overtake or pass another motor vehicle within an active emergency zone.
4. The additional fines imposed by this Section shall not be construed to enhance the assessment of court costs. (RSMo. §§304.890 to 304.894, 2013)

Chapter 342

Alcohol-Related Traffic Offenses

Cross Reference: As to reimbursement of certain costs related to arrest under this chapter, § 125.320(A)(10) of this Code.

Sec. 9-1110 Definitions.

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

DRIVE, DRIVING, OPERATES or OPERATING

Physically driving or operating a vehicle or vessel.

INTOXICATED or INTOXICATED CONDITION

When a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

INTOXICATION-RELATED TRAFFIC OFFENSE

Driving while intoxicated, driving with excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of a State law, County or Municipal ordinance, any Federal offense, or any military offense, or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any State law, County or Municipal ordinance, any Federal offense, or any military offense.

LAW ENFORCEMENT OFFICER or ARRESTING OFFICER

Includes the definition of "Law Enforcement Officer" in Section 556.061, RSMo., and military Policemen conducting traffic enforcement operations on a Federal military installation under military jurisdiction in the State of Missouri. (RSMo. §577.001, 2014, 2015 effective 1-1-2017, 2016, 2017)

Sec. 9-1120 Driving While Intoxicated.

A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition. (RSMo. §577.010, 2014, 2015 effective 1-1-2017)

Sec. 9-1130 Driving With Excessive Blood Alcohol Content.

- A. A person commits the offense of driving with excessive blood alcohol content if such person operates:
 - 1. A vehicle while having eight-hundredths of one percent (0.08%) or more by weight of alcohol in his or her blood; or
 - 2. A commercial motor vehicle while having four-hundredths of one percent (0.04%) or more by weight of alcohol in his or her blood.
- B. As used in this Section, "percent by weight of alcohol" in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo. (RSMo. §577.012, 2014, 2015 effective 1-1-2017)

Sec. 9-1140 Chemical Test For Alcohol Content — Consent Implied — Administered — When — How — Videotaping Of Chemical Or Field Sobriety Test Admissible Evidence.

- A. Consent Implied; Test Administered.
 - 1. Any person who operates a motor vehicle upon the public highways of this Village shall be deemed to have given consent, subject to the provisions of Sections 577.019 to 577.041, RSMo., to a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:
 - a. If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was operating a vehicle while in an intoxicated condition;
 - b. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person was operating a vehicle with a blood alcohol content of two-hundredths of one percent (0.02%) or more by weight;
 - c. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds

to believe that such person has committed a violation of the traffic laws of the State, or any political subdivision of the State, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent (0.02%) or greater;

- d. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock and the Law Enforcement Officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent (0.02%) or greater; or
 - e. If the person, while operating a vehicle, has been involved in a collision or accident which resulted in a fatality or a readily apparent serious physical injury as defined in Section 556.061, RSMo., or has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any State law or County or Municipal ordinance with the exception of equipment violations contained in Chapters 306 and 307, RSMo., or similar provisions contained in County or Municipal ordinances.
2. The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been has been stopped, detained, or arrested for any reason.
- B. The implied consent to submit to the chemical tests listed in Subsection (A) of this Section shall be limited to not more than two (2) such tests arising from the same stop, detention, arrest, incident or charge.
 - C. To be considered valid, chemical analysis of the person's breath, blood, saliva, or urine shall be performed, according to methods approved by the State Department of Health and Senior Services, by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose.
 - D. The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.
 - E. Upon the request of the person who is tested, full information concerning the test shall be made available to such person.
 - 1. "Full information" is limited to the following:
 - a. The type of test administered and the procedures followed;
 - b. The time of the collection of the blood, breath or urine sample analyzed;

- c. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
 - d. The type and status of any permit which was held by the person who performed the test;
 - e. If the test was administered by means of a breath-testing instrument, the date of the most recent maintenance of such instrument.
2. "Full information" does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, "full information" does not include information in the possession of the manufacturer of the test instrument.
- F. Any person given a chemical test of the person's breath pursuant to Subsection (A) of this Section or a field sobriety test may be videotaped during any such test at the direction of the Law Enforcement Officer. Any such video recording made during the chemical test pursuant to this Subsection or a field sobriety test shall be admissible as evidence at any trial of such person for a violation of any State law or County or Municipal ordinance, and at any license revocation or suspension proceeding held pursuant to the provisions of Chapter 302, RSMo. (RSMo. §577.020, 2006, 2014 effective 1-1-2017)

Sec. 9-1150 Consumption Of Alcoholic Beverages While Driving.

- A. A person commits the offense of consumption of an alcoholic beverage while driving if he or she operates a moving motor vehicle upon any public thoroughfare for vehicles, including State roads, County roads and public streets, avenues, boulevards, parkways or alleys in the Village while consuming any alcoholic beverage.
- B. The offense of consumption of an alcoholic beverage while driving is an ordinance violation and shall not be reflected on any records maintained by the Department of Revenue. (RSMo. §577.017, 2014 effective 1-1-2017)

Chapter 345

Pedestrians Rights and Duties

Sec. 9-1210 Pedestrians Subject To Traffic Control Devices.

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections **9-060** and **9-070** of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter. (RSMo. §300.370)

Sec. 9-1220 Pedestrians' Right-Of-Way In Crosswalks.

- A. When traffic control signals are not in place or not in operation, the driver of a vehicle

shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- C. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Sec. 9-1250.
- D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (RSMo. §300.375)

Sec. 9-1230 Pedestrians To Use Right Half Of Crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (RSMo. §300.380)

Sec. 9-1240 Crossing At Right Angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk. (RSMo. §300.385)

Sec. 9-1250 When Pedestrian Shall Yield.

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- C. The foregoing rules in this Section have no application under the conditions stated in Sec. 9-1260 when pedestrians are prohibited from crossing at certain designated places. (RSMo. §300.390)

Sec. 9-1260 Prohibited Crossing.

- A. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.

- C. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.
- D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements. (RSMo. §300.395)

Sec. 9-1270 Obedience Of Pedestrians To Railroad Signals.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge when such gate or barrier is closed or is being opened or closed. (RSMo. §300.400.2)

Sec. 9-1280 Pedestrians Walking Along Roadways.

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (RSMo. §300.405)

Sec. 9-1290 Drivers To Exercise Highest Degree Of Care.

Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (RSMo. §300.410)

Sec. 9-1295 Distance To Be Maintained When Overtaking A Bicycle.

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in Sec. 9-010, shall leave a safe distance when passing the bicycle, and shall maintain clearance until safely past the overtaken bicycle. (RSMo. §300.411, 2005)

Chapter 350

Method of Parking

Sec. 9-1310 Standing Or Parking Close To Curb.

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb. (RSMo. §300.415)

Sec. 9-1320 Signs Or Markings Indicating Angle Parking.

- A. The Village Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the Village unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. (RSMo. §300.420)

Sec. 9-1330 Obedience To Angle Parking Signs Or Markers.

On those streets which have been signed or marked by the Village Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (RSMo. §300.425)

Sec. 9-1340 Permits For Loading Or Unloading At An Angle To The Curb.

- A. The Village Traffic Engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.
- B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (RSMo. §300.430)

Sec. 9-1350 Lamps On Parked Vehicles.

- A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway, no lights need be displayed upon such parked vehicle.
- B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light

visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

- C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed. (RSMo. §300.435)

Chapter 355

Stopping, Standing or Parking Prohibited in Specified Places

Cross Reference: See also Schedule III, Parking Restrictions, included at the end of Title III.

Sec. 9-1410 Stopping, Standing Or Parking Prohibited.

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:
 - 1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Traffic Authority indicates a different length by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - h. On any railroad tracks;
 - i. At any place where official signs prohibit stopping.
 - 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick

up or discharge a passenger or passengers:

- a. In front of a public or private driveway;
 - b. Within thirty (30) feet of an intersection;
 - c. Within fifteen (15) feet of a fire hydrant;
 - d. Within twenty (20) feet of a crosswalk at an intersection;
 - e. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;
 - f. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);
 - g. At any place where official signs prohibit standing.
3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
 - a. Within fifty (50) feet of the nearest rail of a railroad crossing;
 - b. At any place where official signs prohibit parking.
- B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful. (RSMo. §300.440)

Sec. 9-1420 Parking Not To Obstruct Traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic. (RSMo. §300.445)

Sec. 9-1430 Parking In Alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. (RSMo. §300.450)

Sec. 9-1440 Parking For Certain Purposes Prohibited.

- A. No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale; or
2. Repair of such vehicle except repairs necessitated by an emergency. (RSMo. §300.455)

Sec. 9-1450 Parking Adjacent To Schools.

- A. The Village Traffic Engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place. (RSMo. §300.460)

Sec. 9-1460 Parking Prohibited On Narrow Streets.

- A. The Village Traffic Engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign. (RSMo. §300.465)

Sec. 9-1470 Standing Or Parking On One-Way Streets.

The Village Traffic Engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign. (RSMo. §300.470)

Sec. 9-1480 Standing Or Parking On One-Way Roadways.

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The Village Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof. (RSMo. §300.475)

Sec. 9-1490 No Stopping, Standing Or Parking Near Hazardous Or Congested Places.

- A. The Village Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing

or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

- B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place. (RSMo. §300.480)

Sec. 9-1495 Physically Disabled Parking.

- A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended. The space shall be indicated by an upright sign whether on a pole or attached to a building upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording such as "Accessible Parking" to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine." Beginning August 28, 2011, when any political subdivision or owner of private property restripes a parking lot or constructs a new parking lot, one (1) in every four (4) accessible spaces, but not fewer than one (1), shall be served by an access aisle a minimum of ninety-six (96) inches wide and shall be designated "lift van accessible only" with signs that meet the requirements of the Federal Americans With Disabilities Act, as amended, 42 U.S.C. §12101 et seq., and any rules and regulations established pursuant thereto.
- B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle or while the vehicle is being used to transport a physically disabled person.
- C. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). Every day upon which such violation occurs shall constitute a separate offense. (RSMo. §301.143, 2011)

Chapter 360

Stopping, for Loading or Unloading Only

Sec. 9-1510 Village Traffic Engineer To Designate Curb Loading Zones.

The Village Traffic Engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable. (RSMo. §300.485)

Sec. 9-1520 Permits For Curb Loading Zones.

The Village Traffic Engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The Village Traffic Engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the Village Treasury a service fee of ten dollars (\$10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the Village for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year. (RSMo. §300.490)

Sec. 9-1530 Standing In Passenger Curb Loading Zone.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes. (RSMo. §300.495)

Sec. 9-1540 Standing In Freight Curb Loading Zones.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. (RSMo. §300.500)

Sec. 9-1550 Village Traffic Engineer To Designate Public Carrier Stops And Stands.

The Village Traffic Engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs. (RSMo. §300.505)

Sec. 9-1560 Stopping, Standing And Parking Of Buses And Taxicabs Regulated.

- A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or

baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

- D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (RSMo. §300.510)

Sec. 9-1570 Restricted Use Of Bus And Taxicab Stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (RSMo. §300.515)

Chapter 365

Stopping, Standing or Parking Restricted or Prohibited on Certain Streets

Sec. 9-1610 Application Of Chapter.

The provisions of this Title prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device. (RSMo. §300.520)

Sec. 9-1620 Regulations Not Exclusive.

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. (RSMo. §300.525)

Sec. 9-1630 Parking Prohibited At All Times On Certain Streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance. (RSMo. §300.530)

Sec. 9-1640 Parking Prohibited During Certain Hours On Certain Streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance. (RSMo. §300.535)

Sec. 9-1650 Stopping, Standing Or Parking Prohibited During Certain Hours On Certain

Streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance. (RSMo. §300.540)

Sec. 9-1660 Parking Signs Required.

Whenever by this Title or any ordinance of the Village any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the Village Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense. (RSMo. §300.545)

Sec. 9-1670 Commercial Vehicles Prohibited From Using Certain Streets.

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon. (RSMo. §300.550)

Chapter 370

Article I Light Regulations

Sec. 9-1710 When Lights Required.

- A. "When lighted lamps are required" means at any time from a one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle's windshield wipers to operate the vehicle in a careful and prudent manner as defined in Section 304.012, RSMo. The provisions of this Section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner.
- B. When Lights Required — Violation — Penalty.
 1. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.
 2. Notwithstanding the provisions of Section 307.120, RSMo., or any other provision

of law, violation of this Section shall be deemed an ordinance violation and any person who violates this Section as it relates to violations of the usage of lighted lamps required due to weather conditions or fog shall only be fined ten dollars (\$10.00) and no court costs shall be assessed. (RSMo. §§307.020.9, 307.040, 2004)

Sec. 9-1715 Light-Emitting Diodes Deemed Operating Properly, When.

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

Sec. 9-1720 Headlamp On Motor Vehicles.

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front. (RSMo. §307.045)

Sec. 9-1730 Multiple-Beam Headlamps — Arrangement.

- A. Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:
1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
 2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver. (RSMo. §307.060)

Sec. 9-1740 Dimming Of Lights — When.

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead. (RSMo. §307.070)

Sec. 9-1750 Taillamps — Reflectors.

- A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.
- B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. A motorcycle may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five (5) seconds upon application of the vehicle's brakes.
- C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this Article and shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.
- D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an ordinance violation. (RSMo. §307.075, 2013)

Sec. 9-1760 Auxiliary Lamps — Number — Location.

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. (RSMo. §307.080)

Sec. 9-1770 Cowl, Fender, Running Board And Backup Lamps.

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp, except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion. (RSMo. §307.085)

Sec. 9-1780 Spotlamps.

Any motor vehicle may be equipped with not to exceed one (1) spotlamp but every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person. (RSMo. §307.090, 2009)

Sec. 9-1790 Colors Of Various Lamps — Restriction Of Red Lights.

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowl lamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle, upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof. (RSMo. §307.095)

Sec. 9-1800 Limitations On Lamps Other Than Headlamps — Flashing Signals Prohibited Except On Specified Vehicles.

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in Section **300.010** of this Title and on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship and on commercial passenger transport vehicles or railroad passenger cars that are stopped to load or unload passengers, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn. (RSMo. §307.100, 2004)

Sec. 9-1810 Limitation On Total Of Lamps Lighted At One Time.

At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this Article required is also equipped with any auxiliary lamps or a spotlight or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. (RSMo. §307.105)

Sec. 9-1820 Other Vehicles — How Lighted.

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle. (RSMo. §307.115)

Sec. 9-1830 Animal-Driven Vehicles — Lighting Requirements — Penalty.

- A. Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this Village any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half (1/2) hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons, there shall be no fewer than seven (7) of such buttons covering an area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°) and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet.
- B. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half (1/2) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this Village. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet.
- C. Any person operating an animal-driven vehicle during the hours between sunset and one-half (1/2) hour before sunrise may, in lieu of the requirements of Subsection **(B)** of this Section, use lamps or lanterns complying with the rules promulgated by the Director of the Department of Public Safety.

- D. Any person violating the provisions of this Section shall be guilty of an ordinance violation. (RSMo. §307.125, 2004, 2009)

Article II

Other Vehicle Equipment

Sec. 9-1840 Other Equipment Of Motor Vehicles.

- A. Signaling Devices. Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.
- B. Muffler Cutouts. Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open, or be opened or operated, while such vehicle is in motion.
- C. Brakes. All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.
- D. Mirrors. All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.
- E. Projections On Vehicles. All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.
- F. Towlines. When one vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper

of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. The provisions of this Subsection shall also not apply to farm implements or to any vehicle which is not required to be registered.

- G. Commercial Motor Vehicles And Trailers. When being operated on any highway, street or road of this Village, commercial motor vehicles and trailers shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment required by the State in such condition so as to obtain a certificate of inspection and approval as required by the provisions of Section 307.360, RSMo.
- H. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways, streets or roads of this Village. (RSMo. §307.170)

Sec. 9-1850 Loads Which Might Become Dislodged To Be Secured — Failure — Penalty.

- A. All motor vehicles and every trailer and semitrailer operating upon the public highways, streets or roads of this Village and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semitrailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while being transported or carried.
- B. Operation of a motor vehicle, trailer or semitrailer in violation of this Section shall be an ordinance violation, and any person convicted thereof shall be punished as provided by law. (RSMo. §307.010, 2010)

Sec. 9-1860 Seat Belts.

- A. As used in this Section, the term "truck" means a motor vehicle designed, used or maintained for the transportation of property.
- B. As used in this Section, the term "passenger car" means every motor vehicle designed for carrying ten (10) persons or fewer and used for the transportation of persons; except that the term "passenger car" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.
- C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their

vehicles or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the Village, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this Village shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section and Sec. 9-1870 of this Chapter shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this Subsection shall not apply to the transporting of children under sixteen (16) years of age, as provided in Sec. 9-1870 of this Chapter.

- D. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Sec. 9-1870 of this Chapter.
- E. Except as otherwise provided for in Sec. 9-1870 of this Chapter, each person found guilty of violating the provisions of Subsection (B) of this Section is guilty of an ordinance violation for which a fine not to exceed ten dollars (\$10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section.
- F. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this Subsection is not in violation of this Section. This Subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under Section 302.178, RSMo. (RSMo. §307.178, 2006)

Sec. 9-1870 Transporting Children Under 16 Years Of Age — Restraint Systems.

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

CHILD BOOSTER SEAT

A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 CFR 571.213, as amended, that is designed to elevate a child to properly sit in a Federally approved safety belt system.

CHILD PASSENGER RESTRAINT SYSTEM

A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49

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.

DRIVER

A person who is in actual physical control of a motor vehicle.

B. Requirement; Applicability.

1. Every driver transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this Village, for providing for the protection of such child as follows:
 - a. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.
 - b. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.
 - c. Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds, and who are also less than four (4) feet nine (9) inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child.
 - d. Children at least eighty (80) pounds or children more than four (4) feet nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.
 - e. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.
 - f. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this Subsection is not in violation of this Section.
2. This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

C. Any driver who violates Subsection (B)(1)(a), (b) or (c) herein, is guilty of an ordinance

violation and upon conviction may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subsection **(B)(1)(d)** herein shall be subject to the penalty in Subsection **(E)** of Sec. 9-1860 of this Chapter. If a driver receives a citation for violating Subsection **(B)(1)(a)**, **(b)** or **(c)** herein, the charges shall be dismissed or withdrawn if the driver prior to or at his/her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the driver's citation.

- D. The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo. (RSMo. §307.179, 2006)

Sec. 9-1880 Vision-Reducing Material Applied To Windshield Or Windows Without Permit Prohibited — Penalty — Rules — Procedure.

- A. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent (3%). Except as provided in Subsection **(C)** of this Section, any sun-screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection may be issued by the Department of Public Safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree of consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person who resides in the household. Except as provided in Subsection **(B)** of this Section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited.
- B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

- C. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section.
- D. Any person who violates the provisions of this Section is guilty of an ordinance violation. (RSMo. §307.173, 2010)

Sec. 9-1890 Headgear Required — Motorcycles Or Motortricycles.

- A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this Village shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.
- B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an ordinance violation for which a fine not to exceed twenty-five dollars (\$25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to Section 302.302, RSMo., for a failure to wear such protective headgear. (RSMo. §§302.020.2, 302.020.3)

Sec. 9-1900 Studded Tires — Prohibited When.

No person shall operate any motor vehicle upon any road or highway of this Village between the first day of April and the first day of November while the motor vehicle is equipped with tires containing metal or carbide studs. (RSMo. §307.171)

Sec. 9-1910 Restriction On Use Of Metal-Tired Vehicles.

- A. No metal-tired vehicle shall be operated over any of the improved highways of this Village, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire unless the highway is protected by putting down solid planks or other suitable material or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.
- B. No tractor, tractor engine or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.

- C. Any person violating this Section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction. (RSMo. §304.250)

Sec. 9-1920 Passengers In Trucks.

- A. As used in this Section, the term "truck" means a motor vehicle designed, used or maintained for the transportation of property.
- B. No person shall operate any truck, as defined in Subsection (A) of this Section, with a licensed gross weight of less than twelve thousand (12,000) pounds on any highway which is part of the State or Federal highway system or when such truck is operated within the corporate limits of the Village when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation.
- C. The provisions of this Section shall not apply to:
1. Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;
 2. Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;
 3. Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law;
 4. Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck;
 5. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purpose of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. "Special event," for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;
 6. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or

7. Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in the truck. For the purposes of this Section, the term "family" shall mean any persons related within the first degree of consanguinity. (RSMo. §304.665)

Sec. 9-1930 Altering Passenger Motor Vehicle By Raising Front Or Rear Of Vehicle Prohibited, When — Bumpers Front And Rear Required, When Certain Vehicles Exempt.

- A. No person shall operate any passenger motor vehicle upon the public streets or highways of this Village, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle.
- B. Every motor vehicle which is licensed in this State and operated upon the public streets or highways of this Village shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This Subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes, while such vehicles are in tow, or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this Subsection prohibit the use of drop bumpers. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

Type of Vehicle	Maximum Front Bumper Height	Maximum Rear Bumper Height
	(inches)	(inches)
Motor vehicles except commercial motor vehicles	22	22
Commercial motor vehicles (GVWR):		
4,500 lbs. and under	24	26
4,501 lbs. through 7,500 lbs.	27	29
7,501 lbs. through 9,000 lbs.	28	30
9,001 lbs. through 11,500 lbs.	29	31

- C. Any person knowingly violating the provisions of this Section is guilty of an ordinance violation. (RSMo. §307.172, 2010)

Chapter 375

Bicycles and Motorized Bicycles

Sec. 9-2010 Bicycle And Motorized Bicycle — Defined.

As used in this Chapter, the following terms shall mean:

BICYCLE

Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except scooters and similar devices.

MOTORIZED BICYCLE

Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy. (RSMo. §307.180, 2005)

Sec. 9-2020 Brakes Required.

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement. (RSMo. §307.183)

Sec. 9-2030 Lights And Reflectors — When Required — Standards To Be Met.

- A. Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise shall be equipped with the following:
 - 1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
 - 2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
 - 3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and

4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles. (RSMo. §307.185)

Sec. 9-2040 Rights And Duties Of Bicycle And Motorized Bicycle Riders.

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application. (RSMo. §307.188)

Sec. 9-2050 Riding To Right — Required For Bicycles And Motorized Bicycles.

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles. (RSMo. §307.190)

Sec. 9-2060 Bicycle To Operate On The Shoulder Adjacent To Roadway, When — Roadway Defined.

- A. A person operating a bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Sec. 9-2050 of this Chapter or may operate on the shoulder adjacent to the roadway.
- B. A bicycle operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.
- C. For purposes of this Section and Sec. 9-2050, "roadway" means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder. (RSMo. §307.191, 2005)

Sec. 9-2070 Bicycle Required To Give Hand Or Mechanical Signals.

The operator of a bicycle shall signal as required in Sec. 9-9190 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle. An operator of a bicycle intending to turn the bicycle to the right shall signal as indicated in Sec. 9-9190 of this Title or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle. (RSMo. §307.192, 2005)

Sec. 9-2080 Penalty For Violation.

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner. (RSMo. §307.193)

Sec. 9-2090 Motorized Bicycles — License Required.

- A. No person shall operate a motorized bicycle on any highways, streets or roads in this Village unless the person has a valid license to operate a motor vehicle.
- B. No motorized bicycle may be operated on any public thoroughfare located within this Village which has been designated as part of the Federal interstate highway system.
- C. Violation of this Section shall be deemed an ordinance violation. (RSMo. §307.195, 2010)

Sec. 9-2095 Equipment Required.

No person shall operate a motorized bicycle on any highways, streets or roads in this Village unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July 1977, as promulgated by the Vehicle Equipment Safety Commission. (RSMo. §307.196)

Chapter 380

Licensing Requirements

Article I

Operator's Licenses

Sec. 9-2110 Driving While License Suspended Or Revoked.

A person commits the offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended or revoked. (RSMo. §302.321.1, 2005)

Sec. 9-2120 Operation Of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License.

- A. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Sec. 9-2140, to:

1. Operate any vehicle upon any highway in this Village unless the person has a valid license as required by Chapter 302, RSMo., or a temporary instruction permit issued in compliance with Section 302.130, RSMo., or an intermediate driver's license issued in compliance with Section 302.178, RSMo., in his/her possession;
2. Operate a motorcycle or motortricycle upon any highway of this Village unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;
3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
4. Operate a motor vehicle with an instruction permit, intermediate driver's license or license issued to another person;
5. Operate a motor vehicle in violation of the provisions of Sections 302.130 and 302.178, RSMo., regarding accompaniment by a qualified driver or stated hours of operation; or
6. Drive a commercial motor vehicle, unless fully licensed in compliance with Chapter 302, RSMo., except when operating under an instruction permit as provided for in Section 302.720, RSMo. (RSMo. §§302.020.1, 302.720, 302.178)

Sec. 9-2125 Effect Of Revocation — Penalty.

Any resident or non-resident whose license, right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in Sections 302.010 to 302.540, RSMo., shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under Sections 302.010 to 302.540, RSMo. Violation of any provision of this Section is an ordinance violation and on conviction therefor a person shall be punished as prescribed by Section 302.321, RSMo. (RSMo. §302.200)

Sec. 9-2130 Prohibited Uses Of License.

A. It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;

2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;
3. Display or to represent as one's own any license not issued to the person so displaying the same;
4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director any license which has been suspended, canceled, disqualified or revoked as provided by law;
5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;
6. Knowingly conceal a material fact or otherwise commit a fraud in any such application;
7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;
8. Employ a person to operate a motor vehicle in the transportation of persons or property with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;
9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license; or
10. Fail to carry his/her instruction permit, valid operator's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator. (RSMo. §§302.220, 302.301.3)

Sec. 9-2140 Exemptions From License Law.

A. The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;
2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;

3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.;
4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows: driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent, may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck. (RSMo. §302.080)

Article II

Vehicle Licensing

Sec. 9-2150 State Vehicle License Plates Required.

No person shall operate or park any motor vehicle or trailer upon any street or highway of this Village unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this Village, provided the motor vehicle or trailer has been duly registered for the current year in the State, country or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this Village, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

Sec. 9-2155 Registration Of Motor Vehicles Operated For First Time In State.

Application for registration of a motor vehicle not previously registered in Missouri, operated for the first time on the public highways of this State, and previously registered in another State shall be made within thirty (30) days after the owner of such motor vehicle has become a resident of this State. (RSMo. §301.100)

Sec. 9-2160 Method Of Displaying License Plates.

No motor vehicle or trailer shall be operated on any highway of this Village unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue or the State Highways and Transportation Commission and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) inches nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles either horizontally or vertically, with the letters and numbers plainly visible. The license

plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) inches nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up, or if two (2) plates are issued for the vehicle pursuant to Subsection (3) of Section 301.130, RSMo., displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid. (RSMo. §301.130.5, 2004, 2007, 2015)

Sec. 9-2170 Unauthorized Plates, Tags, Stickers, Signs.

No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost," "license applied for" or words of similar import as a substitute for such number plates or such placard. (RSMo. §301.320)

Sec. 9-2180 License Plates On Vehicles Displayed For Sale.

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates except those of the dealer or owner so displaying said motor vehicle; provided, however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

Sec. 9-2190 Certificate Of Ownership Required For Registered Vehicle.

It shall be unlawful for any person to operate in this Village a motor vehicle or trailer required to be registered as provided by law unless a certificate of ownership has been applied for as provided in Section 301.190, RSMo. (RSMo. §301.190.7, 2007)

Sec. 9-2200 Transfer Of Certificate Of Ownership Upon Sale Of Vehicle.

It shall be unlawful for any person to buy or sell in this Village any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between the parties a certificate of ownership with an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void. (RSMo. §301.210.4)

Sec. 9-2210 Removal Of Plates On Transfer Of Vehicle — Use By Purchaser.

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than

the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days, or no more than ninety (90) days if the dealer is selling the motor vehicle under the provisions of Section 301.213, RSMo. As used in this Section, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid. (RSMo. §301.140.1, 2009, 2015)

Sec. 9-2220 Sale By Dealer.

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days, or no more than ninety (90) days if issued by a dealer selling the motor vehicle under the provisions of Section 301.213, RSMo., after taking possession thereof if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under Subsection (5) of Section 301.140, RSMo., and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents (\$10.50), to be returned to the buyer upon return of the number plates, as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days, or no more than ninety (90) days if issued by a dealer selling the motor vehicle under the provisions of Section 301.213, RSMo. (RSMo. §301.140.4, 2009, 2015)

Sec. 9-2230 False Information By Dealer.

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

Article III

Financial Responsibility

Sec. 9-2240 Financial Responsibility Required.

- A. No owner of a motor vehicle registered in this State, or required to be registered in this State, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this State. No non-resident shall operate or permit another person to operate in this Village a motor vehicle registered to such non-resident unless the non-resident maintains the financial responsibility which conforms to the requirements of the laws of the non-resident's state of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner or non-resident

shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.

- B. For purposes of this Section, the term "financial responsibility" shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) accident.
- C. Proof of financial responsibility may be shown by any of the following:
 - 1. A current insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card; or
 - 2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.;
 - 3. A surety bond according to Section 303.230, RSMo.; or
 - 4. A photocopy or an image displayed on a mobile electronic device as authorized by and subject to the restrictions of Section 303.024, RSMo.
- D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.
- E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time the Peace Officer wrote the citation.
- F. Any person who violates any provisions of this Section shall be guilty of an ordinance

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

Sec. 9-2250 Display Of False Evidence Of Insurance — Penalty — Confiscation Of False Evidence.

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the Officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of an ordinance violation. (RSMo. §303.178)

Sec. 9-2260 Alteration, Production Or Sale Of Invalid Insurance Card.

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of an ordinance violation. (RSMo. §303.179)

**Chapter 385
Abandoned Vehicles**

Sec. 9-2310 Abandoned Vehicles Or Trailers Prohibited.

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway as set out in Section **217.020** of this Code.

Sec. 9-2320 Obstructing The Flow Of Traffic Prohibited.

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

Sec. 9-2330 Towing Of Abandoned Property On Public Real Property.

- A. Any Law Enforcement Officer or an official of the Village, within the officer's or official's jurisdiction, may authorize a towing company to remove to a place of safety:
 - 1. Any abandoned property on the right-of-way of:
 - a. Any interstate highway or freeway in an urbanized area of the Village left unattended for ten (10) hours, or immediately if a Law Enforcement Officer

determines that the abandoned property is a serious hazard to other motorists;

- b. Any interstate highway or freeway outside of an urbanized area of the Village left unattended for twenty-four (24) hours, or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
- c. Any State highway, other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four (24) hours;

provided that commercial motor vehicles referred to in Subsection **(A)(1)(a)** through **(c)** not hauling waste designated as hazardous under 49 U.S.C. § 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; or

- d. Any State highway, other than an interstate highway or freeway in an urbanized area, left unattended for more than ten (10) hours.
- 2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
 - 3. Any abandoned property which has been abandoned under Sec. 9-2310 herein or Section 577.080, RSMo.
 - 4. Any abandoned property which has been reported as stolen or taken without consent of the owner.
 - 5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's timely removal.
 - 6. Any abandoned property which due to any other State law or Village ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
 - 7. Any abandoned property left unattended in violation of a State law or Village ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
 - 8. Any abandoned property illegally left standing on the waters of this State as defined in Section 306.010, RSMo., where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten (10) hours or is floating loose on the water.
 - 9. Any abandoned property for which the person operating such property or vehicle

eludes arrest for an alleged offense for which the officer would have taken the offender into custody.

- B. When the Village Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
- C. Any Village agency other than the Village Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the Village Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

Sec. 9-2340 General Provisions And Procedures.

- A. Payment Of Charges. The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Sec. 9-2350.
- B. Crime Inquiry And Inspection Report. Upon the towing of any abandoned property pursuant to Sec. 9-2330 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 217.040, the Village Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten (10) working days of the towing, the tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the tower does not have online access, the Village Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The Village Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company that does not have online access to the Department's records and that is in possession of abandoned property after ten (10) working days shall report such fact to the Village Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:
 - 1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;
 - 2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;

3. The license plate or registration number and the State of issuance, if available;
 4. The storage location of the towed property;
 5. The name, telephone number and address of the towing company;
 6. The date, place and reason for the towing of the abandoned property;
 7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the Village Police Department;
 8. The signature and printed name of the Law Enforcement Officer authorizing the tow;
 9. The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the Department's records; and
 10. Any additional information the Missouri Director of Revenue deems appropriate.
- C. Reclaiming Property. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. Lienholder Repossession. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the Village Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The Village Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. Notice To Owner/Tow Lien Claim. Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
1. The name, address and telephone number of the storage facility;

2. The date, reason and place from which the abandoned property was removed;
 3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
 4. A statement that the storage firm claims a possessory lien for all such charges;
 5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
 6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
 7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property, free of all prior liens; and
 8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. Physical Search Of Property. In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "good faith effort" means that the following checks have been performed by the company to establish the prior State of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
 2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
 3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
 4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

- G. **Petition In Circuit Court.** The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue, who shall not issue title to such abandoned property pursuant to this Section until the petition is finally decided.
- H. **Notice To Owner.**
1. Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
 - a. The public agency authorizing the removal; or
 - b. The towing company, where authorization was made by an owner or lessee of real property.
 2. If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.
- I. **Tow Truck Requirements.** Any towing company which tows abandoned property for hire shall have the towing company's name, Village and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. **Storage Facilities.** Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. **Disposition Of Towed Property.** Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or

holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

Sec. 9-2350 Maximum Charges.

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Chapter.
- B. The Board of Trustees may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the Village, and which are consistent with this Chapter and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section **100.220**.
- C. A towing company may impose a charge of not more than one-half (1/2) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Chapter if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

Sec. 9-2360 Sale Of Abandoned Property By Village.

When the Village has physical possession of the abandoned property, it may sell the abandoned property in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the Village Clerk and sealed with the official Village Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number, and the odometer reading of the abandoned property, if available, and shall be lawful proof of ownership for any dealer registered under the

provisions of Section 301.218, RSMo., or Section 301.560, RSMo., or for any other person.

CHAPTER 10 UTILITIES

Article I. ADMINISTRATION

|Sec. 10-010 Appointment of superintendent.

The mayor, with the consent of the Board of Trustees, shall appoint a superintendent for the utility department.

|Sec. 10-020 Responsibilities of Superintendent.

A. The Superintendent of the utility department shall have supervisory responsibility for all activities and personnel of the utility department. Further, the Superintendent shall have the responsibility to enforce all ordinances, rules and regulations applicable to the utility department. The Superintendent may promulgate administrative rules and regulations consistent with the letter and intent of this chapter.

B. The Superintendent shall keep a correct and complete list of all Consumers, make a monthly reading of all meters used by Consumers and make a monthly report of the readings in writing to the Village Clerk.

|Sec. 10-030 Employee Authority

No employee or agent of the Village shall have the right or authority to bind the Village by any promise, agreement or representation contrary to these Rules and Regulations or the laws of the State of Missouri.

|Sec. 10-040 Complaints Regarding Employees

Any complaint against the service or employees of the Village shall be made at the office of Village Administrator in writing.

Article II. Utilities Generally

|Sec 10-050 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Billing period means a utility service usage period.

Board means the Board of Trustees.

Commercial service means service for business use.

Customer or consumer means a purchaser of utility service.

Delinquent account means a utility bill unpaid after its due date.

Discontinuance of service means an intentional cessation of utility service by the Village and not requested by a customer.

Economic hardship means an inability to make timely payment for utility service due to fiscal restraints. The level of economic hardship shall be determined by using the most current state guidelines for the utility assistance program.

Estimated billing means a billing for utility service which is not based on an actual meter reading.

Fuel adjustment clause means the adjustment procedure approved by the Board of Trustees to recognize variations in the cost of fuel for the generation of electric power.

Good faith attempt to pay means the requirement whereby a customer makes some payment each month as agreed to by the Village.

Industrial service means service for manufacturing purposes.

Mains means Village-owned piping for the purpose of distributing gas or water to a customer or for the collection of sewage.

Point of Delivery: The point of delivery shall be at the meter, unless otherwise specified in the User's Agreement or in any other agreement where it is mentioned.

Rate means the amount charged for usage of a specified unit of electricity, gas, water or sewer service.

Registered elderly or handicapped customer means a person who is above the age of 62 or is handicapped and has registered with the Village by submitting a statement attesting to the condition.

Residential service means service for household purposes.

Service means the same as utility service.

Service line means piping connecting a customer to a Village main.

Sewer means piping designed for the collection and transportation of sewage.

Suspension of service means a temporary cessation of utility service initiated by the utility department.

Termination of service means a cessation of utility service requested by the customer.

Unpaid bill means any account owed to the Village for services that have not been paid or satisfied within 60 days.

User or Consumer: means any individual, firm, partnership, corporation, Federal or State Government, or any unit, agency, political corporation or subdivision of either the Federal or State Government, or other agency receiving water and waste services, or to whom water services are made available from the Village's facilities pursuant to a written Water User's Agreement.

Utility charges means the charges for utility service.

Utility service means the provision of electricity, gas, water or sewer and activities related to that provision.

|Sec 10-060 Extension policies established.

Certain policies regarding the extension of all public utilities, both within and beyond the Village limits, shall be as determined by the Board of Trustees.

|Sec. 10-070 Sale of public utilities.

The public utilities shall not be sold, disposed of in any way, abandoned or cease to operate, except by a majority of the votes cast at any Village election or a special election held for that purpose pursuant to ordinance.

|Sec. 10-080 Access to premises.

The Village shall have, at all reasonable hours, access to the premises of a customer of any utility for the purpose of reading, inspecting, adjusting, repairing, replacing, disconnecting service, removing meters, or otherwise caring for its service, connections and meters.

|Sec. 10-090 Resale of utility services prohibited.

- A. No customer shall sell at a profit, or offer for sale at a profit any utility service purchased for his or her sole use from the Village.
- B. Any customer wishing to resell a utility service shall do so only after having first obtained authorization from the Board of Trustees.
- C. Any customer reselling utility service, regardless of whether the utility service so resold is metered or not, shall from time to time as determined by the Village manager, furnish evidence that such resale is in compliance with all rules relating to such.
- C. Any customer wishing to resell utility service may be required, as determined by the Village, to install sub-meters where required and maintain records at such customer's expense, for the purpose of determining compliance with this section.

|Sec. 10-100 Injuring, misusing utility system.

No person shall connect with or use any Village utility service without the knowledge or consent of the Village or after the utility service has been discontinued by the Village nor shall he in any manner defraud the Village in the use of any utility service or tamper with any utility meter or shunt around any meter nor shall he willfully or maliciously injure or destroy any property whatsoever of the Village.

|Sec. 10-110 Area of service.

- A. The area of utility service shall be within the corporate Village limits and within the area outside such corporate Village limits served by any Village utility.

B. Nothing in this section shall be construed to prevent the Village from purchasing, leasing, erecting, installing or otherwise acquiring real and personal property necessary, useful or desirable in the conduct of its operations at any place, whether within or without the corporate limits of the Village, subject to approval by the Board of Trustees.

|Sec. 10-120 Specifications for Making Excavations.

Any utility operating within the Village shall insure that any pavements, sidewalks or curbing taken up or any and all excavations made shall be done under the supervision and direction of the Village under all necessary permits in such manner as to cause the least reasonable inconvenience; and repairs and replacements shall be made by and at the expense of the Company with all convenient speed, leaving such properties in as good condition as before. (Ord. No. 63, Sec. II)

|Sec. 10-130 Written application for utility service; normal business hours.

A. Any person desiring utility service or termination of utility service shall make written application on a form furnished by the Village. Such application shall be made as far in advance of the effective date as possible.

1. A customer may order utility service between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except on regularly scheduled Village holidays. Customers requesting normal utility connections during hours or days other than those established in this subsection shall be required to pay a service charge of \$25.00.
2. The Village shall not be obligated to provide utility connections or disconnections until reasonable time has been allowed for proper planning.
3. Requests for services submitted on different dates must be accompanied by a separate fee.

|Sec 10-140 Deposits.

A. Prior to connection, all applicants for utility service must post a deposit equal to the average monthly bill.

B. If there are not sufficient records to determine the monthly average. After six months the Village will recalculate the average and the deposit will be adjusted accordingly. The applicant must pay any additional deposit or the Village will refund any overage.

1. Deposits are assessed for each service requested.
2. If the applicant, or any member of the applicant's household, owes delinquent utility fees to the Village at the time of application, such fees must be paid prior to the Village accepting the application.
3. When a service is discontinued, at the request of the user or for delinquency in payment, the deposit for service shall be applied first to any charges owed to the Village; and the

remaining balance, if any, shall be refunded to the customer.

|Sec. 10-150 Utility meters; monthly readings.

A. All connections for water shall be metered by meters furnished by the Village without charge. All meters shall remain the property of the Village.

B. An attempt shall be made to read all utility meters monthly. If the meter cannot be read do to no fault of the Consumer, the Village will estimate the reading. The following month the Village will obtain an actual reading and adjust the Consumer's bill accordingly.

C. In the event that a meter cannot be read do to something caused by or under the control of the Consumer, the following steps shall be followed:

1. The first time the meter reading shall be estimated, and the user shall receive a letter stating the problem.
2. The second time the meter reading shall be estimated, the user shall pay an additional \$50.00 charge; and the user shall receive a letter stating the problem.
3. The third time, services shall be disconnected and shall remain disconnected until the problem is resolved and all fees for disconnection have been paid.

Sec. 10-160 Meters, User's Responsibility.

The User shall be responsible for any damage to the meter installed for the User's service for any cause other than normal wear and tear.

ARTICLE III

BILLING, ALL UTILITIES

|Sec. 10-170 Bills Shall be Due as Follows.

That all bills shall be rendered on the first business day of each month and shall be due and payable upon receipt. (Ord. No. 70, Sec. 2)

|Sec 10-180 Delinquent Bills.

- A. That all bills for water service shall be delinquent on the sixteenth day of the month after which service is rendered and if any bill remains unpaid for thirty days after said delinquent date, service to such customers shall be disconnected and shall not be reconnected until all past due bills are paid in full, together with a reconnection charge of \$30.00. It shall be the duty of the Village Clerk to notify the Superintendent of said waterworks of such nonpayment who shall proceed immediately to disconnect the water service of such customer. (Ord. No. 70, Sec. 3)

- B. That any amount of the water bill remaining, whether whole or part, as of the 15th of the month, shall, on the following day, have an additional charge of 10% of that amount added to the bill for the following month.

ARTICLE IV STREET LIGHTING

|Sec 10-190 Board may contract for street lighting

The Board may enter into a contract with the electrical service franchisee or any other party for the provision of street lights in the Village.

|Sec. 10-200 Additions to System.

Additional street lights may be added with the approval of the Board. Resident's desiring a street light shall make application to the Board in writing, stating the reasons.

ARTICLE V Fees in Lieu of Taxes

|Sec. 10-210 Provisions applicable to all utilities.

The following provisions shall be applicable to all utilities:

A. "Person" defined. The term "person," as used in this Article, means and includes any individual, partnership, firm, corporation, association, trustee or receiver, or any other group or combination of individuals acting as a unit, or any other form of business organization, except that the word "person" as herein used shall not include the grantee of a franchise.

B. Payment. Each such person shall, on or before the last day of each succeeding month based upon the gross receipts from the preceding calendar month, pay or issue a credit for the tax then due on the gross receipts of such person.

C. Delinquency penalty. If such person shall willfully fail or refuse to pay or issue a credit for the license tax herein provided, when due, said person shall, for the first 90 days or any part thereof, pay in addition to such tax a penalty of ten percent of the license tax due and unpaid, and, for each succeeding month or any part thereof following said 90-day period, pay, as an additional penalty, one percent of such tax due from such person as long as the same shall remain unpaid.

|Sec. 10-220 Water, Fee imposed.

Each person engaged in the supply of water business in the Village shall pay to the Village as a fee, in lieu of any other rental, occupation, license or merchandising tax, a sum equal to seven and one half percent of the gross receipts of such person derived from such person's sale of water for domestic and commercial consumption to domestic and commercial customers of such person located within the present or any future boundaries of the Village.

|Sec. 10-230 Wastewater, Fee Imposed.

Each person engaged in the collection of wastewater in the Village shall pay to the Village as a fee, in lieu of any other rental, occupation, license or merchandising tax, a sum equal to seven and one half percent of the gross receipts of such person derived from such person's collection of wastewater revenues for domestic and commercial consumption to domestic and commercial customers of such person located within the present or any future boundaries of the Village.

ARTICLE VI. Provisions relevant to all utilities

|Sec. 10-240 Services, to whom provided

A. Utility services shall be provided only to:

1. The property owner; or
2. The owner of the business located at the property; or
3. A tenant if the tenant has a lease or written consent from the property owner.
4. Services shall not be provided to anyone whose immediate household includes a member who has an unpaid bill. An individual must be at least eighteen years old to apply for service and must present proof of identification.
5. Services will not be denied to any person based on age (if over 18), race, gender, nationality, or sexual preference.
6. Any person having an unpaid bill with the Village shall not obtain utilities service by means of misrepresentation or by making application in the name of another family member or household member. If any person should obtain services in this manner, then the past bill shall become due and payable immediately, and the balance due shall be added to the customer's next monthly utility bill. An unpaid bill is any account of ineptness owed to the Village for utility services that has not been paid or satisfied within 60 days. If it is found that any person having an unpaid bill moves to a residence receiving services, a letter shall be sent with a payment plan. The plan shall state that payment arrangements on delinquent accounts \$500 or less shall be paid in full within 90 days and over \$500 shall be paid in full within 6 months from the date of the letter. Payments shall be made in

equal amounts every month. If a payment is missed, services shall be disconnected at the current residence.

7. If it is found that any person having an unpaid bill moves to a residence receiving services, a letter shall be sent with a payment plan. The plan shall state that payment arrangements on delinquent accounts \$500 or less shall be paid in full within 90 days and over \$500 shall be paid in full within 6 months from the date of the letter. Payments shall be made in equal amounts every month. If a payment is missed, services shall be disconnected at the current residence.

Sec. 10-250 Water and Sewer Services Deemed Furnished to Both Occupant and Owner of Premises.

A. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and, except as otherwise provided in subsection 2 of this section, the Village shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the Village for such services, plus a reasonable attorney's fee to be fixed by the court.

1. When the occupant is delinquent in payment for thirty days, the Village shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service.

2. The provisions of this section shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses. (Source § 250.140 RSMo).

Sec. 10-260 Customer service lines; location of meters; variance.

A. *Water.* Service lines shall be connected to the Village water main. The Village shall install and maintain that section between the main and this point of connection.

1. *Sewer.* Building sewers shall be connected at a customer curb or property line when the main exists. The building sewer between the main and the property line shall be installed and maintained at the customer's expense.

2. *Costs.* The cost for customer service lines and their installation and maintenance shall be borne by the customer. In addition, any such installation or maintenance shall be approved by the Village prior to its being obscured from view.

|Sec. 10-270 Location of meters.

2. Meters for water shall be located in a place convenient for the Village. In most cases new water meters should be located in a pit or box designed for that purpose as close to the property line as possible.
 1. Variance from the general policy of this section may be taken only after written permission has been granted by the superintendent of utilities. The customer shall bear any costs incurred, as a result of the requested variance, less the cost of conventional installation.

|Sec. 10-280 Extensions.

- A. A customer may receive one extension per year on that customer's utility bill. The customer shall have an active account with the Village for the past 6 months. A year shall run from January 1st to December 31st. The customer shall pay 25% of the bill at the time the extension is given and shall pay 25% per week until the bill is paid in full.
- B. If a customer requires **more than one** extension per calendar year, the customer must appear before the Board of Trustees to request the additional extension.

|Sec. 10-290 Delinquent Charges.

If charges have not been paid prior to the opening of business hours on the 16th day of each month, the user shall pay to the Village a delinquency charge of 10% of the billing.

|Sec. 10-300 Disconnection of services and fees

The Village shall disconnect the services of any user who has not paid all charges by the 30th day of the month following the date of billing except when a pledge is received from an entity that has a contract to make payments on the delinquent account.

A. Additional Grounds for Disconnection:

In addition, the water and light director may cause service to be discontinued due to:

1. Violation of electric codes (per recommendation of Utility Superintendent or Building Inspector); or
2. Violation of health ordinance (per recommendation of health department); or
3. Request of fire department due to fires or fire danger; or
4. Request from Utility Superintendent or Building Inspector because of unsafe condition of structure or dwelling

B. Notice to Customer of Disconnection.

1. Prior to any service disconnection for nonpayment, the Village shall give five (5) working days' written notice of such intent by mail to the customer at his billing address or by placing a notice on the property. Such notice shall give a telephone number and address at which such discontinuance may be contested. A copy of such notice shall be furnished to the property owner if different from the occupant. However, when misrepresentation of water use is detected, or if the Village's regulating or measuring equipment has been tampered with, or if a dangerous condition exists on the User's premises, or when service has been connected or reconnected without authorization, service may be shut off without notice in advance.
 2. If a User contests a disconnection, the service shall not be disconnected until after the User has been given an opportunity, in person or by phone, to speak with a Village official with authority to resolve the issue, to state the User's reasons why such disconnection should not happen, and to hear the reasons why the Village intends to disconnect the service.
- C. If service is disconnected due to the user's delinquency, the user shall pay to the Village, in addition to all other charges provided herein, a fee of \$40.00 prior to reconnection.
- D. If services are turned on after normal business hours, an additional \$40.00 overtime fee for each trip made during such period of time shall be imposed.

|Sec. 10-310 Notice when Customer is Terminating utility service.

A customer who intends to vacate any premises, discontinue the use of utility services or terminate in any manner his liability to pay for utility services delivered to such premises shall give written notice on a form furnished by the Village at least one business day prior to the effective date of the termination.

|Sec. 10-320 Special utility services.

Customers requesting special utility services, such as meter relocation or special disconnections and connections, shall be charged on a labor-and-material basis.

|Sec. 10-330 Continuity of Service/Village Not Liable:

- A. The Village shall make all reasonable efforts to provide notice of service interruption for making repairs, connections, extensions or for other necessary work. Whenever possible, efforts shall be made to notify Users who may be affected by interruptions.
- B. The Village shall not be liable for losses that occur due to or for:
 1. necessary interruptions;
 2. interruptions to service for any other cause;
 3. failure to notify any User of any interruption.

ARTICLE VII. Water service

|Sec. 10-340 Adjustments for Leaks.

A. When a customer has a water leak and would like an adjustment of their water usage, the customer shall submit a request to Village Hall to have the leak verified by the Utility Superintendent or her/his designee. The customer shall have an account with the Village for at least one year before that account can receive an adjustment. The leak shall be in a water pipe only (under the house or out on the property) and visible to the naked eye. The leak shall exceed a minimum of 2,000 gallons above the customer's average bill to be eligible for a water adjustment.

B. Once the leak is repaired, the customer shall submit a request to Village Hall for the Village Superintendent or his designee to verify that the leak has been repaired. The leak shall be repaired within 30 days of the high usage letter's mailing date. Village Hall may make a one-time adjustment to the water bill. If an adjustment is approved, the bill shall be adjusted to the customer's average, and then the customer shall pay an additional 75 cents per thousand gallons on the difference between the used gallons and the amount is adjusted to Water adjustments, per leak, and shall be for one month only.

C. If an adjustment is due to any other reason than a water leak, an adjustment request shall be made by the customer in person before the Board of Alderman at the regular Board meeting. If all criteria for an adjustment due to a water leak are not met, the request shall be made to the Board of Trustees, who then will make a final decision.

|Sec. 10-350 Readiness to Accept:

Before installing a service extension and providing water, the Village may require the Applicant to pipe his home and be ready to accept the service.

|Sec. 10-360 Service for Sole Use of the Water User:

A. The standard water service connection shall be for the sole use of the User and shall not permit the extension of pipes to transfer water from one property to any other person or business.

B. The User shall not share, resell or sub meter water to any other person or business. If an emergency or specific situation makes such an arrangement advisable, it shall be done only on specific written permission of the Village for the duration of the emergency.

C. No more than one residence shall be served by one water service connection. A farm containing one residence and other buildings for use in the farming operation shall be considered as one residence, and the User may use water from one meter for all such buildings.

D. When a farm contains two or more residences, a meter shall be required for each residence unless the Village finds that requirement to be a significant hardship upon the

User. Under that circumstance, a special agreement may be made concerning the additional residence. The rules for a multiple-unit dwelling shall be applied to determine the rate for a farm containing two residences, but only one meter.

|Sec. 10-370 Meter Location Hardship Agreements:

When the location of the meter would, in the Village's opinion, cause undue hardship and expense on the User, the Village may enter into a special agreement whereby a right-of-entry is granted to the Village to read a meter placed on private property for remotely located residences or remotely located water uses. A special agreement shall be in writing, and no User or Applicant for service shall have any right to force the Village to enter into a special agreement. A special agreement shall be entered into solely at the discretion of the Village. The Village may in the alternative apply the multiple-unit residence rule stated in these Rules and Regulations.

|Sec. 10-380 Installation/Removal Fees:

A. A water tap is a water pipe installed by the Village's water personnel or a contractor authorized by the Village from the edge of the Village's easement to the street or alley where the water main is located.

1. Customers inside the Village Limits: Installation of a $\frac{3}{4}$ inch water tap shall be \$400.00. The charge for any other size will be cost plus 10%.
2. Customers outside the Village Limits: Installation of a $\frac{3}{4}$ inch water tap shall be \$500.00. The charge for any other size shall be cost plus 10% plus \$50.00.
3. All Customers shall pay a \$10.00 connection fee.

B. If the property owner requests removal of the water meter and the meter well filled in, he or she shall submit an application in writing to the Village Clerk. The fee for removal shall be the same as for installation of service. The application shall include an agreement that future requests for installation of water service to this location shall incur the same rate as a new installation. The agreement shall be filed with the County Recorder's office at the expense of the property owner.

|Sec. 10-390 Service:

C. The Village shall install all water service pipes from its mains to the meters on property abutting the right-of-way along which the main is installed insofar as its current financial responsibilities, obligations and conditions shall permit and, insofar as adequate water pressure is available, at the point of delivery requested by the Applicant or User. The service pipe shall not be less than $\frac{3}{4}$ inches. The Village shall install and pay for the Village's main connection, meter and meter setting. The meter shall be set on the User's premises as designated by the Village. The charge for service to the Village shall be as specified herein or as otherwise provided by the Village, but in no event shall the charge to the User be less than the cost to the Village.

B. A separate and independent building water service shall be provided for every

building except where one building stands at the rear of another on an interior lot and no private water is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway. Under those circumstances, the building water service from the front building may be extended to the rear building and the whole considered as one building water service.

3. All Consumers shall pay for the pipe, connections and necessary installation work from the water main to the end of the Consumer's service line. All Consumers shall maintain and repair the same from the connection on the main to the end of their service line.
4. At the point of delivery, the Village shall provide the User in such quantity as required by the User specified potable treated water that shall meet the applicable purity standards of the Missouri Department of Natural Resources.
5. The Village shall endeavor to deliver water at a reasonable constant normal pressure at the delivery point. However, loss or reduction of pressure or supply may occur due to main supply line breaks, power failure, flood, fire, use of water to fight fires, earthquake or other catastrophe or similar incidents beyond the control of the Village.
6. The User shall permit installation at the User's property line such valves or curb stops required by the Village, as well as any necessary metering equipment and required devices needed by the Village to properly measure the quantity of water delivered to the User and calibrate the metering equipment whenever requested by the Village. Thereafter, the User shall provide, install, operate and maintain, at its own expense, all water lines. All pipes, valves and curb stops shall remain the property of the User.
7. The Village shall at all times operate and maintain its system in an efficient manner and shall take action necessary to provide the User with required quantities of water. Temporary or partial failure to deliver shall be remedied with all possible dispatch. In the event of an extended shortage of water or in the event the supply of water available to the Village is otherwise diminished, the supply of water to the User shall be reduced at the Village's discretion, with preference shown for the Village Consumers. The Village shall not be liable for any damage or loss to any User because of the Village's preference for the Village Consumer.
8. Inspection of Piping Work: All piping work connected with the Village's main shall be submitted for inspection by the Village before any underground work is covered. Whenever the Village determines that a job of plumbing is obviously defective, although not in direct violation, the Village may require that it be corrected before the water will be provided to the User. The Village may prescribe the type of materials and the standard of workmanship to be followed in enforcing this section.

|Sec. 10-400 Intercepting Tank Required for Large Customers:

Service pipes shall not be connected to the suction side of pumps. A supply requiring a large quantity of water within a short period shall not be permitted except through intercepting or intermediate storage tanks.

|Sec. 10-410 Check Valves, Flush Valves and Vacuum Breakers:

Users having boilers or hot water systems connected with mains of the Village shall have a check valve in the supply pipe to the boilers and hot water heating systems, with a release valve at some point between the check valve and the heating system. All Users are hereby cautioned against danger of collapse of boilers since it is sometimes necessary to shut off the supply of water without notice, and for this reason, a vacuum valve shall be installed in the steam lines to prevent collapse if water supply is interrupted. The Village shall not be responsible for accidents or damages resulting from the imperfect action or failure of any valves.

|Sec. 10-420 Applicants Having Excessive Requirements

If an Applicant's water requirements exceed the Village's ability to supply it from existing physical assets without adversely affecting service to other Users, the Village shall not be obligated to render such service, unless and until suitable financing is provided by the Applicant to cover the additional physical assets. The Village shall not have any obligation to reimburse the Applicant for physical assets provided.

|Sec. 10-430 Leaks in Consumer's installation

- A. The Consumer shall keep his service pipes free from leaks at all times. If a leak appears in a Consumer's installation, the Village shall give the Consumer written notice thereof, and the Consumer shall immediately repair the service pipe. If the repair is not made within 48 hours after written notice has been provided to the Consumer, the Village may discontinue service.
- B. If, in the judgment of the Village, any leak on the Consumer's installation is a danger to public safety, constitutes a nuisance or is a waste of any considerable amount of water, the Village may cut off or discontinue the service without prior notice to the Consumer.

|Sec. 10-440 Water meter repair/damage

- A. If a water meter in service ceases to register properly because of wear and tear, defects or other faults of the meter, it shall be repaired or replaced with another meter by the Village without charge.
- B. If the meter has been destroyed or is damaged by hot water or by accidental or willful breakage, the expense of repairing or replacing the meter shall be paid by the Consumer.

|Sec. 10-450 User's Duty Regarding Service Lines

- A. The User's service pipe and all connections and fixtures attached thereto shall, at the Village's discretion, be subject to inspection by the Village before the water will be turned on. All properties receiving water and all service pipes, meters and fixtures, including any and all fixtures within any improvements or buildings on the properties, shall at all reasonable hours be subject to inspection by any duly authorized employee or agent of the Village.

B. All service pipes shall be laid at all points at least 42 inches below the surface of the ground and shall be placed on firm and continuous earth so as to give unyielding and permanent support. Service pipes shall not be laid in sewer ditches. Service pipes shall be installed in the trench at least 18 inches in a horizontal direction, in undisturbed earth, and separate from any other trench where gas pipe, sewer pipe or other facility is laid regardless of whether the service is for public or private service. The service line shall not pass through premises other than that to be supplied unless the Village agrees to such in writing.

C. A User shall, at his or her own cost, make all changes in the service pipe required or rendered necessary due to changes in the street grades, relocation of mains or other causes. No fixture shall be attached to, or any branch made in, the service pipe between the main of the Village and the meter.

D. Any repairs or maintenance necessary to the service pipe or any pipe or fixture in or upon the User's premises shall be performed by the User at his sole expense and risk. Service pipes shall be kept and maintained in good condition and free from all leaks. The water supply may be discontinued to any User who fails to repair or maintain the service pipe and any other pipe or fixture upon his or her premises.

E. The Village shall in no event be liable for any damage done to or inconvenience caused by reason of any break, leak or defect in, or by water escaping from service pipes, or from fixtures on the premises of the Village or User. The User shall be billed in the usual manner for the cost of all water according to the rate schedule as set forth herein.

|Sec. 10-460 Water Users Requiring Uninterrupted Supply

A. The Village shall endeavor to provide reasonable service, but does not guarantee a sufficient or uniform pressure, or an uninterrupted supply of water. Users are cautioned to provide sufficient storage of water where an absolutely uninterrupted supply must be assured, such as for steam boilers, hot water heating systems, gas engines, etc.

B. Fixtures or devices taking a supply of water directly from the service pipes shall do so at the risk of the party making such attachments, as the Village shall not be responsible for any accidents or damages to which such fixtures or devices are subject.

|Sec. 10-470 Fire Hydrants

A. Private fire hydrants may be installed by a written agreement with the Village. The Village shall take into account all possible costs to the Village and shall charge an equitable price according to all the cost factors that have been considered. Public fire hydrants may be installed by special agreement with the state, a municipality, political subdivision or political corporation, and the Village shall take into consideration the same factors when entering into such a contract.

B. If the Village undertakes to provide fire hydrants as a part of the service to the Users of the Village, then all Users of the Village shall be provided with substantially the same degree of benefit from the hydrants. If a substantially same degree of benefit is not

possible, then those receiving a higher degree of benefit shall pay an additional charge above the rates herein provided for the additional benefit. Such rates shall be equitable to all Users and shall depend upon cost studies made by the Village's employees or consultants.

|Sec. 10-480 Agreements with Governmental and Public Bodies

The Village may make specific water service contracts with the United States of America and its agencies, the State of Missouri and its agencies, school districts and municipal corporations, and all other political subdivisions of the State of Missouri and of the United States of America, that differ from stipulations set out in the rate schedule and Rules and Regulations. Such contracts shall receive written approval by the State Director before being placed into effect.

|Sec. 10-490 Main Extensions

A. Extensions of water mains and lines may be made by the Village upon written application on a form approved by the Village. If an application is approved, the main or line shall be extended provided that:

B. The Applicant shall pay all construction, engineering and legal expenses of an extension. Payment shall be made in advance to the Village or, at the Village's discretion, may be placed into a special escrow account. If the cost and expense of the construction is not ascertainable, the cost shall be estimated and that amount shall be paid to the Village or put in a special escrow account. The Applicant shall pay any additional costs incurred for the extension.

C. Before granting or entering into an Agreement for an extension, the Village shall first determine that the extension shall not materially adversely affect the service rendered to any existing Customers. If the Village determines, based upon information provided by its employees and consultants, that an extension would have a material adverse effect upon existing Users, then the Village shall not grant an extension.

D. If an Applicant desires to perform the construction, the Applicant shall pay all engineering, legal and administrative costs incurred by the Village incident to the approval of the plans and specifications for construction of the improvements, the perfecting of all rights-of-way and other costs incident to the construction.

E. The construction and materials shall be inspected by a qualified inspector designated by the Village. The cost of the inspector shall be paid by the Applicant. All plans and specifications for main extensions or improvements shall be approved by the Village and the appropriate agency of the State of Missouri.

F. Upon satisfactory completion and testing, the improvements shall be dedicated, free and clear of all encumbrances, to the Village.

|Sec. 10-500 Multiple-Unit Dwellings

A. The landowner of a multiple-unit residence shall acquire a water meter for each unit.

B. In the alternative, the landowner of a multiple-unit residence may enter into a special written agreement with the Village whereby:

1. All units of the residence are served by one water meter;
2. The total gallons used during each billing period, as determined by the rate schedule shall be divided by the number of units in the residence;
3. The User shall be charged for each individual unit within the multiple-unit residence on a pro-rata basis, as though that amount of water was used for the billing period by an individual User;
4. Any base rate will be applied for each unit.
5. Each User in a unit shall pay the water rate as set forth in the rate schedule for the User's proportionate share of the water as though the User were an individual User in a one-family residence;
6. The landowner of the property shall be responsible for payment of all the bills of all the units within any multiple-unit residence; and
7. The amount of the water meter deposit shall be determined by the Village based on historical usage, or estimated usage if historical data is not available.
8. The Village shall be the sole judge and shall have full authority to determine how many units are contained in a residence and that determination shall be final and binding upon the landowner of any multiple-unit residence and upon any User therein.

|Sec. 10-510 Liability of Village

A. The Village shall not in any way or under any circumstances be liable or responsible to any person or persons for any loss or damage from any excess or deficiency in the pressure, volume or supply of water due to any cause whatsoever. The Village shall use reasonable care and diligence to prevent and avoid interruptions and fluctuations in the service, but it cannot and does not guarantee that such will not occur.

B. The Village shall not be liable or responsible for any claim made against it because of any mains or service pipes breaking, or for any interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs, and no persons shall be entitled to damages or have any portion of a payment refunded for any interruption of service.

|Sec. 10-520 General

No person shall turn the water on or off at any street valve, corporation cock, curb cock or other street connection, or disconnect or remove any meter without the consent of the Village, except in the case of escaping water

Sec. 10-530 Cross Connection Control - General Policy

A. Purpose:

1. Protect the public potable water supply from contamination or pollution by containing within the Consumer's internal distribution system or private water system contaminants or pollutants that could backflow through the service connection into the public potable water supply system.
2. Promote the elimination, containment, isolation or control of existing cross connection, actual or potential, between the public and Consumer's potable water systems and non-potable water systems, plumbing fixtures and industrial-process systems.
3. Provide for the maintenance of a continuing program of cross connection controls that will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Application: This ordinance shall apply to all premises served by the public potable water system of Arrow Rock.

C. Policy:

1. The Water Purveyor shall reasonably interpret this ordinance. It is the Water Purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.
2. The Water Purveyor shall be primarily responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all Consumers is required to implement and maintain the program to control cross connections. The Water Purveyor and Consumer shall be jointly responsible for preventing contamination of the water system within the Consumer's premises.
3. If, in judgment of the Water Purveyor or his authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the Consumer. The Consumer shall immediately comply by providing the required protection at his own expense. Failure, refusal or inability on the part of the Consumer to provide protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

D. Definitions: The following definitions shall apply in the interpretation and enforcement of this ordinance:

Air gap separation - The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle. The air gap separation shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but no case less than one inch.

Auxiliary water supply - Any water source or system, other than the public water supply, that may be available in the building or premises.

Backflow - The flow other than the intended direction of the flow, of any foreign liquids, gases or substances into the distribution system of a public water supply.

Backflow prevention device - Any device, method or type of construction intended to prevent backflow into a potable water system.

Consumer - The owner or person in control of any premises supplied by or in any manner connected to a public water system.

Containment - Protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility.

Contamination - An impairment of the quality of the water by sewage, process fluids or other wastes to a degree that could create an actual hazard to the public health through poisoning or spread of diseases by exposure.

Cross Connection - Any physical link between a potable water supply and any other substance, fluid or source that makes contamination of the potable water supply possible due to the reversal of flow of the water in the piping or distribution system.

Hazard: Degree of - An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

a. Health Hazard - any condition, device or practice in the water supply system and its operation that could or may create a danger to the health and well-being of the Consumer.

b. Plumbing Hazard - a plumbing cross connection in a Consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device.

c. Pollution Hazard - an actual or potential threat to the physical properties of the water system or the potability of the public or the Consumer's potable water system that would constitute a nuisance, be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

d. System Hazard - an actual or potential threat of severe damage to the physical properties of the public potable water system or the Consumer's potable water system, or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

Industrial process system - Any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration that constitutes a health, system, pollution or plumbing hazard if introduced into a potable water supply.

Isolation - Protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance or system.

Pollution - The presence of any foreign substance (organic, inorganic or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree that does not create an actual hazard to the public health, but does adversely and unreasonably affect the water for domestic use.

Public potable water system - Any publicly or privately owned water system supplying water to the general public that is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

Service connection - The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

Water Purveyor - The owner, operator or individual in responsible charge of a public water system.

E. Cross Connection Prohibited

1. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or Consumer's water systems may exist unless the actual potential cross connections are abated or controlled to the satisfaction of the Water Purveyor, and as required, by the laws and regulations of the Missouri Department of Natural Resources.
2. No connections shall be installed or maintained whereby an auxiliary water supply may enter a public potable or Consumer's water system unless the Water Purveyor and the Missouri Department of Natural Resources have approved the auxiliary water supply, the method of connection and the use of the supply.
3. No water service connection shall be installed or maintained to any premises in which the

plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Water Purveyor as necessary for the protection of health and safety.

F. Survey and Investigations

1. The Consumer's premises shall be open at all reasonable times to the Water Purveyor or his authorized representative to survey and investigate water use practices on the Consumer's premises to determine whether there are actual or potential cross connections to the Consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
2. Upon the Water Purveyor or his authorized representative's request, the Consumer shall furnish information on water use practice within his premises.
3. The Consumer shall conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections to his water systems through which contaminants or pollutants could backflow into his or the public potable water system.

G. Type of Protection Required - The type of protection depends upon the degree of hazard that exists:

1. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
2. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water systems may be contaminated with a substance that could cause a system or health hazard.
3. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water systems may be polluted with substances that could cause a pollution hazard not dangerous to health.

H. Where Protection is Required

1. An approved backflow device shall be installed on each service line to a water system serving the premises when, in the judgment of the Water Purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard
2. An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises when, in the judgment of the Water Purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities or materials stored on the premises, would present an immediate and dangerous hazard to health should a

cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:

- i. (a) Premises having auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Water Purveyor and the Missouri Department of Natural Resources.
 - b. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements that make it impractical to ascertain whether or not cross connections exist.
 - c. Premises upon which the entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
 - d. Premises having a repeated history of cross connections being established or re-established.
 - e. Premises, which due to the nature of the enterprise therein, are subject to recurring modifications or expansions.
 - f. Premises upon which any substance is handled under pressure that would permit entry into the public water supply or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 - g. Premises upon which toxic or hazardous materials are handled in such a way that a serious health hazard may result if back siphon or backpressure should occur.
3. An approved air gap separation or reduced pressure principle backflow prevention device is required by the Water Purveyor and the Missouri Department of Natural Resources at the following types of facilities to protect the public water supply and shall be installed at these facilities unless all hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Water Purveyor and the Missouri Department of Natural Resources.

(a) Aircraft and Missile Plants

- h. Automotive Plants
- i. Auxiliary Water Systems
- j. Beverage Bottling Plants
- k. Breweries
- l. Building Complexes
- m. Canneries, Packing Houses, and Reduction Plants
- n. Car Washing Facilities

- o. Chemical, Manufacturing, Processing, Compounding or Treatment Plants
- p. Chemically Contaminated Water Systems
- q. Civil Works
- r. Dairies and Cold Storage Plants
- s. Film Laboratories
- t. Fire Protections Systems
- u. Hazardous Waste Storage and Disposal Sites
- v. Hospital, Mortuaries, Clinics
- w. Irrigation and Sprinkler Systems
- x. Laundries and Dye Works
- y. Metal Manufacturing, Cleaning, Processing, and
- z. Fabricating Plants
- aa. Oil and Gas Productions, Storage or Transmission Properties
- bb. Paper and Paper Products Plants
- cc. Plating Plants
- dd. Power Plants
- ee. Printing and Publishing Facilities
- ff. Radioactive Material Processing Plants or Nuclear
- gg. Reactors
- hh. Research and Analytical Laboratories
- ii. Rubber Plants-Natural and Synthetic
- jj. Sand and Gravel Plants
- kk. Schools and Colleges
- ll. Sewage and Storm Drainage Facilities-Pumping Stations
- mm. Water Front Faculties and Industries

nn. Zoological and Horticultural Garden

9. Backflow Prevention Devices

1. Any backflow prevention device shall be a model or a construction approved by the Water Purveyor and the Missouri Department of Natural Resources.
2. An approved air gap separation shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
3. A double check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the Water Purveyor and shall appear on the current “list of approved backflow prevention devices” established by the Missouri Department of Natural Resources.
4. Existing backflow prevention devices approved by the Water Purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this ordinance as long as the Water Purveyor is assured they will satisfactorily protect the water system. Whenever the existing device is moved from its present location, requires more than minimum maintenance, or when the Water Purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this ordinance.

10. Installations

1. Backflow prevention devices shall be installed at a location and in a manner approved by the Water Purveyor and shall be installed at the expense of the Consumer.
2. Backflow prevention devices installed on the service line to the Consumer’s water system shall be located on the Consumer’s side of the water meter, as close to the meter as is reasonably practical, and shall be installed prior to any other connection.
3. Backflow prevention devices shall be located in an area that is readily accessible for maintenance and testing, protected from freezing, and no part of the device shall be submerged or subject to flooding by any fluid.

11. Inspections and Maintenance

1. At any premises on which backflow prevention devices are installed, the Consumer shall have inspections, tests and overhauls made in accordance with the following schedule or more often if inspections indicate such a need.
 - a. Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter.
 - b. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled,

inspected internally, cleaned and repaired whenever needed and at least every thirty months after the initial installation.

- c. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five years after the initial installation.
2. Inspections, tests and overhauls of backflow prevention devices shall be made at the expense of the Consumer and shall be performed by the Water Purveyor or a State of Missouri Certified Backflow Prevention Device Tester.
3. Whenever backflow prevention devices are found to be defective, they shall be repaired or replaced without delay at the expense of the Consumer.
4. The Consumer shall maintain a complete record of each backflow prevention device from purchase to retirement. This record shall include a comprehensive listing that includes a record of all tests, inspections and repairs. Records of inspections, tests, repairs and overhauls shall not be removed or otherwise made inaccessible without specific authorization by the Water Purveyor.
5. Backflow prevention devices shall not be by-passed, made inoperative, removed or otherwise made ineffective without specific authorization by the Water Purveyor.

12. Violations

1. The Water Purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein:
 - a. Any backflow prevention device required by this ordinance is not installed, tested and maintained in a manner acceptable to the Water Purveyor, or
 - b. The backflow prevention device has been removed or by-passed, or
 - c. An unprotected cross connection exists on the premises.
2. Water service to the premises shall not be restored until the Consumer has corrected or eliminated the conditions or defects to the satisfaction of the Water Purveyor.

|Sec. 10-540 Ban of Lead

A. Purpose - to ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and to protect Village residents from lead contamination in the Village's public drinking water system and their own private plumbing systems.

B. Policy

1. The Water Purveyor shall reasonably interpret this ordinance. It is the Water Purveyor's intent to ban the use of lead-based material in the construction or modification of the Village's drinking water system or in private plumbing connected to the Village system. The cooperation of all Consumers is required to implement the lead ban.

2. If, in the judgment of the Water Purveyor or his authorized representative, lead-based materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the Consumer. The Consumer shall immediately comply by having the lead-based materials removed from the plumbing system and replaced with lead-free materials. If the lead-based materials are not removed from the plumbing system, the Water Purveyor may discontinue water service to the premises.

C. Application: This ordinance shall apply to all premises served by the public drinking water system of the Village of Arrow Rock.

D. Definitions: The following definitions shall apply in the interpretation and enforcement of this ordinance.

1. Consumer - the owner or person in control of any premises supplied by or in any manner connected to a public water system;

2. Lead-based materials - any material containing lead in excess of the quantities specified in herein;

3. Lead-free:

a. Solders and flux containing not more than 0.2% lead.

b. Pipes and pipe fittings containing not more than 8.0% lead.

4. Public drinking water system - any publicly or privately owned water system supplying water to the general public that is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

5. Water Purveyor - the owner, operator or individual in responsible charge of a public water system.

E. Lead Banned from Drinking Water Plumbing

1. No water service connection shall be installed or maintained to any premises where lead-based materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.

2. If a premise is found to be in violation, water service shall be discontinued until such time that the drinking water plumbing is lead free.

A. Guidelines. This plan shall be effective upon a finding by the Board of Trustees or their designated representative that a probable water shortage problem exists. This plan shall be implemented until it is determined that the emergency no longer exists. Depending on the expected severity of the problem, it is possible that Stages Two and Three may be implemented immediately. Requests for public cooperation shall be made through the news media. This Plan shall affect only those citizens and commercial entities who receive water service from the Arrow Rock Water Department.

B. Stage One (voluntary) - Request voluntary conservation and compliance with the following restrictions:

1. Sidewalks, driveways, parking areas, patios or other paved areas shall not be washed.
2. Swimming pools shall not be filled or refilled with water provided by the Village.
3. Water shall not be used for recreational purposes such as waterslides or yard play.
4. Cars, other motor vehicles, trailers or boats shall not be commercially washed, except from a bucket.
5. Water shall not be used for dust control.
6. Flushing of mains by Water Department personnel shall not be done, except to alleviate individual water quality problems.
7. Commercial and industrial Users shall conserve water as much as possible.
8. No open burning for any reason permitted within the Village Limits.
9. The water department will contact suppliers of portable toilet facilities to ascertain availability, number and placement of these units to assist with the needs of the Village's visitors.

C. After initiation of Stage One, if weather conditions, expected trends in demand or other factors indicate that the threat of a shortage will continue, the additional provisions of Stage Two shall be implemented.

D. Stage Two (voluntary) - Stage One restrictions shall remain in effect along with the following:

1. Water from a fire hydrant shall not be used, except to fight fires, or for human consumption.
2. Lawn, garden, trees or other plants shall not be watered, except from a hand-held container.
3. Commercial/industrial Users shall reduce usage by 30%.

4. Residents are encouraged to use the laundry facilities in Marshall, or Boonville so as to conserve the water supply available to the Village.
5. The Water Department shall post a list of residents willing to share water supplies from private wells.
6. The Water Department shall contract with suppliers of portable toilet facilities to provide from four to eight such facilities for the use of the Town's visitors.
7. The Water Department shall begin contacting persons with the equipment to transport water, and arrange for such delivery as needed to resupply the Arrow Rock Stand Pipe (three to eight thousand gallons per day).

E. After initiation of Stage II, if it appears that the shortage will continue or worsen, the mandatory measures of Stage III shall be implemented.

F. Stage Three (Mandatory) - Stage One and Two restrictions shall become mandatory, and the following restrictions shall also apply:

1. All commercial and industrial Users shall adopt previously submitted water conservation plans.
2. All large commercial and industrial Users shall follow the previously submitted conservation plan for their operation. Water conservation plans shall be approved by the Board of Trustees or their designated representative. A Customer that fails to submit a conservation plan shall be subject to the penalty provisions of this ordinance.
3. Depending upon the severity of the problem, the plan could revert back to Stage One or Two or be canceled as conditions improve.

G. Compliance With the Plan - All persons who receive city water service shall be entitled to receive such water service only upon strict compliance with provisions of the Plan.

It shall be unlawful for any person to violate the mandatory provisions of the Plan when such person is directed to reduce or curtail their use of water as set forth in step three of the Plan. A direction to reduce or curtail use of water shall be presumed when notice is given as set forth in the Plan.

H. Penalties

Any person, who shall violate any of the mandatory provisions of the Plan pertaining to discontinuance, interruption, or curtailment of water usage, will be subject to disconnection from the Town's water supply until such time that he (she) agrees in writing to abide by the provisions of the Plan. At which time a reconnection will be made subject to the immediate payment of the \$30.00 reconnection charge. Further violation of the Plan by that user will result in a disconnection from the Town's water supply and a loss of service until such time as the Stage III conservation measures are lifted; reconnection at that time will require the payment of a second connection charge

plus a penalty \$50.00.

Additionally, any large commercial or industrial user who fails to submit a conservation plan as required will be subject to termination of service during Stage Three of the Water Conservation Plan at the discretion of the management of the Water Department. Any new customer who shall be required to file such a plan shall have a grace period of 120 days from the date of service hook-up to comply.

Sec 10-555 Use of privately owned water wells within the village of Arrow Rock, not affecting use upon property(s) purchased prior to December 31, 1996, but affecting use upon all property(s) thereafter as a change of ownership and/or title does occur, and limiting the use of water from existing wells to exterior, non-potable uses except in a stage three water emergency, and prohibiting any new construction of water wells within village limits.

1. All owners of Real Property within the Town Limits of the Town of Arrow Rock, Missouri, having purchased said property on or after January 1, 1997 shall be subject to the following restrictions in regard to the water supply permitted thereon:
 - (a) All water brought into a residence or business shall be purchased from the Arrow Rock Water Department and supplied through a water meter furnished by said Department.
 - (b) Any cross connection of plumbing lines between an existing water well and lines supplying water within, or to, the residence shall be dismantled at the property owners expense, within two months of the change of ownership, and verified (in writing) by the plumber who performed the work.
 - (c) Failure to remove an existing cross connection, as above described, or any action to cause such a cross connection to be established, is hereby declared a misdemeanor offense.
 - (d) Use of water from a privately owned well shall be limited to exterior, non-potable uses only, except as noted in Section Three (3) below.
2. From and after the passage of this Ordinance, within the Town Limits of the Town of Arrow Rock, Missouri, construction of water wells is hereby prohibited. Property owners shall in no way construct, permit, or hire the construction of said wells, whether drilled, bored, dug or otherwise, regardless of the purchase date of the property.
 - (a) The above section shall in no way preclude the construction and operation of a water well by the Town of Arrow Rock Water Department, for the purpose of obtaining water to be processed and made available for public consumption.
3. In the event of a Stage Three Water Emergency, as defined by Ordinance 9607 of the Ordinances of Arrow Rock, Missouri (Sec. 10.550 F 1-3), The Town Board may, with the

approval of the Town's Water Operator, allow water from private wells to be used as potable water, subject to the following provisions:

- (a) The Water Department shall be responsible for contacting the owners of such wells, shall obtain their permission, and make arrangements for public access.
- (b) Any cross-connection shall not be allowed, either with the Town's water lines, or with water lines affecting any private residence.
- (c) Water samples will be taken by the Water Department prior to public access, and until such time as the test results are received, water from any private well shall be distributed "under a boil order."

ARTICLE VIII. SEWER AND WASTEWATER

Sec. 10-560 Definitions and abbreviations.

For the purposes of this Chapter, and unless the context specifically indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Approval authority. The Director in an NPDES state with an approved state pretreatment program and the appropriate regional administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.
3. Authorized representative of industrial user. An authorized representative of an industrial user may be:
 - d. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
 - e. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - f. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
4. Availability of sewers. An owner or occupant of property shall have sewers available whenever the property or premises is located in a sewer district established by the ordinance of the city, or whenever public sewers are available to the property or premises and the city has notified the owner or occupant of the property to connect his or

her or her premises to same.

5. Best Management Practices (BMPs). Management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or reaching a discharge point. BMPs include but are not limited to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general prohibitions listed in sections Article III [40 CFR 403.5(a)(1) and (b)].

6. Biochemical Oxygen Demand (B.O.D.) The quantity of dissolved oxygen required for biochemical oxidation of organic matter under standard laboratory procedure, in a period of five (5) days at a temperature of twenty degrees centigrade (20°), expressed in milligrams per liter (Mg/L) by weight and concentration. Such B.O.D. shall be determined as described under the heading "Biochemical Oxygen Demand" in the Standard Methods for the Examination of Water and Wastewater as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

7. Building sewer. A sewer conveying wastewater from the premises of a user to the POTW, or other place of disposal.

8. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1327) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

9. Categorical standards. National Categorical Pretreatment Standards or Pretreatment Standard. Combined sewer. A sewer receiving both surface runoff and wastewater.

10. Commercial or industrial establishment. Any building, structure or property used or occupied for any purpose other than human residential occupancy, except such building, structure or property used or occupied for any purpose defined by this section as a "governmental establishment."

11. Compatible pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus additional pollutants identified in the publicly-owned treatment works NPDES permit, where the publicly-owned treatment work is designed to treat such pollutants and in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.

12. Control authority. The term "control authority" shall refer to the "approval authority" defined hereinabove; or the Director of Public Works if the city has an approved pretreatment program under the provisions of 40 CFR 403.11. (Ord. No. 13301, 11-5-2001)

13. Cooling water. The water discharge from any use such as air conditioning cooling or refrigeration; or to which the only pollutant added is heat.

14. Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Missouri.

15. Domestic waste. Any combination of waters from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, household garbage grinders, bars, soda fountains, cuspidors, refrigerator, dryers, drinking fountains and all other liquid and water carried wastes except industrial wastes and cooling water.

16. Drainage channel. shall mean any natural or artificially constructed open channel, ditch, swale, or flume, whether lined or unlined for the drainage of storm, surface or ground water.

17. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

18. Fundamentally different factors. Factors relating to a User which are different from those factors considered during development of a categorical pretreatment standard as defined in 40 CFR 403.13.

19. Garbage. Solid wastes from the preparation of, cooking and dispensing of food, and from the handling, storage and sale of produce.

20. Governmental establishment. Any building, structure or property owned, used or occupied by any agency, branch, bureau, commission, department, division, office, unit or instrumentality of the government of the United States of America or of the state, or of any municipality or any county or any other political subdivision or political corporation of any kind whatsoever.

21. Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

22. Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump vehicles.

23. Incompatible pollutant. All pollutants other than compatible pollutants as defined elsewhere in this

24. Indirect discharge. The discharge or the introduction of pollutants from any non-domestic source regulated under section 307 (b), (c) or (d) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).

25. Industrial user. shall mean a source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).

26. Interference. The inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use of disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such user:

(a) Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by federal, state or local law:

- g. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or
- h. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

27. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate, and the duration of the sampling event.

28. National Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 403.5.

29. National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act.

30. National Prohibitive Discharge Standard or Prohibitive Discharge Standard Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.

31. Natural Outlet. Any outlet into a watercourse, stream, creek, river, pond, lake, or any other body of surface or ground water.

New Source: Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under

section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- i. the building, structure, facility or installation totally replaces the process discharge of pollutants at an existing source; or
- j. the production or wastewater generating processes of the building, structure facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- k. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of this section but otherwise alters, replaces or adds to existing process or production equipment.
- l. Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun or caused to begin as part of a continuous onsite construction program:
 - (i). Any placement, assembly or installation of facilities or equipment; or
 - (ii). Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - (iii). Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

32. Nondomestic wastewater. All discharges other than cooling water and domestic waste.

33. Pass through. The discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). An Industrial user significantly contributes to such permit violation where it:

- (a) Discharges a daily pollutant loading in excess of that allowed by contract with the

POTW or by Federal, State, or local law;

- m. Discharges wastewater which substantially differs in nature and constituents from the User's average Discharge;
- n. Knows or has reason to know that its Discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or
- o. Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such Industrial User's Discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

34. pH The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

35. Plant Manager. The person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his or her duly authorized representative.

36. Pollutant. Anything causing pollution.

37. Pollution The man-made or man-induced alteration of chemical, physical, biological, and radiological integrity of water.

38. Pretreatment. shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR, Section 403.6 (d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR, Section 403.6 (e).

39. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

40. Private well. Any well owned by any person for his or her private use.

41. Properly shredded garbage. Garbage which has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the POTW with no particle greater than one-half inch in any dimension.

42. Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act, which is owned in this instance by the Village of Arrow Rock. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. For the purposes of this section, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city limits of Arrow Rock who are by contract or agreement with the city, users of a city POTW, even though the sewers may not have been constructed or may not be maintained by the city.

43. POTW treatment plant. That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

44. Records. Such term includes books, documents, papers, apparatus, data, readings, records of analysis, plans and graphs.

45. Residential establishment. Any building, structure or property designed, constructed or used for human residential occupancy on a housekeeping or light housekeeping basis, except such building, structure or property used or occupied for any purpose defined by this chapter as a "governmental establishment."

46. Sanitary sewer. shall mean a sewer designed and intended to receive and convey only wastewater as defined herein, together with such ground water infiltration as cannot be avoided.

47. Sewer System or Sewage System. Means the POTW.

48. Significant industrial user. All dischargers subject to categorical Pretreatment Standards under 40 CFR Chapter I, Subchapter N; and any industrial user of the city's wastewater disposal system who:

(a) Has a discharge flow of 25,000 gallons or more per average work day, or

p. Has a flow greater than 5% of the flow in the city's wastewater treatment system, or

q. Has in his or her wastes toxic pollutants as defined pursuant to Section 307 of the Act of Missouri Statutes and rules or

r. Is found by the city, state department of natural resources or the U.S. Environmental Protection Agency (EPA) to have significant impact either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system. However, the Village need not designate as Significant any noncategorical Industrial User that, in the opinion of the Village and with the agreement of the Approval Authority, has no potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Any noncategorical Industrial

User designated as Significant may petition the Village to be deleted from the list of Significant Industrial Users on the grounds that it has no potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

49. Significant Non Compliance. Applies to all significant industrial users (or any other industrial user that violates C, D, or H hereof) and shall mean:

- (a) violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter numeric pretreatment standard or requirement, including instantaneous limits, as defined in Article III;
- s. Violations in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of pretreatment standard or requirement including instantaneous limits, as defined by Article III multiplied by 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH;
- t. Any other violation of a pretreatment standard or requirement as defined by Article III (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Utility Superintendent determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- u. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- v. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- w. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- x. Failure to accurately report noncompliance;
- y. Any other violation, which may include a violation of BMPs, or group of violations which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

50. Slug Discharge. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow has a reasonable potential to causes interference with the operation and performance of the POTW or pass through or an any other way

violates the POTW 's regulations, local limits or permit conditions.

51. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

52. Storm drain or storm sewer. A pipe or conduit which carries storm water, surface water, drainage and cooling water, but excludes wastewater.

53. Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

54. Suspended solids. The dry weights of the solids physically suspended in a flow of water or wastewater, as determined by the method of determining suspended matter described under the heading "Suspended Matter" in the Standard Methods for the Examination of Water and Wastewater as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and expressed in parts per million by weight.

55. Toxic Pollutants. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) of the Act or other Acts.

56. Unpolluted water. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the POTW.

57. User. The owner or occupant of property or premises that is connected directly or indirectly or has available to said property or premises the facilities of the POTW of the Village of Arrow Rock.

58. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial establishments, industrial facilities, and institutions together with any groundwater, surface water and storm water that may be present whether treated or untreated, which is contributed into or permitted to enter the POTW,

59. Water utility The water utility operated by the Village of Arrow Rock, a Public Water Supply District, or any private water company operating within the city.

60 Waters of the state. All streams, lakes, ponds, marshes, water courses, waterways, springs, reservoirs, and all other bodies or accumulations of surface water or private, which are contained within, flow through, or border upon the state or any portion thereof.

|Sec. 10-570 Prohibited Acts

A. It shall be unlawful for any Person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Arrow Rock, or in any

area under the jurisdiction of said city, any human or animal excrement, Garbage, or other objectionable waste.

B. It shall be unlawful to discharge to any Natural Outlet within the Village of Arrow Rock, or in any area under the jurisdiction of said city any Sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of Sewage.

D. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the Sewage Works. Violation of this provision shall be punishable by a fine of not more than \$500.

E. Unauthorized sewage disposal.

1. Except as otherwise provided, it shall be unlawful to construct or operate any facility intended for or used for the disposal of sewage or to discharge into any natural outlet under the jurisdiction of the city any sewage or polluted water, until treatment has been provided in accordance with this chapter.

2. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Sec. 10-580 Connection Required

A. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or Combined Sewer of the city is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said Public Sewer is within one hundred and fifty (150) of the property line.

B. All costs and expense incident to the installation and connection of the building sewer to the city's system shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.

C. Separate building sewer required.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining property, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

D. Use of old building sewers.

Old building sewers may be used in connection with new buildings only after approval by the planning and code enforcement officer.

Sec. 10-590 Responsibility of Property Owner to Maintain

The owner and occupier of any house, building or other structure which has such structure connected to either a public sanitary, Combined Sewer or other private Sewage disposal system shall be responsible for maintaining, at his, her or its expense, the pipes or other Sewer connection running from such structure to the public sanitary, Combined Sewer or private Sewage disposal system (the "Sewer Connection Facilities"). Where the Village becomes aware of a leak appearing in the Sewer Connection Facilities, the Village shall give such owner and/or occupier of the property written notice thereof and such Person shall immediately proceed to repair such Sewer Connection Facilities. If such repair is not made within a reasonable time following such notice, as set forth in the notice, the Village may discontinue water service to the property. However, if in the judgment of the Village, any leak in the Sewer Connection Facilities is of such a nature as to endanger public safety or welfare or constitute a nuisance or is the source of waste of any considerable amount of water, the Village may cut off or discontinue such service without providing prior notice to the owner or occupier. However, the Village will undertake to provide such notice as soon as reasonably possible after cutting off such service.

Sec. 10-600 Private Sewer Allowed, When

- A. Where a public sanitary or Combined Sewer is not available the Building Sewer may be connected to a private Sewage disposal system complying with the provisions of this article.
- B. Before commencement of construction of a private Sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$1000.00 shall be paid to the city at the time the application is filed.
- C. A permit for a private Sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. She/He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered.
- D. The type, capabilities, location, and layout of a private Sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private Sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any Natural Outlet.
- E. At such time as a Public Sewer becomes available to a property served by a private Sewage disposal system, as provided in Sec. 10-580, a direct connection shall be made to the Public Sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private Sewage disposal facilities shall be abandoned and filled with suitable material.
- F. The owner shall operate and maintain the private Sewage disposal facilities in a sanitary

manner at all times, at no expense to the Village.

G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

H. When a Public Sewer becomes available, the Building Sewer shall be connected to said Sewer within ninety (90) days and the private Sewage disposal system shall be cleaned of sludge and filled with suitable material.

Sec. 10-610 Permits

A. No unauthorized Person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

B. There shall be two (2) classes of Building Sewer permits (a) for residential and commercial service, and (b) for service to establishments producing Industrial Wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$3,000 for a residential or commercial Building Sewer permit and \$5000.00 for an industrial Building Sewer permit shall be paid to the city at the time the application is filed.

C. All costs and expense incident to the installation and connection to the Building Sewer shall be borne by the owner, including but not limited to Sewer main damage; street, drainage, and sidewalk damage, other utility damage. The owner or the Person installing the building for said owner shall indemnify said Village from any loss or damage that may directly or in-directly be occasioned by said installation. Definition of a Sewer tap shall be a 4-inch Sewer pipe with a minimum SDR of 35 installed from the Sewer main in the street or alley to the edge of the same street or alley easement. The charge of installation of a Sewer tap shall be \$300.00. The Village's water and Sewer personnel will install all Sewer taps or a contractor authorized by the Village of Arrow Rock.

Sec. 10-620 Building Sewer, Design Criteria

A. The size, slope, alignment, materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions of in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

B. Materials

1. solid wall ABS plastic, SDR-35 conforming to A.S.T.M. Specification D-2751. Joints shall be by solvent welding or rubber gasket, (Except in regard to the ABS plastic other plastic materials may be used only if manufactured for the purpose of carrying Sewer waste material and providing the above SDR figures are maintained.); or

2. Extra strength clay pipe and fittings conforming to A.S.T.M. C700. Joints shall conform to A.S.T.M. C425 "Compression joints for Vitrified clay bell and spigot pipe" or A.S.T.M. C594 "Compression Couplings for vitrified clay plain end pipe", or

3. Cast iron soil pipe and fitting conforming to A.S.T.M. A74 with rubber gasket joints conforming to A.S.T.M. c564.

C. The Building Sewer shall be constructed of approved pipe and fittings meeting the current ASTM specifications

D. All joints and connections shall be made gas tight and watertight. Connections between pipes of different materials shall be made by adapters specifically designed for that purpose and shall provide a gas and watertight connection.

E. Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter, A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together.

F. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces

G. Solvent welds shall be made using materials specifically designed for the pipe used. "All purpose glues" shall not be used.

H. The size and minimum slope of the Building Sewer shall be as provided herein subject to the review and approval of the Superintendent, but in no event shall the pipe inside diameter be less than four (4) inches The following table shall be to determine the Building Sewer line used size requirements:

<u>Inside Diameter</u>	<u>Maximum Discharge Flow Rate</u>	<u>Minimum Grade</u>
4"	35 gal/min.	1.07.
6"	90 gal/min.	0.67.
8"	150 gal/min.	0.47.

Whenever possible the Building Sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a Building Sewer shall be open trench work unless otherwise approved by the said inspector. Pipe laying and backfill shall be performed in accordance with ASTM specification D2321 for plastic and ASTM C12 for vitrified clay pipe. except that no backfill shall be placed until the inspector or his representative has inspected the work. Cast iron soil pipe shall be installed in accordance with the requirements for vitrified clay pipe.

I. The Building Sewer line shall be placed on bedding material with a minimum thickness of three (3) inches. The bedding material shall be used to provide a uniform bearing area for the pipe and joints. Bedding material consists of crushed stone ranging in size from a maximum 1/2" diameter to a minimum size, which is retained on a No. 4 size. Over excavation of the trench shall be backfilled to the proper grade by the use of bedding materials.

J. In all buildings in which any Building Drain is too low to permit gravity flow to the Public

Sewer, sanitary Sewage carried by such drains shall be lifted by approved artificial means and discharged to the Building Sewer. No water operated Sewage ejector shall be used.

K. The connection of the Building Sewer into the Public Sewer shall be made at the "t" or "y" branch designated for that property if such branch is available at a suitable location. Any connection not made at the designated "t" or "y" branch in the main Sewer, shall be made only as directed by the said inspector. The connection of the Building Sewer into the Public Sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the village, or the procedures set forth in appropriate specifications of the A.S.T.M. and the S.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. The Superintendent before installation must approve any deviation from the prescribed procedures and materials.

L. Outside the foundation, the Building Sewer line shall have a cleanout installed complete with a watertight cap installed at the ground surface. An additional cleanout shall be placed at each bend in direction of forty-five (45) degrees or greater. The alignment of the Building Sewer line shall be straight with bends made using fittings designed for the degree of bend required.

M. All excavations for Building Sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Village.

|Sec. 10-630 Storm Water

A. No Person shall discharge any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, other sources of surface runoff or groundwater, uncontaminated cooling water, or unpolluted industrial process waters to any Sanitary Sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such Sewers as are specifically designated as Combined Sewers or storm Sewers, or to a Natural Outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm Sewer, Combined Sewer, or Natural Outlet.

|Sec. 10-640 Prohibited Discharges

No Person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewers:

A. Any gasoline, benzene, naphta, fuel oil, or other flammable or explosive liquid, solid, or gas.

B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any Sewage treatment process, constitute a hazard in the receiving waters of the Sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as

discharged to the Public Sewer.

C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Sewage Works.

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers, or other interference with the proper operation of the Sewage Works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground Garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, mild containers, etc., either whole or ground by Garbage grinders.

E. No Person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the Sewers, Sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Sewers, materials of construction of the Sewers, nature of the Sewage treatment process, capacity of the Sewage treatment plant, degree of treat ability or wastes in the Sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) E F (65E C).
2. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) E F (0 and 65E C).
3. Any Garbage that has not been properly shredded. The installation and operation of any Garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid iron, pickling wastes or concentrated plating solutions, whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite Sewage at the Sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite Sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
 10. Unusual concentrations of inert Suspended Solids (such as, but not limited to, Fillers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 11. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 12. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the Sewage treatment works.
 13. Unusual volumes of flow or concentration of wastes constituting "Slugs" as defined herein.
 14. Waters or wastes containing substances which are not amenable to treatment or reduction by the Sewage treatment processes employed, or are amenable to treatment only to such degree that the Sewage treatment plant effluent cannot meet the requirements of the other agencies having jurisdiction over discharge to the receiving waters.
15. Any waters or wastes having
16. A 5-day BOD greater than 300 parts per million by weight, or
17. Containing more than 350 parts per million by weight of Suspended Solids, or
18. Having an average daily flow greater than 2 percent of the average Sewage flow of the city shall be subject to the review of the Superintendent.

|Sec. 10-650 Surcharge

Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million by weight, or reduce the Suspended Solids to 350 parts per million by weight, or control the quantities and rates of discharge of such waters or wastes, pay additional surcharge (Reference is made to Appendix A of this Ordinance)

BOD Surcharge = \$0.49 per lb.

SS Surcharge = \$0.42 per lb.

|Sec. 10-660 Pretreatment

- A. If the Superintendent permits the pretreatment or equalization of waste flows, the design

and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

B. Plans, specifications, and any other pertinent information relating to propose preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

C. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

|Sec. 10-670 Actions village may take with reference to certain wastes.

If any waters or wastes are discharged, or are proposed to be discharged to the Public Sewers, which waters containing the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the Sewage Works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

- A. Reject the wastes,
- B. Require pretreatment to an acceptable condition for discharge to the Public Sewers,
- C. Require control over the quantities and rates of discharge, and/or
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or Sewer charges under the provisions of Section 10 of the Article.

|Sec. 10-680 Interceptors.

A. Grease, oil and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units.

B. All interceptors shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection.

C. A grease interceptor or trap shall be installed in the waste line leading from sinks, drains, or other fixtures in all restaurants, hotel kitchens, bars where food is served, factory cafeterias, clubs, fraternal organizations or other commercial establishments where grease may be introduced into the drainage system.

|Sec. 10-690 Building Sewer, Control Manhole may be required.

When required by the Superintendent, the owner of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the

Superintendent. The manhole shall be installed by the owner at his/her expense, and shall be maintained by her/him so as to be safe and accessible at all times.

|Sec. 10-700 Measurements

A. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage Works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls or a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and Suspended Solids analyses are obtained from 24-hour composites of all outfalls whereas pH analyses are determined from periodic grab samples.)

B. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH analyses are determined from periodic grab samples.

|Sec. 10-710 Special Agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an Industrial Waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

|Sec. 10-720 Cleaning Private Laterals

The Village is not responsible for cleaning and maintenance of private lateral.

|Sec. 10-730 Penalties.

A. Except for provisions regarding tampering or where there is an immediate public health hazard (as determined by the superintendent) any Person found to be violating any provision of this ordinance should be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any Person who shall continue any violation beyond the time limit provided for, shall be guilty of a an ordinance violation, and on conviction thereof shall be fined in the amount not exceeding \$50.00 dollars for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

C. Any Person violating any of the provisions of this ordinance shall become liable to the

village for any expense, loss, or damage occasioned the city by reason of such violation.

D. The remedies provided for in this section shall be in addition to such other remedies as are provided by law, including the discontinuance of water service to the property.

Sec. 10-740 Billing for Sewer Services

A. Each user shall pay for services provided by the Village based on his use of the treatment works as determined by water meter(s) acceptable to the Village. Monthly user charges will be based on each user's monthly water usage.

B. Rates and Minimum Charges will be as set forth in Addendum C to this Chapter.

C. In instances where more than one (1) customer is served by one (1) water meter, the sewer charge will be handled in the same manner as the water charge.

D. All Sewer service charges established by this ordinance shall be part of but noted as a separate item on the water bill of each user, and shall be billed, collected, and become delinquent at the same time and in the same manner as the water bill. Any user of the Village's Sewer system who is delinquent in the payment of the Sewer service charge provided herein shall be disconnected from the Village water service and from the Sewer system in the same manner and at the same time as provided for in other ordinances for disconnection from the water system.

E. If a User's water bill is adjusted, the sewer bill will be adjusted accordingly.

Sec. 10-750 Wastewater Committee

A. A Wastewater Committee shall be appointed by the Chairman of the Board of Trustees During the June Meeting of the Town Board. This committee shall consist of at least three members: the Superintendent, a member of the Town Board, and a citizen of the town. Two additional members may be appointed as needed.

B. The Wastewater committee shall function as the Hearing Board for complaints, service requests, or adjustments that arise during operations of the sewer system.

C. The Superintendent may call and conduct the meetings of the Wastewater committee monthly to discuss complaints or violations. The committee is responsible for wastewater system operation, and may add to, modify, or amend the Operation Manual. Recommendations from this committee, as well as operational and financial data, shall be reviewed by the Town Board of Trustees during their regular monthly meeting.

Arrow Rock

Chapter 11 Zoning

ARTICLE I. IN GENERAL¹

|Sec. 11.010 Scope, Purpose of Provisions.

In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirement for the promotion of the health, safety, morals, and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision 'of law or ordinances or any rules or regulations previously adopted pursuant to law relating to the use of buildings or premises; nor is it intended by this chapter to interfere with or abrogate or annul any easements, or covenant or agreements.

|Sec. 11-020 Interpretation.

The provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever the regulations of this Chapter require a higher standard than that required by other regulations, order of a public official, private deed restriction or private covenants, this Chapter shall govern. If the requirements of such other regulation, order, private deed restriction or private covenant are the more restrictive, then those requirements shall govern. This provision does not require and shall not be interpreted to require the Village to enforce private deed restrictions.

|Sec. 11-030 Applicability.

Except as may otherwise be provided in 0 of this Chapter "Non-Conformities", from and after the effective date of this Chapter, all new structures erected, all uses of land or structures established, all structural alterations to or the relocation of existing structures, and all enlargements of or additions to existing uses shall be subject to all regulations of this Chapter that are applicable to the zoning districts in which such structures, uses or land shall be located.

However, where a building permit for a structure has been legally issued in accordance with applicable laws and regulations in effect prior to the effective date of this Chapter, February 22, 1996, or the effective date of any amendments

¹ Editor's Note: Former Sections 11-3 to 11-4 moved to Chapter 12, Architectural Review Board

thereto and provided that construction is begun within one (1) year of the date of the building permit and diligently pursued to completion, such structure may be completed in accordance with the approved plans on the basis of which the building permit was issued. Upon completion, the structure may be occupied under a certificate of occupancy for the use originally designated, subject thereafter to all provisions of this Chapter.

|Sec. 11-040 Validity.

In the event any court of competent jurisdiction should hold any Article, Section, clause or provisions of this Chapter to be invalid, the same shall not affect the validity of the Zoning Code, as a whole or any part thereof, other than the part so declared to be invalid.

|Sec. 11-050 Definitions.

For the purpose of this chapter, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number include plural; and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" or the word "must" is mandatory and not directory; the word "lot" includes the word "plot"; the term "used for" includes the meaning "designed for" or "intended for".

BLOCK shall mean a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the board of trustees shall determine the outline of the block.

CRAFT SHOP commercial establishments that manufacture and sell such items as leather goods, candles, pottery, woven goods, or jewelry.

DWELLING shall mean a building arranged, intended, designed for, or occupied by not more than one (1) family.

LOT shall mean a parcel of land occupied or to be occupied by a building and its accessory buildings and including such open spaces as required under this chapter, and having its principal frontage upon a public street or place.

NONCONFORMING USE, BUILDING, OR YARD shall mean one that does not, by reason of design or use, conform to the regulations of the district in which it is situated.

PLACE shall mean an open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

STREET shall mean a public thoroughfare or place, which affords principal means of access to property abutting thereon.

STRUCTURAL ALTERATIONS shall mean any change in the supporting member of a building, such as bearing wall, columns, beam, or girders.

ARTICLE II. PLANNING AND ZONING COMMISSION

Sec. 11-060 Appointment, Vacancies, and Organization.

There shall be a Village of Arrow Rock Planning and Zoning Commission consisting of seven (7) citizen members appointed by the President and approved by the Board; the President, if the President chooses to be a member; and a member of the Board of Trustees selected by the Board, if the Board chooses to have a member serve on the Commission.

Sec. 11-070 Citizen Members.

A. Citizen members shall serve without compensation and shall serve for a term of four (4) years. Said terms shall commence on June first (1st) of the year of appointment and shall expire four (4) years later on May thirty-first (31st); provided however, that the first (1st) citizen members appointed upon passage of this Section shall be appointed as follows:

Two (2) for a term ending May 31, 2020;

One (1) for a term ending May 31, 2021;

One (1) for a term ending May 31, 2022; and

One (1) for a term ending May 31, 2023.

B. Vacancies shall be filled for the unexpired term of a member by appointments as provided in Subsection (A). The Board may remove any citizen member for cause stated in writing and after public hearing.

C. The Commission shall elect its Chairman, Vice Chairman and Secretary from among its citizen members. Their terms shall be for one (1) year with eligibility for re-election. The Vice Chairman shall succeed the Chairman if he/she vacates his/her office before his/her term is completed, with the Vice Chairman to serve the unexpired term of the vacated office. A new Vice Chairman shall be elected at the next regular meeting.

Sec. 11-080 Powers and Duties.

The Planning and Zoning Commission shall have all the powers and duties granted to it as provided for in Chapter 89, RSMo., as amended.

Sec. 11-090 Records.

The Building Commissioner and/or Village staff shall inform the Commission of correspondence relating to business of the Commission and attend to such correspondence. All maps, plans, correspondence, plats and other matter required to be filed shall be kept in the municipal files in accord with Village regulations.

ARTICLE III. ZONING FEES AND DEPOSITS CONCERNING LAND USE REGULATIONS

Sec. 11-100 Fees Established.

- A. The fees and deposits for applications, filings, Village review, and exceptions and appeals therefrom pertaining to the Village's regulation of land use are established as follows:

Zoning Code. Filing fees for the various procedures and petitions addressed in Chapter 11, being the Village's Zoning Code, and any amendments thereto, to be submitted by applicants at the time of submission of the applicable application shall be as follows:

Application/Permit	Amount of Fee /Deposit	Zoning Code Reference
1. Rezoning		
2. Text Amendments		
3. Site Plan Approval		
4. Conditional Use Permit		
5. Special Events Permit		
6. Board of Adjustment		
(Appeals/Variances)		
7. Building Permit		
8. Occupancy Permit		
9. Administrative Permit		
10. Development Plan or Planned Residential District Approval		

Fee Administration.

C. The filing fees and deposits set forth in Subsection (A) of this Section shall be paid in anticipation of the Village's expenses incurred in processing the application or submission at issue, including, but not limited to, administrative and clerical costs, costs of title research, surveys, legal, engineering and planning review, cost of traffic and planning consultants employed by the Village, publication expenses, expenses of notification to adjoining property owners, expenses of hearings including rental of a hall, if necessary, court reporter, if requested by either the Village or the applicant, and other investigations deemed necessary by the Village. Processing and all other actions related to the application or submittal shall not proceed until the applicable fee is paid in full.

D. In the event the fee or deposit noted are insufficient to pay all such expenses incurred by the Village, the Chairman of the Board may document additional costs incurred by the Village and request payment of same within thirty (30) days. Processing and all other actions related to the application shall not proceed until such additional sums are paid in full. Any and all unused portions of any additional sums required under this Section shall be refunded to the applicant.

E. The Planning and Zoning Commission and the Board of Adjustment may adopt fees for processing matters that come before it where those fees are not otherwise provided by ordinance. These fees may not exceed two hundred fifty dollars (\$250.00) for commercial matters and one hundred dollars (\$100.00) for residential matters. A schedule of such fees shall be filed with the Village Clerk, at which time they shall become effective.

ARTICLE IV ESTABLISHMENT OF DISTRICTS

|Sec. 11-110 Zoning District Map Adopted, Designation of District Boundaries

A. For the purpose of promoting the health, safety, morals, history, or the general welfare of the community, by regulating and restricting the location, the use and reconstruction or alteration of buildings, structures and land for trade, residence or other purposes, the village is hereby divided into four (4) districts as follows:

1. District A: Historical Single-Family Residential District
2. District B: Historical Commercial

B. Boundaries of districts as designated and set out in this section are hereby established, adopted, and declared to be such boundaries as are shown on that map of the village, which is attached hereto as Appendix A, as may be revised from time to time.

C. The map and all notations, references, and information shown thereon are hereby made a part of this chapter as fully as if the same were set forth in full therein. It shall be the duty of the city clerk immediately upon the passage of any ordinance changing the boundaries of any district as show on said map, to post on the map the number of the ordinance and a brief summary of the substance of such change and the area affected thereby.

|Sec. 11.120 Reserved

|Sec. 11-130 Interpretation of Boundaries of Districts — Changes to Zoning Map.

A. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map, the following rules apply:

B. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

C. 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 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.

D. In un-subdivided property, the district boundary lines on the map shall be determined by use of the scale appearing on the map.

ARTICLE V DISTRICT USE REGULATIONS

|Sec. 11-140 Historical Single-Family Residential District

A. In no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses:

1. Single-Family Dwellings.
2. Churches and Community Buildings.
3. Public Parks and Playgrounds, Public Recreation Building and Public Museums.
4. Public Administrative Buildings, Public Libraries, Police Stations, and Fire Stations owned and operated by the city.
5. Boarding or Lodging Houses.
6. Lodge Halls.

B. Accessory Uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business. The term "accessory use" shall include customary home occupations, such as the office of physician, dentist, surgeon, dressmaker, musician or artist, or small antique shops under the following restrictions:

1. That such uses are located in the dwelling used by a person as his or her private residence.
2. That not more than one assistant other than a member of the family is employed, and no window display or external sign, either illuminated or more than one square foot in area in used to advertise the same.
3. That no power other than electric and of not more than one horsepower is used, other than for air conditioning purposes.
4. A billboard, signboard or advertising sign shall not be permitted as an accessory use, except that the placing of an unilluminated "For Sale" or "For Rent" sign not more than eight (8) square feet in area may be permitted as an accessory use, and except that churches and other institutions may display signs showing names, activities and service therein provided, and that during construction of a building one unilluminated sign advertising contractors or architects on such buildings shall be permitted, providing such sign not be more than eight (8) square feet in area, and shall be set back of the established or customary building line, and such sign shall be removed immediately upon completion of the building.

C. Uses By Special Permit.

The Board of Trustees may, by special use permit, authorize the following uses subject to such conditions as the Board deems necessary, to include but not be limited to, proper setbacks, landscaping, screening, fencing, maintenance provisions and similar requirements:

1. Not-For-Profit Institutions operating theaters, including the theater facility, parking, storage and construction facilities, and seasonal housing; and
2. Not-For-Profit Organizations operating antique shops provided any sales generated in such business collect and disburse all sales taxes, including Arrow Rock sales tax.
3. Restaurant in a dwelling designed as a private residence used or not used as a private residence.
4. Operation of a business in a separate building located on the same lot and not in the dwelling used as a private residence.

D. Furthermore, in order to promote the general welfare through the preservation and protection of features of historical significance, no person shall be permitted to build, erect, construct, alter, destroy or remove buildings or structures, or in any way change the outward appearance of any building or structure in District A without having obtained approval for so doing by the Board of Trustees upon the recommendation of the Board of

Architectural Review as herein created. Evidence of such required approval shall be a Letter of Approval issued by such Board of Trustees.

|Sec. 11-150 Reserved.

|Sec. 11-160 Reserved.

|Sec. 11-170 District B Historic Commercial.

- A. District B shall be the Historical Commercial District. In District B no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, or altered, except for any use permitted in district B.
- B. Furthermore, in order to promote general welfare through the preservation and protection of features of historical significance, no person shall be permitted to build, erect, construct, alter, destroy or remove buildings or structures, or in any way change the outward appearance of any building structure without having obtained approval for so doing by the Board of Trustees upon the recommendation of the Board of Architectural Review as herein created. Evidence of such required approval shall be a Letter of Approval issued by such Board of Trustees.

|Sec. 11-180 Parking of Mobile Home: Restriction.

The parking of a single or double-wide mobile home to be used as a residence whether or not the wheels have been removed there from, shall be prohibited forever.

ARTICLE VI NON-CONFORMING USES

|Sec. 11-190 Nonconforming Uses of Land Continued.

The lawful use of land now existing on December 2, 1974, although such use does not conform to the provisions hereof may be continued, but if such nonconforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this chapter.

|Sec. 11-200 Nonconforming Uses of Buildings Continued.

The lawful use of a building existing on December 2, 1974, may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance, are made therein.

|Sec. 11-210 Change of Property To More Or Less Restrictive Classifications.

A nonconforming use if changed to a conforming use or more restricted, nonconforming use, may not thereafter be changed back to a less restricted use than that to which it was changed. If any property is hereafter transferred to a

more restricted district by change in the district boundaries, or the regulations and restrictions in any district and made more restrictive or of a high classification by amendment to this chapter, the provisions of this chapter relating to the nonconforming use of buildings or premises existing thereon shall apply to buildings or premises occupied or used at the time of the passage of such amendment.

Sec. 11-220 Non-Conforming Buildings and Structures, Generally.

- A. Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located shall be subject to the provisions of this Section.
 - 1. Repairs. Ordinary repairs may be made to a non-conforming building or structure. Ordinary repairs shall be determined by the Building Inspector and shall include, among other things, repairs or improvements made by order of the Building Inspector to remedy unsafe conditions.
 - 2. Alterations and enlargements. A non-conforming building or structure which is non-conforming only as to height, yard, parking or loading requirements may be altered, including structural alteration or enlargement, provided such complies with the regulations and standards of this code. A non-conforming building or structure shall not be altered or enlarged unless such non-conforming buildings or structures and additions thereto are made to conform with all regulations herein for the district in which it is located.
 - 3. Restoration after damage.
 - a. A non-conforming building or structure which is destroyed or damaged by fire or other casualty or act of God may be restored to its size and occupancy immediately prior to the damage.
 - b. Such restoration shall be completed within one (1) year of the date of damage provided any time for litigation shall not be counted in the one (1) year period. Time for litigation shall begin to run upon the filing of a lawsuit in a court of competent jurisdiction and shall end upon the entering of a final judgment or withdrawal of the lawsuit.

ARTICLE VII VIOLATIONS, PENALTIES AND ENFORCEMENT OF LAND USE CODE

Sec. 11.230 Enforcement.

- A. This Chapter of the Municipal Code, as amended, shall be referred to as the Land Use Code and shall be enforced by the Zoning Administrator, Building Commissioner and/or other Village official designated to enforce the Village's building, zoning, subdivision,

grading and other codes and regulations (hereinafter referred to as the "Code Official"). In the event that this Code refers to any Code Official and such official has not been appointed then this Code shall be interpreted to refer to the President of the Board or her/his designee.

- B. The construction, reconstruction and/or alteration of structures shall not be undertaken and the development of land shall not be commenced except in accordance with the provisions of this Land Use Code. No permit or application for the construction, alteration, or change of the use of structures or land shall be approved if the proposed use or activity would be in violation of this Land Use Code.

Sec. 11.240 Inspections.

The Code Official is authorized to make inspections to determine whether dwellings, dwelling units, accessory structures and other structures and premises located within this Village conform to the requirements of this Land Use Code and any governing site plan, development plan, site-specific ordinance passed pursuant to this Land Use Code, conditional use permit or other permit or authorization. For the purpose of making such inspections, the Code Official is authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, accessory structures and premises. In carrying out interior inspections, the Village shall first use reasonable means to obtain applicable consent to entry of the building, structure or premises. In the event such consent to entry is refused or cannot be obtained, the Village may apply to the Judge of the Arrow Rock Municipal Court and the Municipal Judge shall have authority to issue search warrants for searches or inspections of such building, structure, or premises to determine the existence of violations of this Land Use Code.

Sec. 11-250 Notice of Violation and Sanctions.

If the Village determines or finds that any of the provisions of this Land Use Code are being violated, the Village shall notify in writing, if possible, the liable person(s) (as defined in Section 11-140(B)), indicating the nature of the violation and ordering the action necessary to correct it, provided that if the violation is a continuation of an existing violation, i.e., a violation for which the liable person(s) has already been notified within the last sixty (60) days, the Village shall not be required to give any further notification.

Sec. 11-260 Conformance with Approved Plans and Conditions.

All permits issued on the basis of plans and/or applications approved by either the Building Commissioner, the Zoning Administrator, the Commission and/or the Board of Trustees and/or other Village official shall authorize only the use, arrangement and/or construction set forth in such approved plans and/or applications and no other use, arrangement or construction.

Sec. 11-270 Stop Work Orders and Stop Use Orders.

Upon determination that there is a violation, the Code Official is authorized to issue an order requiring the cessation of any erection, construction, reconstruction, alteration, conversion, maintenance or use in violation of this Land Use Code by posting a stop work or stop use notice on the premises or by notice in writing to the owner of the property involved or to his agents or to the person doing the work, in the case of a stop work order, stating the nature of the violation. The Police Department shall aid in enforcing the Land Use Code by posting stop work or stop use notices, when requested by the Village.

Sec. 11-280 Premises/Conditions Not Brought Into Compliance May Be Corrected or Removed.

If the violations set out in a notice have not been corrected within the specified time period after delivery of the notice, the Code Official may enter upon the premises and remove, correct, dispose of and/or otherwise remedy any violations of this Land Use Code. The Village may take any and all other action authorized by law to ensure compliance with or prevent violation of the provisions of this Land Use Code.

Sec. 11-290 Costs to Liable Persons.

The Village's costs of enforcement of the Land Use Code including administrative costs of inspections and attorneys' fees and/or the cost of bringing the premises or condition of land into compliance including the Village's administrative costs of inspections and attorneys' fees shall be a joint and several obligation of all liable persons.

Sec. 11-300 Expenses Incurred to Be Assessed as Lien On Property.

In the event the liable person(s) fail to reimburse the Village within sixty (60) days for the cost incurred for enforcement and/or repair, correction, removal or other remediation ordered by the Code Official, the Board of Trustees shall certify the charges for remediation of the violation to the Village Clerk as a special assessment represented by a special tax bill against the real property on which the violation occurred. The tax bill shall be a first (1st) lien upon the property and shall be enforced to the same extent and in the same manner as all other special tax bills. The assessment shall bear interest at the rate of eight percent (8%) per annum until paid.

Sec. 11-310 No Permits to Be Issued After Failure To Bring Premises Into Compliance Or Failure To Pay Costs.

The Village shall not issue any further permits to liable persons, nor to agents or

representatives of such liable persons, who refuse or fail to, within the time allotted:

Bring the premises into compliance, and/or

Pay costs assessed by the Village for its actual expenses for bringing the premises into compliance.

Sec. 11-320 Revocation of Occupancy Permit(s).

The Board of Trustees, subject to the provisions of the Code, may revoke any occupancy permits (if applicable) to liable persons who:

- A. Refuse or fail to, within the time allotted, bring the premises into compliance;
- B. Refuse or fail to, within the time allotted, pay costs assessed by the Village for its actual expenses for bringing the premises into compliance; and/or
- C. Have been cited by the Village for willful violations of this Land Use Code more than three (3) times within three (3) years prior to the subject violation.

Sec. 11.330 Violations and Penalties.

- A. Violations. Violations of this Land Use Code shall include, but are not limited to, the following:
 - 1. The use, alteration, or construction of structures or improvements or the use of land or a site not in accordance with the provisions of this Land Use Code or with the terms, conditions, or restrictions of any approved site plan, development plan or permit issued pursuant to this Land Use Code.
 - 2. Failure to obtain permits as required by this Land Use Code.
 - 3. Failure to comply with the terms, conditions, or restrictions of a variation issued pursuant to this Land Use Code.
 - 4. Failure to comply with any order to remove, corrects, remediate, or otherwise bring into compliance any violation of this Land Use Code within ten (10) days of the order.
- B. Persons Liable for Violation. Those chargeable, singly or jointly, with violations of this Land Use Code, who knowingly continue to violate or after receiving notice of violations fail to correct said violations, shall include, but are not limited to, the following:
 - 1. Those who commit, assist in or otherwise participate in violations;
 - 2. The owner or other persons who maintain the building, premises, property or other place where the violation has been committed or exists;
 - 3. The owner's agent or person in charge of the building, premises, property or other place where the violation has been committed or exists;

4. The lessee or tenant of all or part of the building, premises, property or other place where the violation has been committed or exists; or
5. The developer, agent, architect, contractor, subcontractor, or any other person who performs work or enters into a contract for work in violation of this Land Use Code.

C. For purposes of this Section, the person or persons described in subsections (1) to (5) above shall be referred to as a "liable person"

Sec. 11-340 Penalties.

- A. Any liable person found guilty of violating of any provision of this Land Use Code because it has been determined that a violation or violations have been committed or exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Each day a violation continues after service of the first (1st) notice to abate such violation shall constitute a separate offense.
- B. Any liable person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of this Land Use Code in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). Each day a liable person fails to comply with any such order shall constitute a separate offense.
- C. Any liable person found guilty of violating of any provision of this Land Use Code shall, in addition to any other penalty, reimburse the Village for its actual costs and fees, including attorneys' fees, expended in the enforcement of this Land Use Code.
- D. Equitable Relief And Sanctions. In addition to any other civil or criminal penalties established or imposed for violations of this Land Use Code, the Village may apply to a court of competent jurisdiction for such legal or equitable relief as may be necessary to enforce compliance with or restrain or enjoin violations of the provisions of this Land Use Code, to prevent the occupancy of buildings, structures or land, and to prevent any illegal act, conduct, business or use in or about such premises. As part of any judgment and order granting equitable relief in favor of the Village, the court shall award the Village its actual costs and fees, including attorneys' fees, expended in the enforcement of this Land Use Code. The court may also grant all other necessary and proper relief including revocation of the occupancy permit governing the subject premises.

ARTICLE VIII AMENDMENTS

Sec. 11-350 Authority of Board of Trustees to Amend.

The Board of Trustees may, from time to time, on its own motion or on petition, after public notice and hearings thereon as provided herein, amend, supplement, change, modify or repeal the regulation and restrictions as established herein and may change, restrict or extend the boundaries of the various districts established herein. Before taking any action upon any proposed amendment, modification, change, restriction or extension, the same shall be referred by the Board of Trustees to the Planning and Zoning Commission for a report and recommendation. A petition or application to amend, supplement, change, modify or repeal any regulation or restriction as established herein may also be presented to the Board of Architectural Review for report and recommendation to the Board of Trustees. The Planning and Zoning Commission shall hold public hearings thereon before submitting its final report to the Board of Trustees. Such public hearings shall conform to the notice requirements herein. The Board of Trustees shall not hold its public hearings or take action until it has received the final report of the Planning and Zoning Commission.

Sec. 11-360 Notice. Public Hearing Prior to Action on Amendments.

- A. No action on an amendment, change, modification or repeal shall be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation in the Village of Arrow Rock.
- B. In addition, the City Clerk shall send written notice to all property owners who own property within 185 feet (185') of the property proposed to be amended.

Sec. 11-370 Protest by Owners to Proposed Amendments: Vote of Trustees Prescribed.

If a protest against an amendment, change, modification, repeal, restriction or extension shall be presented duly signed and acknowledged by the owners of ten percent (10%) or more, either of the land, exclusive of streets and alleys, included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not be passed except by three-fifths (3/5) vote of the board of trustees, and at least three (3) affirmative votes.

Sec. 11-380 Changes to Official Zoning Map

- A. Changes due to annexation. Land area incorporated through annexation shall retain its existing zoning classification until an application for rezoning is submitted and approved

by the City. Any application for a building permit or development plan shall be processed in the customary manner as it would have been prior to annexation.

- B. Changes due to right-of-way vacation. Unless otherwise provided by ordinance, whenever any street, alley or public way is vacated by an official action of the Board of Trustees, the zoning district adjoining each side of such vacated land shall be automatically extended to the center of the land vacated and all land included in the vacation shall then be subject to the regulations and restrictions of that particular district.

ARTICLE IX BOARD OF ADJUSTMENT

|Sec. 11-390 Created and Membership.

There shall be a Board of Adjustment which shall consist of five members, who shall be freeholders and appointed by the chairman with the approval of the Board of Trustees. The membership of the first board appointed shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter member shall be appointed for terms of five years each. Three alternate members may be appointed to serve in the absence of or the disqualification of the regular members. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

|Sec. 11-400 Organization.

The board of adjustment shall elect its own chairman who shall serve for one year.

|Sec. 11-410 Adoption of Rules, Meetings, Records.

The Board of Adjustment shall adopt rules in accordance with the provisions of this chapter. A quorum shall consist of at least four members and a three-fourths (3/4) vote shall be required for action to be passed by this Board. Meetings of the Board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto, and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.

|Sec. 11-420 Appeals to Board-Right, Time Limitation, Filing, Transmittal to Board

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any

officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. Standards for review of any appeal, and time limits governing such appeals shall be furnished to the appellant, and the public upon request, prior to any hearing by the Board or by the Board of Trustees if further appeal is taken.

Sec. 11-430 Same – Effect

An appeal as provided for in section 11-19 stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Trustees after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the officer from whom the appeal is taken and due cause shown.

Sec. 11-440 Same Hearing Set: Appearance of Parties

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal provided for in section 11-9, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Sec. 11-450 Powers

The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter.
- B. To hear and decide special exceptions to the terms of this chapter upon which such Board is required to pass under this chapter.
- C. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such provision, to vary or modify the application of any of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the provisions shall be observed, public safety and welfare secured and substantial justice done.

- D. to grant a permit for the extension of a use, into an adjoining district for a distance of not more than twenty-five (25) feet, where the boundary line of the district divides a lot in a single ownership.
- E. To reverse or affirm wholly or partly, or modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer or board from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or board, or to decide in favor of the applicant on any matter upon which it required to pass under any ordinance in this chapter or to effect any variation in such ordinance.

Sec. 11-460 Appeal From Board of Adjustment.

Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment or any officer, department, board or bureau of the municipality, may present to the Circuit Court of Saline County, Missouri, a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the City Clerk. Upon presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearings, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. All issues in any proceedings under Section 400 and 450 shall have preference over all other civil actions and proceedings.

Sec. 11-470 Restrictions, Use

No buildings or structures shall be erected, constructed, reconstructed or structurally

altered, nor shall any building, structure, or land be used for any purpose other than is permitted in the district in which such building, structures, or land is situated. All criteria adopted for land use or the erection or alteration of any improvement thereon shall be set out in writing in a clear and readily understandable form and shall be made available to the public.

ARTICLE X. PRESERVATION OF BUILDINGS OF HISTORICAL SIGNIFICANCE

Sec. 11-490 Attachment A

The objective of the ordinance creating the Historical District and the Architectural Review Board is to maintain the historical integrity of the area by preserving buildings of historical significance, and controlling new buildings and remodeling of old buildings for the purpose of preserving the historical flavor of the area and to encourage the preservation of landmarks in the area.

A professionally produced historical survey of the town, updated and revised on an ongoing basis, should be obtained to assist the implementation of the goals of this ordinance.

Attachment B

Because the entire village of Arrow Rock has been designated a National Historic Landmark, and because there are no areas in, or additions to, the village that are adverse to its nineteenth century character, the entire corporate limits defining the geographic area of the village shall also define the area subject to any article or section of these ordinances relating to historic preservation or any requirements in furtherance thereof.

The ultimate goal of the ordinance is to prepare a restoration and land-use plan, showing each building in the area, and detailing precise amount of construction, demolition, restoration and reconstruction that would be needed.

We adopt the following criteria as a basis for passing on work to be done on any building in the historical district.

- (1) Determine from pictures taken of all buildings in the Historical District or from records on file with the Friends of Arrow Rock whether the building in question is of historical significance.
- (2) Determine what the original exterior material of the building was and preserve this material wherever possible.
- (3) Roofing material generally will be wood shakes, or asphalt shingles in a dark color.
- (4) Determine- the original fenestration of the building, that is, windows, doors, etc . If this has been changed over the years, make necessary alterations wherever possible to

restore the original facade of the building.

(5) Determine whether the original building had any projecting features at windows and doors, such as porches, steps, canopies, awnings, roof overhangs, etc. Maintain those features, or restore them in size, shape, and material to their original state. If any of these have been added eliminate them if possible.

(6) Maintain original brick sidewalks, and granite or stone curbs and gutters wherever they still remain.

(7) Colors for exterior painting are to be based on 19th Century colors or similar colors in keeping with Arrow Rock history.

(8) Signs are to be in keeping in shape, style of lettering, and color with the period of the building for which they are to be used. Signs may either be free standing or attached to the building, but the size of the sign is to be in proportion to the building.

(9) Building lighting and sign lighting are both to be of style and size to harmonize with the architecture of the building .

Chapter 12 Architectural Review Board

ARTICLE I BOARD OF ARCHITECTURAL REVIEW

Sec. 12-010 Created, Membership, Qualifications, Term

A. There shall be a Board of Architectural Review, which shall consist of five members appointed for staggered two-year terms by the chairman with the approval of the Board of Trustees. The Board of Architectural Review, in addition to the powers and duties specifically provided by this chapter, shall serve as the "The Zoning Commission" provided by state statutes and shall have all the powers and duties provided for such zoning commission provided by state statutes. The members of the Board shall have a recognized knowledge of historical architecture and restoration. Members shall be aware of the historical significance of Arrow Rock, Missouri, and shall be aware of the efforts to preserve historical buildings and structures within said village. (Rev. 10-3-83; 6-4-84)

B. The Board shall seek the advice of professionals in the fields of historic preservation, architecture, archaeology, and other related disciplines whenever such advice will provide a more informed decision or action. When deemed appropriate, the Board shall review and comment on National Register nominations within the village.

Sec. 12-020 Removal, Vacancies

A. Removal - Members of the Board of Architectural Review shall be removable for cause by the appointing authority upon written charges and after a public hearing.

B. Vacancies - Vacancies on the Board shall be filled within sixty days of the unexpired term of any member whose term becomes vacant. (Rev. 6-4-84)

Sec. 12-030 Organization

The Board of Architectural Review shall elect one of its members to serve as chairman. Such chairman shall serve for one (1) year. (Rev. 6-4-84)

Sec 12-040 Adoption of Rules, Meetings

A. The Board of Architectural Review may adopt rules and regulations for its own organization and procedures as it may deem proper, not inconsistent with law and the ordinances of the village. The Board shall meet at the notice of its chairman or the

chairman of the Board of Trustees at such time and places as may be determined by the members of the board. (Rev. 10-3-83; 6-4-84) **The Board shall meet monthly at a time and location to be publicly posted at Town Hall, unless the chairman notifies the members otherwise. In any event, the Board shall meet at least four times each year. A secretary shall be appointed to record the minutes of meetings of the Board, and such minutes shall be kept as permanent records for the Board's proceedings and available for public inspection.**

Sec. 12-050 Review of Plans.

A. Before the outward appearance of a building or structure within District A or B shall be in any way changed, an application to build, erect, construct, alter, destroy or change such outward appearance, together with all plans, elevations and other information necessary to determine the appropriateness of the features to be passed upon shall be filed with the chairman of the Board of Architectural Review of the receipt of same. The chairman of the Board of Architectural Review shall make available to such Board of Architectural Review, all applications so filed and all documents and information filed with such applications.

B. The Board of Architectural Review in passing upon architectural issues shall consider, among other things, the general design, arrangement, texture, material and color of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. The general criteria for this review shall be as set forth in Section 11-49.

C. The Board shall not consider interior architectural arrangements nor shall it make architectural requirements except for the purpose of preventing developments obviously incongruous to the historic aspects of the surroundings. (Rev. 10-3-83; 6-4-84)

Sec. 12-060 Recommendation on Plans.

The Board of Architectural Review shall make a recommendation to the Board of Trustees on each application required by Section 12-005. Upon such recommendation, the Board of Trustees may issue a Letter of Approval for the changes stated in the application. (Rev. 10-3-83; 6-4-84)

Sec. 30. 11-30 (Repealed 10-3-83)

Sec. 12-070 Enforcement.

The Board of Architectural Review may issue notices to any owner, general agent, lessee, tenant, or other person, of a building or premises where it appears that a violation of any provision of the regulations of this chapter has been committed or shall exist that such premises are in apparent non-compliance with this chapter, and may recommend to the Board of Trustees revoke any Letter of Approval and/or take other action to assure compliance with this chapter.

(Rev. 6-4-84)

Sec. 12-080 Application Without Recommendation.

In the event of refusal of the Board of Architectural Review to recommend issuance of a Letter of Approval within sixty (60) days from the date of application, the application may be taken up by the Board of Trustees as with an implied recommendation of the Board of Architectural Review.

(Rev. 6-4-84)

Sec. 12-090 Letter of Approval Required for Construction, Alteration of Change of Use of Buildings.

Any person who shall construct any building whatsoever, or shall alter any existing building in Zoning Districts A or B as described in this ordinance, or who shall change the use of any existing building from one classification made by this chapter to another classification, before commencing such construction, alteration or change in use, shall receive a Letter of Approval from the Board of Trustees. An application for such Letter of Approval shall be submitted to the Board of Architectural Review, which shall consider the application and make its recommendation to the Board of Trustees whether or not the Board of Trustees shall issue the Letter of Approval requested by the application. The Board of Trustees shall not issue a Letter of Approval without a recommendation from the Board of Architectural Review. (Rev. 10-3-83; 6-4-84) **The Letter of Approval shall state the reasons for its issuance, and shall be delivered to the applicant and to any other party who has intervened in the application process by testifying or providing other evidence in support of or objecting to the application.**

Sec. 12-100 Filing of Plans Prerequisite to Issuance of Letter of Approval.

A. FILING OF DUPLICATE PLANS: STATEMENT OF INTENT. No Letter of Approval for the erection, alteration, construction, reconstruction, use or maintenance of

any building, or the use of any premises shall be issued by the Board of Trustees unless there shall first be filed in their office by the applicant therefore, a plan in duplicate, drawn to scale, correctly showing the location and actual dimensions of the lot to be occupied, the dimensions and location on the lot of the building to be erected, constructed, reconstructed, altered, used or maintained, with measurements in feet and inches from all lot lines to all foundation lines of the building or premises is arranged, intended or designed, and the location and dimensions of all accessory buildings or structures .

B. PLAN TO CONFORM TO PROVISIONS. No Letter of Approval shall be issued by said Board of Trustees unless such plan shall show in all details that such building or structure is to be erected, constructed, reconstructed, used or maintained, and such premises are to be used in conformity with all the provisions of this chapter.

C. RECORD OF APPLICATIONS, PLANS. A record of such applications and plans shall be kept in the office of the Board of Trustees. (Rev. 6-4-84)

Sec. 12-110 Failure to Comply with Plans.

Failure of any applicant or of his agents, servants or employees to erect, construct, reconstruct , alter, use or maintain any buildings, structures or premises in conformance with such plans as required in section 12-10 on which such letter of approval is issued, when such failure constitutes a violation of any provisions of this chapter, shall render such Letter of Approval void, and the Board of Trustees is hereby authorized and directed to revoke any such letter of approval by giving written notice to the applicant, or his agents, servants, or employees and all work upon such buildings, structures or premises shall be immediately discontinued on the serving of such notice until such buildings, structures or premises shall be changed so as to comply with such plans.

(Rev. 6-4-84)

Sec. 12-120 Procedures For Making Any Alteration Or Change Of Use Of Building Or Construction Of A New Building In The Town Of Arrow Rock.

A. Application for a Letter of Approval is to be made to the Board of Architectural Review (BAR). Applications are to be given to the chairman or any member of the board by the Friday before the last Monday of the month. The BAR meets the last Monday of the month. The Village Board will act on their recommendations the first Monday of the month at their regular meeting. Applicants are also urged to present their plans in person at the BAR meeting.

B. The application for a Letter of Approval must address the following questions:

Do the plans maintain as much of the original building as possible?

Are exterior alterations and changes kept to a minimum?

Do the plans fit the structure's original design?

Do the plans relate favorably to the surroundings?

Are changes visible from the street sides of the building kept to a minimum?

Are original building materials maintained and/or exposed?

Are all materials appropriate to the building and to the neighborhood?

Are the original size and shape of window and door openings maintained?

Are original and distinctive architectural details kept?

C. The application for a Letter of Approval must be accompanied by the following:

1. Duplicate plans drawn to scale
2. Provide exact location of new or altered construction on existing lot indicating distances to property lines, drawn to scale
3. Indicate types of materials to be used
4. Provide paint chips when applicable
5. With signs give size, style of sign and lettering, and location including clearance height

Sec. 12-130 Guidelines for Rehabilitation. The Secretary of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the Board's general guide concerning landmarks and older buildings in historic districts.

A. Submission of Plans to Board. An applicant for a certificate of appropriateness must submit proposed plans to the Board in sufficient detail for the Board to have full knowledge of the requested alteration, particularly as to how the proposed actions will affect the appearance, materials and architectural design of the landmark, or the buildings, structure or land within a historic district.

B. Public Hearings on Applications for Letter of Approval. The Board shall consider applications for Letters of Approval at its regular meetings. Each applicant for a certificate of appropriateness shall be notified of the Board meeting at which his/her application will be considered at the time that the applicant files his application. A notice

which states that an application is pending and also states the date of the Board hearing at which such application will be considered shall be posted conspicuously on the property at least one (1) week in advance. In addition, notice of the applications to be considered at the Board meeting will be posted, prior to the day of the meeting, on the bulletin board at Village hall.

C. At the Board hearing at which their application is considered, an applicant shall have the opportunity to make a statement and shall have the opportunity to examine any witnesses who may testify at the hearing. In addition, the applicant shall have the opportunity to discuss the application with the members of the Board.

D. Acceptable Board Actions. The Board may approve, deny, or approve in amended form the proposed plans subject to the acceptance of the amendment by the applicant. If an applicant chooses not to accept a proposed amendment, the application is considered denied.

E. Conformance to Letter of Approval. All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate. It shall be the duty of the Building Commissioner to inspect from time to time any work performed pursuant to such certificate to assure such compliance. In the event work is performed not in accordance with such certificate, the Director of the Department of Planning and Development or his/her designated representative shall issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such project as long as such stop work order shall continue in effect. (Ord. No. 7313, § 1, 8-21-84; Ord. No. 7341, § 1, 5-20-85;

Ord. No., 7605, § 2, 12-11-90).