



**REVISED**

TENTATIVE AGENDA  
BOARD OF ALDERMEN WORK SESSION  
ST. PETERS JUSTICE CENTER, 1020 GRAND TETON DRIVE  
ST. PETERS, MO 63376  
JUNE 25, 2020 AT 5:00 P.M.

A. Communications from Board Members/Aldermanic Representatives

B. BOA Items for Discussion

Unfinished Business Items: None

New Business Items:

1. [Illy Drive Annexation/Rezoning Cottleville](#) – Bateman

C. Mayor/City Administrator Item

Unfinished Business Items: None

New Business Items:

1. [Aging Ahead Agreement Recommendation](#) – Pratt
2. [HIE Richmond Center Community Improvement District Amended & Restated Petition](#) – Pratt
3. [Spencer Road & Premier Parkway Project Bid Recommendation](#) – Benesek
4. [Concrete Ready Mix Bid Recommendation](#) – Benesek
5. [Secretary of State/Records Retention Schedule](#) – Smith
6. Miscellaneous Updates – Batzel
  - [City Code Editorial and Code Analysis/10 Year Review](#) – Pratt/Smith/Young
7. Board Meeting Agenda Item Revisions – Batzel
8. Executive Session re: Litigation, Real Estate and Personnel, pursuant to Section 610.021(1)(2)(3)(9)(12)(13)(14) & 610.022 (1-6)

D. Adjournment

AGENDA Posted at City Hall: June 22, 2020

By: P. Smith, City Clerk

**Revised and Posted: June 24, 2020**

**By: P. Smith, City Clerk**

**Added BOA Item for Discussion, B.1**

Next Work Session: July 23, 2020

**RBA FORM (OFFICE USE)**

MEETING DATE: 6-25-20

Regular (X) Work Session (X)

ATTACHMENT: YES ( ) NO (X)

Contract ( ) Ordinance ( ) Other ( )

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**Request for Board Action  
By Alderman**

**Ward** 1 ( ) 2 (X) 3 ( ) 4 ( ) All Wards ( )

**Brief Description:** Resolution Protesting Annexation/Rezoning Cottleville of  
1 Illy Drive

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**Staff:** Recommended (X) Not recommended ( ) No Position ( )

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**Summary/Explanation:**

A Draft Resolution has been placed on tonight's Board meeting agenda which opposes the rezoning/annexation request with Cottleville, of 1 Illy Drive. As you may recall, the Board of Aldermen recently protested and opposed the rezoning application with the County for this same property.

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**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

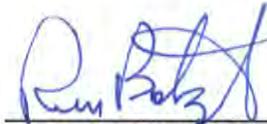
None

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RBA requested by: Alderman Bateman

CA: Russell W. Batzel





**RBA FORM (OFFICE USE)**

MEETING DATE: June 25, 2020

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ( )

Contract ( ) Ordinance (X) Other ( )

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**Request for Board Action  
By Staff**

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Ward 1 ( ) 2 ( ) 3 ( ) 4 ( ) All  
Wards (X)

**Brief Description:**

Recommendation to enter into Agreement with Aging Ahead for the continuation of nutrition and multi-purpose senior services at Senior Center.

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**Staff:** Recommended (x) Not recommended ( ) No Position ( )

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**Summary/Explanation:**

The purpose of this Agreement is for the provision of nutrition and multi-purpose senior activities and services to older adults in the larger St. Peters area.

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**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

This program does not generate direct revenue for the City. There are minimal direct expenses for the City from this Agreement.

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RBA requested by: CLPratt *CLPratt* CA: *Reus Bly*

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BILL NO. 20-\_\_\_\_\_

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

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ST. PETERS, MISSOURI AND AGING AHEAD FOR ACTIVITIES AND SERVICES AT THE TOM BROWN SENIOR CITIZEN CENTER

WHEREAS, pursuant to Ordinance No. 1059, the City and Aging Ahead, a Missouri nonprofit corporation, f/k/a Mid-East Area Agency on Aging (the "Agency"), did heretofore enter into a certain Agreement dated December 27, 1985 (the "Existing Agreement") for the purpose of providing nutrition services and other multi-purpose activities and services for older adults of the larger St. Peters area; and

WHEREAS, the City wishes the Agency to continue operating programs in the larger St. Peters area which encompass both Nutrition Services as designated under Title III-C of the Older Americans Act, and Multi-Purpose Senior Center activities and services as generally accepted and defined by the Older Americans Act, the Administration on Aging of the U.S. Department of Health and Human Services, and the National Institute of Senior Centers - National Council on Aging; and

WHEREAS, the City and the Agency wish to terminate the Existing Agreement and to enter into a new agreement for the provisions of such activities and services to older adults in the larger St. Peters area.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI, AS FOLLOWS:

SECTION NO. 1. Agreement.

A. That the form, terms and provisions of the Agreement (the "Agreement") attached hereto, marked as **Exhibit "A"**, and incorporated by reference herein, be and they hereby are, in all respects approved, and that the City Administrator is hereby authorized, empowered and directed to further negotiate, execute, acknowledge, deliver and administer on behalf of the City said Agreement in substantially the form attached hereto.

B. That the City Administrator is hereby further authorized and directed for and on behalf of and in the name of the City to agree to do any and all other acts and things and to execute and deliver any and all other agreements, documents, instruments and certificates, all as may be necessary or appropriate to consummate the Agreement, and to perform all of the terms, provisions and conditions of the Agreement. The execution by the City Administrator of any agreement, document, instrument, check or certificate referred to in this Ordinance or in the Agreement shall be conclusive evidence of the approval thereof and of all of the terms,

provisions and conditions contained therein. Any and all acts which the City Administrator may do or perform in conformance with the powers conferred upon them by this Ordinance are hereby expressly authorized, approved, ratified and confirmed.

SECTION NO. 2. Savings.

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION NO. 3. Severability.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION NO. 4. Effective Date.

This ordinance shall be in full force and take effect from and after the date of its final passage and approval.

Read two times, passed, and approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Len Pagano, as Presiding Officer and as Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

**EXHIBIT A**

[Attach Agreement]

DRAFT

AGREEMENT  
BETWEEN  
THE CITY OF ST. PETERS, MISSOURI  
AND  
AGING AHEAD

This Agreement (the "Agreement") dated as of \_\_\_\_\_, 2020, is made and entered into by and between the City of St. Peters, Missouri, (hereinafter referred to as the "City"), and Aging Ahead, a Missouri nonprofit corporation, f/k/a Mid-East Area Agency on Aging (hereinafter referred to as the "Agency").

WITNESSETH:

WHEREAS, pursuant to Ordinance No. 1059, the City and the Agency did heretofore enter into a certain Agreement dated December 27, 1985 (the "Existing Agreement") for the purpose of providing nutrition services and other multi-purpose activities and services for older adults of the larger St. Peters area; and

WHEREAS, the City wishes the Agency to continue operating programs in the larger St. Peters area which encompass both Nutrition Services as designated under Title III-C of the Older Americans Act, and Multi-Purpose Senior Center activities and services as generally accepted and defined by the Older Americans Act, the Administration on Aging of the U.S. Department of Health and Human Services, and the National Institute of Senior Centers - National Council on Aging; and

WHEREAS, the City and the Agency wish to terminate the Existing Agreement and to enter into a new agreement for the provisions of such activities and services to older adults in the larger St. Peters area.

NOW THEREFORE, the City and the Agency do hereby agree as follows:

1. For the purposes of this Agreement, the following definitions shall have the following meanings:

Eligible Participant: Any person sixty (60) years of age and over or the spouse of an Eligible Participant; and any person between the ages of 18 and 59 with a disability or blindness certified by the Social Security Administration (SSA) or the State Medical Review Team (SMRT). The certification may also be referred to as a disability determination.

Senior Citizen Center: The Tom Brown Senior Citizen Center, 108 McMenemy Road, St. Peters, Missouri 63376.

2. It is agreed and understood by the City and the Agency that the Agency will provide all staff and/or volunteers to assist with transportation, meal services, resource and referral assistance, case management, benefits enrollment and/or information and assistance as needed by Eligible Participants, including, but not limited to, the operation of a nutrition program, senior recreation

programs, and related services at the Senior Citizen Center, subject to the City's scheduling permit system. The City shall designate area(s) within the Senior Citizen Center for use by the Agency in the operation of its programs. These area(s) include, but are not limited to, the dining room, hallway, bathrooms, lobby, kitchen and related food-serving and storage areas, and the office during hours of program operation, as set forth below.

3. The City agrees to make available, through its scheduling permit system, the recreation room for functions that serve the interests of senior citizens. All Agency policies regarding participation and contribution shall be in effect during the hours of the Agency's programs at the Senior Citizen Center. The City shall publicize activities at the Senior Citizen Center through City-owned media sources. The Agency and the City will use their best efforts to prevent duplication in programs and activities for senior citizens with a major objective being the provision of a wide range of services. The City reserves the right to restrict programs offered by the Agency at the Senior Citizen Center.

4. The Agency shall operate its programs at the Senior Citizen Center between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. The kitchen shall generally be in use between the hours of 8:00 a.m. and 3:00 p.m. A noonday meal will be served to Eligible Participants. The serving hour may be adjusted to accommodate the preferences of Eligible Participants, but will generally be between the hours of 12:00 p.m. and 12:30 p.m. Eligible Participants taking part in the program(s), meals and/or services and activities, will have access to the dining area and related portions of the Senior Citizen Center within the above-stated hours.

5. The City shall make available all existing equipment and furnishings within the Senior Citizen Center for the Agency's use. The Agency shall provide all food stuff, serving and cooking utensils, cleaning supplies, serving supplies and recreation supplies for its programs, and shall be responsible for the handling, storage and security of these provisions.

6. The Agency shall be solely responsible for the day-to-day cleanliness of the kitchen, serving area, bathrooms, hallways, and equipment used in preparation and serving of meals and any other program areas. All standards for cleanliness and sanitation required by the St. Peters City Code shall be observed and followed by the Agency. The Agency shall be responsible for leaving all areas of the Senior Citizen Center utilized by it in a clean and orderly condition at the close of the Agency's operating hours each day.

7. The City shall be responsible for the general building repairs and building systems maintenance. General building repairs and building systems maintenance shall include, but is not limited to: building painting, and electrical, heating, air conditioning and plumbing maintenance and repairs, sound system maintenance and repairs, and major floor cleaning such as the shampooing of carpeting but not broom sweeping. The City shall be responsible for the daily maintenance of building areas not specified for the Agency's use, and for cleaning and maintenance of the food preparation and serving areas when used during hours the Agency's program is not in operation.

8. The Agency shall, at its own cost and expense, take good care of and make all necessary repairs or replacements to the equipment which is regularly used for the Agency's programs. This

equipment shall include, but is not limited to, refrigerators, dishwashers, ranges, meat slicers and freezers. The Agency shall also be responsible for repair or replacement of city equipment or furnishings damaged by negligence or abuse by the Agency, its employees, volunteers and invitees.

9. The Agency shall immediately report in writing on an Incident Report Form any theft or damage of Senior Citizen Center, its equipment, and/or its furnishings. The Agency shall also immediately report any Agency or third party injuries occurring at the Senior Citizen Center using an Incident Report Form.

10. The Agency will hire, train and supervise all paid and volunteer staff operating the Agency's programs within the Senior Citizen Center. The City will hire, train and supervise all paid staff and volunteers operating the Senior Citizen Center for programs other than those operated by the Agency. The City shall have the right to request replacement of any volunteer or employee whose conduct, character or performance is believed to be detrimental to the best interest of the City, and the Agency agrees to make such replacement in accordance with the Agency's Personnel Policy and Procedure. The Agency shall be responsible for resolving the matter with the involved employee or volunteer.

11. The Agency shall designate a Program Manager as that employee responsible for day-to-day operation of all Agency programs.

12. The Agency shall provide the City a calendar of its events and activities at the Senior Citizen Center in a timely manner so that other events may be scheduled and the recreation room reserved for other programs by the City.

13. The City shall use its best efforts to advise the Agency of the scheduled use of the kitchen and its equipment and other areas of the Senior Citizen Center by third parties that is regularly used for the Agency's programs. Use of the kitchen by others shall be limited to the sink area only and does not include use of any of the kitchen equipment. The Agency shall not be responsible for damaged or missing equipment or facilities that may occur as a result of usage by other groups.

14. The City will provide access to the food preparation area at the Senior Citizen Center for authorized Agency personnel requiring admittance prior to hours set as operating hours for the Senior Citizen Center.

15. The Agency and the City agree to share information regarding the numbers of persons participating in all Agency activities and programs at the Senior Citizen Center.

16. The placement of signage, decorations, lighting, bulletin boards and recreation equipment shall be subject to prior approval by the City. The Agency is not authorized to make any physical changes to the Senior Citizen Center without prior written authorization from the City.

17. The Agency shall designate its representative to the City on the general operation of the Senior Citizen Center, its services and the terms of this Agreement.

18. The City shall designate its representative to the Agency on general operation of the Senior Citizen Center, its services, and the terms of this Agreement.

19. To the fullest extent not prohibited by law, the Agency shall defend, indemnify and hold harmless the City, its elected and appointed officials, agents and employees from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, losses, penalties, fines, costs, and expenses of whatsoever kind or character in connection with the Agency's use of the Senior Citizen Center, except where caused by the sole negligence of the City.

Agency shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the Agency's use of the Senior Citizen Center, and its use by the Agency's agents, employees, volunteers, Eligible Participants, or invitees, including those insurance coverages set forth below. All such insurance policies shall name the City as an additional insured with a subrogation waiver, with the exception of the Worker's Compensation Policy. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, or by such other method approved by the City, has been given to the City. The cost of such insurance shall be paid by the Agency.

The Agency shall maintain limits no less than:

- a. Workers' Compensation for statutory limits and Employer's Liability minimum \$500,000 limit.
- b. Comprehensive General Liability or Broad Form Comprehensive General Liability to cover claims which may arise from operations under this Agreement. The policy shall include, but not be limited to, protection for the following hazards:
  - (i) Premises and Operations – Bodily Injury & Property Damage Liability;
  - (ii) Personal Injury Liability and Advertising Injury Liability;
  - (iii) Broad Form Property Damage; and
  - (iv) Contractual Liability.

The above policy shall be written with limits of at least \$1,000,000 each occurrence and \$2,000,000 aggregate.

c. Business Automobile Policy (Comprehensive Automobile Liability Insurance) provides coverage for all owned, non-owned, and hired vehicles. Minimum limits should be at least \$1,000,000 Each Occurrence for Bodily Injury Liability and Property Damage Liability.

d. Umbrella/Excess Liability – Limit of \$1,000,000 each occurrence which will be excess of the primary limits for Comprehensive General Liability, Business Auto Liability and Employer Liability.

e. Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials and employees, or the Agency shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expense.

f. The Agency shall also obtain and pay for insurance policies that contain, or are endorsed to contain, the following provisions:

(i) Agency Contingent or Protective Liability and Property Damage to protect the Agency from any and all claims arising from the operations of any subcontractor employed by the Agency.

(ii) Protective Liability Policy in the name of the City for operations of the Agency or any subcontractor in connection with the Senior Citizen Center.

(iii) The coverage shall be for a minimum of \$2,000,000 and shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers.

g. The Agency's insurance coverage SHALL BE PRIMARY INSURANCE as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Agency's insurance and shall not contribute with it.

h. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officers, officials, employees or volunteers.

i. The Agency's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

j. Insurance is to be placed with insurers with a Bests' rating of no less than A:VI.

k. Agency shall furnish the City with certificates of insurance. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf, and are to be received and approved by the City before operations commence. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

l. Agency shall include all subcontractors as insureds under its policies or shall furnish separate certificates of each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

20. Utilities: The Agency shall reimburse the City 75% of the monthly cost of electricity, natural gas, water/sewer, and bulk trash collection serving the Senior Citizen Center. The City shall provide monthly extermination service at the Senior Citizen Center at no cost to the Agency.



If to Agency:           Aging Ahead  
                                  14535 Manchester Road  
                                  Manchester, Missouri 63011  
                                  Attn: Chief Operating Officer

All notices required hereunder shall be deemed received on the date of delivery if delivered in person, or if mailed, on the date which is two (2) days after the date such notice is deposited in the U.S. mail, postage prepaid.

25.     City and Agency each represent to the other that it has the full right, power and authority to enter into this Agreement and to fully perform its obligations hereunder. Each person executing this Agreement warrants and represents that each has the authority to execute this Agreement in the capacity stated and to bind the City and the Agency, respectively, except as otherwise specifically set forth herein. Each person will furnish to the other such corporate resolutions and certificates as the other shall require in order to confirm such authority and capacity of the City and the Agency and of the persons who have executed this Agreement.

26.     This Agreement is not intended and shall not be construed so as to grant, provide or confer any benefits, rights, privileges, claims, causes of action or remedies to any person as a third party beneficiary under any statutes, laws, codes, ordinances or otherwise.

27.     No waiver of any default under this Agreement shall constitute or operate as a waiver of any subsequent default hereunder, and no delay, failure or omission in exercising or enforcing any right, privilege or option under this Agreement shall constitute a waiver, abandonment or relinquishment thereof.

28.     The Agreement constitutes the entire Agreement of the parties and supersedes all other agreements and undertakings, written or oral, of the parties with respect to the subject matter hereof. No modification of or amendment to this Agreement shall be effective unless such modification or amendment is in writing and signed by both parties hereto.

IN WITNESS WHEREOF, the City and the Agency have hereunto set their hands as of the day and year first above written.

City of St. Peters, Missouri  
a Municipal Corporation

By: \_\_\_\_\_  
      Russell W. Batzel, City Administrator

Aging Ahead  
a Missouri nonprofit corporation

By: \_\_\_\_\_

Lisa Knoll, Chief Executive Officer

DRAFT

**RBA FORM (OFFICE USE)**

MEETING DATE: June 25, 2020

Regular ( ) Work Session ( X )

ATTACHMENT: YES ( ) NO ( X )

Contract ( ) Ordinance ( ) Other ( )

**Request for Board Action  
By Staff**

Ward 1 ( X ) 2 ( ) 3 ( ) 4 ( )

All Wards ( )

**Brief Description:** Holiday Inn Express – Community Improvement District

**Staff:** Recommended ( ) Not recommended ( ) No Position ( X )

**Summary/Explanation:**

The owner of the Holiday Inn Express has advised the City that they intend to file an Amended and Restated Petition for the Creation of a Community Improvement District for their hotel property located at 50 Richmond Center Blvd. The petitioner will present their request to create the District and impose a 1% sales and use tax on all eligible retail sales and a \$5.00 per occupied hotel room per night charge.

The estimated cost of the District's projects is \$939,641. The proposed length of time for the existence of the District will be until no later than Dec. 31, 2050.

A Public Hearing is required and will be placed on the July 23<sup>rd</sup> BOA Agenda.

**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

None

RBA requested by:

CLPratt

*CL Pratt*

CA:

*Russel B...*

**RBA FORM (OFFICE USE)**  
MEETING DATE: June 25, 2020  
Regular (X) Work Session (X)  
ATTACHMENT: YES (X) NO ( )  
Contract ( ) Ordinance (X) Other ( )

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**Request for Board Action  
By Staff**

**Ward** 1 (X) 2 ( ) 3 ( ) 4 ( ) All Wards ( )

**Brief Description:** An ordinance to authorize the City Administrator to enter in to a contract to construct the Spencer Road Transportation Improvements Project.

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**Staff:** Recommended (X) Not recommended ( ) No Position ( )

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**Summary/Explanation:**

Please see the attached recommendation memo, dated June 18, 2020.

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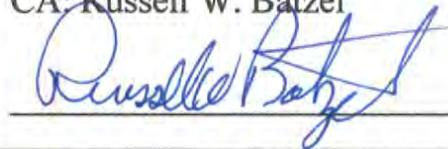
**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

The FY 2020 Transportation Trust Fund budget for this project is \$1,300,000.00.

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RBA requested by: Burt Benesek, Manager/TDS CA: Russell W. Batzel







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**INTEROFFICE MEMORANDUM**

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**TO:** RUSSELL W. BATZEL, CITY ADMINISTRATOR  
**FROM:** WILLIAM B. BENESEK, MANAGER/TDS *vm 6/18/20*  
**SUBJECT:** BID RECOMMENDATION – SPENCER ROAD TRANSPORTATION IMPROVEMENTS (BID NO. 20-147)  
**DATE:** JUNE 18, 2020  
**CC:** AMANDA RICH, TRANSPORTATION ENGINEER

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**Recommendation:** I recommend the Spencer Road Transportation Improvement Project (Bid No. 20-147) be awarded to the low, responsive and responsible bidder, NB West Construction Co. of Pacific, Missouri. Approval of this recommendation will authorize the award of a contract in the initial amount of \$1,019,509.47. The FY 2020 Transportation Trust Fund budget for this project is \$1,300,000.

The project is eligible to receive 80% St. Charles County Road Board funding up to \$838,856.00.

**Background:** On June 16, 2020 six (6) bids were received and opened for the Spencer Road Transportation Improvements project (Bid No. 20-147). These improvements will include lane widening, traffic signal installation, signing addition, and fiber installation at the intersection of Spencer Road and Premier Parkway. The project will also provide improved ADA accessible multi-use path and curb ramp improvements from the west side of Spencer to the existing trail.

NB West Construction Co. of Pacific, Missouri, submitted the lowest, responsive and responsible bid of \$1,019,509.47. NB West Construction's bid is 2.85% lower than the second lowest bid received from R.V. Wagner, Inc. and 8.15% below the average of the bids of \$1,109,925.28. A summary of the bids received is provided on the next page.

NB West has been in the business since 1956 and has successfully completed various road improvement projects in the greater St. Louis area. The company has successfully completed multiple projects for the City of St. Peters including the Mexico Road Widening project and Mid Rivers Mall Drive-Ohmes Road Intersection Improvements project in 2017. NB West successfully completed the Mexico Road Resurfacing and Willott Road Improvements projects in 2015. In 2014 NB West successfully completed the Executive Centre Loop Road and Burning Leaf Box Culvert Replacement projects. The company recently completed the Mid Rivers Mall Widening project. NB West has sufficient resources, staff, and experience to complete the project as specified.

<b>Bidder</b>	<b>Total</b>
<b>NB West Construction Co.</b>	<b>\$1,019,509.47</b>
Gershenson Construction Co. Inc.	\$1,049,405.00
R.V. Wagner, Inc.	\$1,076,747.50
Lamke Trenching & Excavating, Inc.	\$1,095,790.19
J.M. Marschuetz Construction	\$1,144,205.25
Milestone Weber, LLC	\$1,273,894.30

**RBA FORM (OFFICE USE)**

MEETING DATE: June 25, 2019

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ( )

Contract ( ) Ordinance ( ) Other (X)

**Request for Board Action  
By Staff**

Ward 1 ( ) 2 ( ) 3 ( ) 4 ( ) All Wards (X)

**Brief Description:** Proposed ordinance authorizing the City Administrator to execute a blanket purchase order for the supply of various concrete ready mix and related materials.

Staff: Recommended (X) Not recommended ( ) No Position ( )

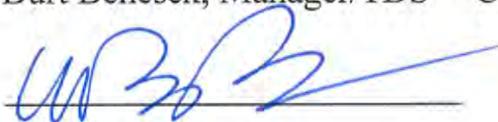
**Summary/Explanation:**

Please reference attached recommendation memo dated June 18, 2020.

**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

Execution of this ordinance will authorize issuance of a blanket purchase order agreement for the supply of various concrete ready-mix and related materials, in the maximum amount of \$250,000. Funds for the use of this blanket purchase order are incorporated within the various project and department budgets utilizing said concrete ready-mix materials.

RBA requested by: Burt Benesek, Manager/TDS CA: Russell W. Batzel



CITY OF ST. PETERS, MO

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**INTEROFFICE MEMORANDUM**

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**TO:** RUSS BATZEL, CITY ADMINSTRATOR  
**FROM:** WILLIAM B. BENESEK, MANAGER /TDS *WB 6/18/20*  
**SUBJECT:** 2020 CONCRETE READY MIX BLANKET PURCHASE ORDER RENEWAL  
**DATE:** JUNE 18, 2020  
**CC:** JEFF BATEMAN, STREET MAINTENANCE SUPERINTENDENT

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**Recommendation:** I request approval to utilize a renewal clause in the City's existing blanket purchase order agreement with Schreiter Ready Mix of O'Fallon, MO for the supply of various types of concrete ready mix and additives. This existing purchase order agreement will expire on July 1, 2020, and includes a clause that allows the agreement to be renewed up to 3 times. Approval of this recommendation will renew the purchase order for an additional 12 month period, maintain existing unit cost pricing, and authorize the expenditure of up to \$250,000, beginning on July 2, 2020.

This blanket purchase order is used by primarily by the Street Maintenance, Utilities and Parks departments to perform repair and maintenance operations. Funds for the use of this blanket purchase order are incorporated in to the various project budgets for which the ready mix materials are used.

**Background:** On June 3, 2019, the City of St. Peters received two (2) bids for the supply and delivery of various types of concrete ready mix and concrete additives. Bids were solicited for unit costs only. Bids were evaluated using typical annual usage, which is mainly 6 sack concrete mix, 1% calcium additive and high early additive (HE 122). Staff also considered rates charged for short load orders (orders below the minimum order quantity or lot load) and charges for truck wait time. Using typical annual quantities of concrete products purchased through this purchase order, including estimated short load orders, and applying the unit cost bids, Schreiter Ready Mix was the low responsive bidder.

Schreiter Ready Mix has successfully held the City's concrete ready mix blanket purchase order since 2009. During that time, the company has consistently provided good service and quality concrete products.

Incorporated within the 2019 Concrete Ready Mix blanket purchase order agreement is an option for up to 3, 12 month renewals. Schreiter Ready Mix has agreed to renew the purchase order agreement, which will hold the current unit cost pricing for the 2020-2021 season. This would be the first of three permitted renewals.

**RBA FORM (OFFICE USE)**

MEETING DATE: June 25, 2020

Regular ( ) Work Session ( X )

ATTACHMENT: YES ( X ) NO ( )

Contract ( ) Ordinance ( ) Other ( X )

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**Request for Board Action  
By Staff**

**Ward** 1 ( ) 2 ( ) 3 ( ) 4 ( ) All Wards ( N/A )

**Brief Description:** Secretary of State/Records Retention Schedules

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**Staff:** Recommended ( X ) Not recommended ( ) No Position ( )

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**Summary/Explanation:**

The destruction of records schedule is set by the Secretary of State, which states the following: the disposition of records should be recorded in a document such as the minutes of the Board of Aldermen or other legally constituted authority that has permanent record status. The record should include the description and quantity of each record series disposed of, manner of destruction, inclusive dates covered and the date on which the destruction was completed.

Please view the attached destruction of records forms to be entered and made a part of the minutes.

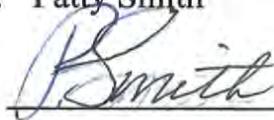
---

**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

None

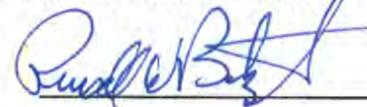
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RBA requested by: Patty Smith



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C.A. Russell W. Batzel



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City of St. Peters - Records Management  
**RECORDS DESTRUCTION FORM**

Page 1 of 2

Department Name: <b>Human Resources</b>		Total # of Boxes: <b>2</b>
Department Records Coordinator: <b>Cyndi Wade</b>		
Date: <b>05/08/20</b>	Office Address: <b>One St. Peters Center Blvd, St. Peters, MO 63376</b>	Telephone: <b>636.477.6600</b>

**Caution:** A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so.

Department Records Coordinator: <i>Cyndi Wade</i>	Date: <i>5/8/20</i>	Date of Records Destruction: <i>5/18/2020 &amp; 5/19/2020</i>
Group Manager: <i>Doreen Pratt</i>	Date: <i>5-11-2020</i>	Destruction Method: Shredding <input checked="" type="checkbox"/> Discard <input type="checkbox"/> Outside Vendor <input type="checkbox"/>
Date of BOA Minutes:		

**Request for Department Destruction**

- I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Missouri Secretary of State Records Retention Schedule and that all audit and administrative requirements have been satisfied.
- I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and that all administrative requirements have been satisfied.

Required Approval Signature	
City Clerk: <i>Bonnie</i>	Date: <i>5/18/2020</i>

**Note:** Please read the instructions on page 3 concerning Departmental Records Destruction.

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
Box #1	GS064	Employee Training Documents: Sign In Sheets, Tests, Evaluations,	June 2001-April 2017	3 years	P
Box #2	GS041	Volunteer Program Records: statistics, sign in sheets, program planning	September 1995-February 2015	5 years	P



City of St. Peters - Records Management  
**RECORDS DESTRUCTION FORM**

Department Name: <b>Human Resources</b>		Total # of Boxes: <b>2</b>
Department Records Coordinator: <b>Cyndi Wade</b>		
Date: <b>05/08/20</b>	Office Address: <b>One St. Peters Center Blvd, St. Peters, MO 63376</b>	Telephone: <b>636.477.6600</b>

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
Box #2	GS042	Volunteer Worker Records: Inactive Volunteers, Incomplete Applications, Interns	March 1997-April 2017	3 years after separation	
					P
					P
					P
					P
					P
					P
					P



City of St. Peters - Records Management  
**RECORDS DESTRUCTION FORM**

Page 1 of 2

Department Name: <b>Human Resources</b>		Total # of Boxes: <b>1</b>
Department Records Coordinator: <b>Cyndi Wade</b>		
Date: <b>06/04/20</b>	Office Address: <b>One St. Peters Center Blvd, St. Peters, MO 63376</b>	Telephone: <b>636.477.6600</b>

**Caution:** A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so.

Department Records Coordinator: <i>Cyndi Wade</i>	Date: <i>6/5/20</i>	Date of Records Destruction: <i>6-15-2020</i>
Group Manager: <i>Kathy Pratt</i>	Date: <i>6-7-2020</i>	Destruction Method: Shredding <input checked="" type="checkbox"/> Discard <input type="checkbox"/> Outside Vendor <input type="checkbox"/>
Date of BOA Minutes:		

**Request for Department Destruction**

- I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Missouri Secretary of State Records Retention Schedule and that all audit and administrative requirements have been satisfied.
- I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and that all administrative requirements have been satisfied.

Required Approval Signature	
City Clerk: <i>Patricia E. Smith</i>	Date: <i>6/12/20</i>

**Note:** Please read the instructions on page 3 concerning Departmental Records Destruction.

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
Box #1	GS064	Employee Training Documents: Tests	May 2017	3 years /	P
Box #1	GS041	Volunteer Program Records: statistics, sign in sheets, agreements, program planning, reports, copies of check requests, petty cash reimbursements, and purchase orders	June 2008-April 2015	5 years /	P



City of St. Peters - Records Management  
**RECORDS DESTRUCTION FORM**

Department Name: <b>Human Resources</b>		Total # of Boxes: <b>1</b>
Department Records Coordinator: <b>Cyndi Wade</b>		
Date: <b>06/04/20</b>	Office Address: <b>One St. Peters Center Blvd, St. Peters, MO 63376</b>	Telephone: <b>636.477.6600</b>

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
Box #1	GS042	Volunteer Worker Records: Incomplete Applications, Interns, completed community service files, inactive volunteers	April 2014-May 2017	3 years after separation ✓	P
					P
					P
					P
					P
					P
					P
					P



**City of St. Peters – Records Management  
RECORDS DESTRUCTION FORM**

Page \_\_\_\_ of \_\_\_\_

Department Name: <b>SSS-PURCHASING</b>		Total # of Boxes:
Department Records Coordinator: <b>RITA WESTERSON</b>		
Date: <b>06/01/20</b>	Office Address: <b>CITY HALL</b>	Telephone: <b>EXT 1224</b>

**Caution:** A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so.

Department Records Coordinator: <i>Rita Westerson</i>	Date: <i>6-1-20</i>	Date of Records Destruction: <i>6-15-2020</i>
Group Manager: <i>Cathy Pratt</i>	Date: <i>6-2-2020</i>	Destruction Method: Shredding <input checked="" type="checkbox"/> Discard <input type="checkbox"/> Outside Vendor <input type="checkbox"/>
Date of BOA Minutes:		

**Request for Department Destruction**

- I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Missouri Secretary of State Records Retention Schedule and that all audit and administrative requirements have been satisfied.
- I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and that all administrative requirements have been satisfied.

**Required Approval Signature**

City Clerk: <i>Patricia Edmott</i>	Date: <i>6/12/20</i>
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**Note:** Please read the instructions on page 3 concerning Departmental Records Destruction.

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
	GS060	MAINTENANCE AGREEMENTS	2008-2013	<i>5</i> YEARS AFTER EXPIRATION	

Maintenance 5 Year after agreement expires

Active Network	9/30/08	
ADT Security	9/19/11	
Adtran	11/30/03	
Advanced Wireless	9/30/10	
Americom	12/22/06	
Americom Imaging	11/19/10	
AT&T	10/6/09	
Attachmate	9/30/02	
Aurigo Software	12/31/12	
Blue Valley Public	3/3/89	
Brown Traffic	5/31/13	
Bruce Terminix	11/30/09	
CamDex Security	10/31/10	
CK Power	10/15/09	Kohler
CK Power	10/15/09	Generator
CK Power	10/15/09	Cummins
CK Power	10/15/09	Police Generec
CDS Office Technologies	4/30/13	
CDS Office	5/11/09	
CDW	5/29/14	Bluecoat
CDW	10/2/07	Apple
Compaq	9/30/02	
Da Com	11/16/13	CMPF 1 <sup>st</sup> Floor
Da Com	11/16/13	CMPF 2 <sup>nd</sup> Floor
Da Com	10/26/03	Comm Arts
Da Com	12/9/07	CMPF
Danka	12/15/03	Streets
Danka	12/31/07	IS

Maintenance 5 Year after agreement expires

Danka	3/23/06	Utilities
Danka	2/28/07	Parks
Dataforce	9/30/02	
Data Processing	4/29/07	
Deighton Assoc.	10/31/03	
Delores McCombs & Assoc.	3/31/12	
Dictaphone	9/30/03	
Digital AV	5/31/12	
DTN	8/31/12	
EBE	7/17/13	
DPSI	9/30/12	
FHE	12/31/11	
Fishnet	2/21/10	
Fishnet	8/24/14	
Elliott	4/30/14	
Fishnet	1/28/04	
Enterprise	4/27/09	
Gateway Ind. Power	6/30/03	
GFI digital	1/10/08	
Haines & Co	11/17/11	
Help Desk tech corp.	11/30/10	
HLP	12/31/13	
IBM	9/23/08	
HP IS	10/16/06	
Ikon – CM	6/30/04	
Ikon PD	2/29/13	
Ikon CMPF	1/10/04	
Ikon CMPF	12/28/06	
Ikon Com Rel	12/11/07	

Maintenance 5 Year after agreement expires

Ikon Eng	1/8/07
Ikon PD	5/18/05
Ikon PD	9/13/07
Ikon PD	1/31/07
Ikon PD	2/14/07
Ikon R.P.	10/19/04
Ikon PD	2/14/07
Integraph IS	4/30/11
Intermec IS	10/26/05
Interface Security	March 2013
Insight	3/29/12
Kustom Sig PD Surveillance	6/4/04
Kroll	12/10/10
Lancope IS	12/31/08
Liebert IS	4/24/07
Locate Plus PD	5/21/12
Marconi - Switch	2/1/05
M Orenet Fees – win	9/9/05
McAfee Antnirus – SSS IT	7/21/12
MGBS Inc – Scanners Finance	3/23/11
Network Technology – Golf Course	6/1/10
Nixle	4/28/12
Orbit	3/20/10
Overhead Door	10/12/10
Panasonic Courts	9/30/03
Panasonic PD	6/30/03
Perseus Development	8/31/05
Panasonic Eng	10/1/04
Panasonic Admin	2/28/02

Maintenance 5 Year after agreement expires

Philibert Security	7/31/12
Pitney Bowes – IS	10/1/10
Pitney Bowes – PD	3/30/11
RBM Streets	2/1/11
RBM WIN	11/1/06
RBM Community Arts	12/31/10
RBM Court	3/1/06
RBM R.P.	3/23/06
RBM CAC	3/23/06
Insight Rkon – IS	6/4/15
RM Wester	10/31/12
Rejis	11/30/12
Rejis	6/30/12
Rejis	10/31/12
Rejis	9/30/08
Rejis Pd	4/2/04
Rejis IS	12/27/04
Ricoh PD	11/13/12
SBC – AT&T	6/29/09
Sentinel technologies Sophos	9/17/12



A Member of the ICC Family of Companies

# Stand-Alone Editorial and Code Analysis

PREPARED FOR:

City of St. Peters, MO

PROJECT EDITOR:

Margaret A. Perry

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## INTRODUCTION

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### Editorial and Code Analysis

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This Editorial and Code Analysis is a review of existing legislation found in the Code of the City of St. Peters. Its purpose is to assist you in identifying Code provisions that are outdated or may be in need of revision.

It is designed to be a working document for the City Officials, and the convenient checklist format enables you to record decisions for future action.

This Editorial and Code Analysis has been prepared on the basis of a critique of the City's existing legislation, including, as much as possible, a comparison with statutory provisions, to identify conflicts and ambiguities in order to bring consistency and statutory compliance to the general body of City's law.

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

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### Use the Updated Code for Reference

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This Editorial and Code Analysis consists of a Chapter-by-Chapter review of the 2009 Code of the City of St. Peters, as updated through Supp. #21, 10/18, which includes legislation through and including Ord. No. 7042. We also reviewed Ord. Nos. 7074 and 7084, which will be included in the next supplement to the Code, and found no issues.

Those involved in the review of this Analysis should use the current version of the City Code as a guide. We encourage the City Officials to use the City's eCode360<sup>®</sup> at <https://www.ecode360.com/ST3438> for easy searching during the review process.



Should the City wish to revise or amend any wording for a particular Section or Chapter, you may easily create a new Word document by using the "download" button in eCode360, which is functional after logging into eCode360. Alternatively the City may want to simply copy and mark up pages from the printed Code page(s).

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### Legal Advice

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

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## Sample Material

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See the **Sample Legislation** divider at the end of this Editorial and Code Analysis.

- This Analysis project includes our submission of Sample Chapters and Sections which derive:
  1. In part or in full, from Statutory Material that is up-to-date through the 2018 Legislative Session. Statutory provisions will have a “(RSMo. §...)” note at the end of the Section indicating the statute(s) from which it is derived.
  2. From other Missouri cities located close to St. Peters and which are generally based on recent statutory changes.
- Refer to the cover sheet for the Samples; it contains a map of Sample Material to the corresponding Chapter or Section of the City’s Code for ease of reference.
- All Sample Chapters that are not derived from other communities are numbered as “A” Chapters to more easily distinguish them from your own.
- Disregard the “placeholders” such as {MuniType} and {MuniName} in the Sample Material. Should the City choose to include any sample language, simply search on an open curly bracket to find all instances and update those references.

We also encourage the City to take advantage of “MultiCode Search” in eCode360, the online version of the City Code. You can narrow your search to municipal codes in St. Charles County, in 4<sup>th</sup> Class Cities in Missouri, or simply search all municipal codes in Missouri. A user of this service must first log in to eCode360. The MultiCode Search option appears at the top of the eCode360 screen, near “Help.” Additional information on MultiCode searches is available under Help.

Note that all Sample Material should be thoroughly reviewed and revisions made to bring the samples in line with your community’s needs prior to adoption.

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## Review by City

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This Editorial and Code Analysis is set up as a workbook. Typically, where the Editor has found an ordinance or Code Section to be generally suitable as written, there will be no question. However, a lack of comment does not preclude revisions to any Chapter based on the experiences of the City. We encourage the City Officials to review all chapters of the Code, using this Editorial and Code Analysis as a guide, paying particular attention to the following points for additional ordinances:

- Are certain provisions no longer enforced?
- Is the legislation the appropriate regulation of the subject matter or would such provisions be enforced under another law or statute?
- Are the procedures described accurate or should they be changed to reflect current practices? Are there obsolete procedures that can be deleted?
- Have problems in enforcement of particular provisions arisen in the past? Could the provisions be made more specific?
- Are the titles of Officials and Departments up-to-date? Are there other administrative terms that should be changed?
- Are the amounts of fees and bonds adequate? Will they cover the City’s cost in administering the legislation?

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City of St. Peters, Missouri

Our experience indicates that the City may find it helpful to designate one person or a small committee to perform the detailed review work and to report back to the governing body with specific recommendations and any questions needing some type of policy decision. Often at this point the completed workbook is passed on to the Municipal Attorney for his or her review of the decisions.

## GENERAL DECISIONS

### Putting Decisions Into Effect

Once the Editorial and Code Analysis has been reviewed and decisions have been made and approved by the City Attorney and Board of Aldermen, there are several options for putting them into effect:

- **Option 1: Individual revisions.** The City could draft and adopt separate ordinances to amend the Code over a period of time as your schedule permits and supplement the Code accordingly.
- **Option 2: One-time revision.** The City could review the entire Analysis, answer all questions and draft all revisions. The Code could then be republished (if necessary), incorporating all decisions from the Analysis and readopting the Code and the revisions in their entirety with a single ordinance. General Code could assist in drafting the ordinance to put all decisions in effect.

Option 1 allows you the benefit of time to accomplish the revisions.

Option 2 may be more cost effective, depending on the scope of desired changes, allowing the City to make all changes to the Code at once, and would enable the City to make blanket changes throughout the Code, such as standardizing all penalties or updating the titles of boards, officers and departments.

If you need further information or would like to discuss an approach to putting decisions into effect, please contact us to discuss your particular needs.

### Global Changes

A. **References to misdemeanor.** As an example, see Sections 210.080(B), 210.255(G) and 320.040 which refer to “misdemeanor.” We believe this term is no longer correct and should be referred to as an “ordinance violation.” The term “misdemeanor” appears to apply to state offenses, whereas “ordinance violation” would apply to a violation of the City’s ordinance. If the City agrees with this determination we will change this term here and throughout the Code where appropriate.

**Decision:**

- Change “misdemeanor” to “ordinance violation” here and throughout the Code as appropriate.
- No revision desired.
- Other: (explain) \_\_\_\_\_

B. **Year references in Statutory Citations.** As an example, see Section 220.005, which uses “1969” after the Statute citation. We typically remove these types of “year” reference as part of a codification project, so that references are not unnecessarily limited.



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## TITLE I, GOVERNMENT CODE

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### Chapter 100, General Provisions

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#### Article I, General Code Provisions

- A. See Section 100.020 the definition of COMPUTATION OF TIME. Note that the provisions of Section 506.060.1, RSMo., appear to include “Saturdays” in the exclusionary wording. See this Section set out below and determine if any revisions should be made herein.

**Section 100C.180. Computation Of Time.**

*In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. (RSMo. §506.060.1)*

**Decision:**

- Revise this definition as set out above.
- No revision desired.
- Revise as follows: \_\_\_\_\_

- B. See Section 100.020 the definition of PRECEDING, FOLLOWING. It seems that there is a word missing herein. We believe this should read one of the following ways:

“When used by way of reference to any Sections of the Code, shall mean.....”

OR

“When used by way of reference to any Sections of the Code, means\_.....”

**Decision:**

- Revise this definition by changing “mean” to means.
- Revise this definition by changing “mean” to shall mean.
- Revise as follows: \_\_\_\_\_
- No revision desired.

- C. Following the **Sample Legislation** divider, we have included Sample Chapter 100A which contains some additional provisions the City may want to review and possibly include. In particular see Sections 100A.080(C), 100A.160 and 100A.170.

**Decision:**

- Add Sections 100A.080(C), 100A.160 and 100A.170.
- No revisions desired.
- Revise as follows: \_\_\_\_\_

## Article II, General Penalty

Section 100.060 contains general penalty provisions which appear to derive from Section 79.470, RSMo. Note that Senate Bills 5 and 572 adopted in 2015 and 2016 have set out different penalties in certain circumstances, which the City may want to review. Since communities appear to be incorporating these provisions differently, the City's Attorney should assist the City in making a decision regarding these provisions and how to include them in the Code. Following the **Sample Legislation** divider, we have included sample wording from two other communities (O'Fallon and Riverside) which the City may want to review.

### **479.350. DEFINITIONS.**

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

*(1) "Annual general operating revenue," revenue that can be used to pay any bill or obligation of a county, city, town, or village, including general sales tax; general use tax; general property tax; fees from licenses and permits; unrestricted user fees; fines, court costs, bond forfeitures, and penalties. Annual general operating revenue does not include designated sales or use taxes; restricted user fees; grant funds; funds expended by a political subdivision for technological assistance in collecting, storing, and disseminating criminal history record information and facilitating criminal identification activities for the purpose of sharing criminal justice-related information among political subdivisions; or other revenue designated for a specific purpose;*

*(2) "Court costs," costs, fees, or surcharges which are retained by a county, city, town, or village upon a finding of guilty or plea of guilty, and shall exclude any costs, fees, or surcharges disbursed to the state or other entities by a county, city, town, or village and any certified costs, not including fines added to the annual real estate tax bill or a special tax bill under section 67.398, 67.402, or 67.451;*

*(3) "Minor traffic violation," a municipal or county traffic ordinance violation prosecuted that does not involve an accident or injury, that does not involve the operation of a commercial motor vehicle, and for which no points are assessed by the department of revenue or the department of revenue is authorized to assess one to four points to a person's driving record upon conviction. Minor traffic violation shall include amended charges for any minor traffic violation. Minor traffic violation shall exclude a violation for exceeding the speed limit by more than nineteen miles per hour or a violation occurring within a construction zone or school zone;*

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

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

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

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

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

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

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

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

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

**Decision:**

- Insert the sample provisions from the City of \_\_\_\_\_; all customizations are attached.
- Revise as follows: (attach revisions separately).
- No revision desired.

## Chapter 105, Elections

**Article I, Filing of Candidacy**

Is the filing fee in Section 105.030 still current?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_

**Article II, Wards**

Confirm the ward boundaries in Section 105.050 are correct.

**Decision:**

- No revision desired; these boundaries are correct.
- Revise as follows: \_\_\_\_\_

## Chapter 110, Mayor And Board Of Aldermen

**Article I, Mayor**

A. As regards Section 110.030, the City may want to add language from Section 79.270 which states

*“The salary of an officer shall not be changed during the time for which he/she was elected or appointed.”*

**Decision:**

- No revision desired.
- Add the above italicized wording to this Section.
- Revise as follows: \_\_\_\_\_

**Article II, Board Of Aldermen**

- A. As regards Section 110.055, the City may want to add language from Section 79.270 which states  
*“The salary of an officer shall not be changed during the time for which he/she was elected or appointed.”*

**Decision:**

- No revision desired.
- Add the above italicized wording to this Section.
- Revise as follows: \_\_\_\_\_

- B. The provisions of Ord. No. 7074 will be incorporated into Section 110.060 with the next supplement to the Code.

**NO DECISION REQUIRED**

- C. See Section 110.090. Note that Section 79.130, RSMo., contains additional requirements for ordinances when adopted in a Fourth Class City. The City may want to review these provisions and determine if any revisions are needed.

**Section 110C.090. Ordinances — Procedure To Enact.**

- A. *The style of the ordinances of the City shall be "Be it ordained by the Board of Aldermen of the City of {MuniName}, as follows: . . . ." No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage; both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto as herein provided.*
- B. *The provisions of this Section shall not apply to ordinances proposed or passed under Section 79.135, RSMo. (RSMo. §79.130, 2014)*

**Decision:**

- No revision desired.
- Include the statutory provisions above to replace Section 110.090.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately) 

Chapter 115, City Officials And Employees

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**Generally**

As regards Sections 115.120 and 115.200, see the note above to Chapter 110, Article I, regarding the salary of certain officials. This appears to apply to the City Clerk and City Collector as well per Section 79.270, RSMo.

**79.270. Salaries fixed by ordinance.**

*The board of aldermen shall have power to fix the compensation of all the officers and employees of the city, by ordinance. But the salary of an officer shall not be changed during the time for which he was elected or appointed. (RSMo 1939 § 7121) Prior revisions: 1929 § 6971; 1919 § 8422; 1909 § 9324*

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

Chapter 120, Boards And Commissions

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**Article I, Tax Increment Financing Commission**

AND

**Article II, Show Me PACE Clean Energy Development Board**

Do these Articles continue to reflect the City's practices?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

Chapter 125, Personnel

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**Article I, Personnel Policy and Procedures**

Has the Personnel Policy mentioned in Section 125.010 been updated since its adoption? It appears that portions of the Policy have been set out in this Article. Is there any additional material to be added herein?

**Decision:**

- No revision desired. 
- Revise as follows: (attach revisions separately).

**Article II, In General**

A. Review Section 125.040 and confirm this is correct as set out. Has any change been made since 2001?

**Decision:**

No change has been made to this Section.

Revise as follows: \_\_\_\_\_

B. See Section 125.055(C)(2). It appears that the word “been” should be added in this Subsection between the words “yet” and “submitted.”

**Decision:**

Make the above-noted change; change this Subsection to read “....coverage, but which have not yet been submitted to the Plan Administrator, and those....”

No revision desired.

Revise as follows: \_\_\_\_\_

**Article IV, Conflicts of Interest**

A. See Section 125.110. Note that the statutory definitions in Section 105.450, RSMo. (amended in 2016), differ slightly from the definitions set out in this Section. The City may want to consider whether any revisions are needed herein.

**105.450. Definitions.** — *As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless the context clearly requires otherwise, the following terms mean:*

(1) **“Adversary proceeding”**, *any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political subdivision; or an investigative proceeding initiated by an official, department, division, or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department, division or agency;*

(2) **“Business entity”**, *a corporation, association, firm, partnership, proprietorship, or business entity of any kind or character;*

(3) **“Business with which a person is associated”**:

(a) *Any sole proprietorship owned by himself or herself, the person’s spouse or any dependent child in the person’s custody;*

(b) *Any partnership or joint venture in which the person or the person’s spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the person is an officer or director or of which either the person or the person’s spouse or dependent child in the person’s custody whether singularly or collectively owns in excess of ten percent of the outstanding shares of any class of stock or partnership units; or*

(c) Any trust in which the person is a trustee or settlor or in which the person or the person's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent or more of the corpus of the trust;

(4) "**Commission**", the Missouri ethics commission established in section [105.955](#);

(5) "**Confidential information**", all information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge;

(6) "**Decision-making public servant**", an official, appointee or employee of the offices or entities delineated in paragraphs (a) through (h) of this subdivision who exercises supervisory authority over the negotiation of contracts, or has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law or exercises primary supervisory responsibility over purchasing decisions. The following officials or entities shall be responsible for designating a decision-making public servant:

(a) The governing body of the political subdivision with a general operating budget in excess of one million dollars;

(b) A department director;

(c) A judge vested with judicial power by Article V of the Constitution of the state of Missouri;

(d) Any commission empowered by interstate compact;

(e) A statewide elected official;

(f) The speaker of the house of representatives;

(g) The president pro tem of the senate;

(h) The president or chancellor of a state institution of higher education;

(7) "**Dependent child**" or "**dependent child in the person's custody**", all children, stepchildren, foster children and wards under the age of eighteen residing in the person's household and who receive in excess of fifty percent of their support from the person;

(8) "**Paid political consultant**", a person who is paid for profit to promote the election of a certain candidate or the interest of a committee, as defined in section [130.011](#), including, but not limited to, planning campaign strategies; coordinating campaign staff; organizing meetings and public events to publicize the candidate or cause; public opinion polling; providing research on issues or opposition background; coordinating or purchasing print or broadcast media; direct mail production; phone solicitation; fund raising; and any other political activities. The term "paid political consultant" shall not include vendors who provide tangible goods that do not promote the election of a candidate or the interest of a committee in the ordinary course of the vendor's business;

(9) "**Political subdivision**" shall include any political subdivision of the state, and any special district or subdistrict;

(10) "**Public document**", a state tax return or a document or other record maintained for public inspection without limitation on the right of access to it and a document filed in a juvenile court proceeding;

(11) "**Substantial interest**", ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars, or more, per year from any individual, partnership, organization, or association within any calendar year;

City of St. Peters, Missouri

(12) **“Substantial personal or private interest in any measure, bill, order or ordinance”**, any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity. (L. 1965 p. 229 § 1, A.L. 1978 H.B. 1610 § 2, A.L. 1991 S.B. 262, A.L. 1997 S.B. 16, A.L. 2016 H.B. 1983)

**Decision:**

- No revision desired.
- Insert the following definitions to replace the similar definitions in this Section: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. See Section 125.130(C). Section 213.010, RSMo., includes additional basis of discrimination in the following definition. The City may want to consider whether this Subsection needs to be revised.

(6) **“Discrimination”**, conduct proscribed herein, taken because of race, color, religion, national origin, ancestry, sex, or age as it relates to employment, disability, or familial status as it relates to housing;

**Decision:**

- Add the following basis of discrimination: \_\_\_\_\_
- No revision desired.
- Revise as follows: \_\_\_\_\_

## Chapter 130, Municipal Court

A. See Section 130.020. Note that the similar provisions of Section 479.010, RSMo., which were amended in 2007 contain additional language which the City may want to include herein.

**Section 479.010. Jurisdiction.**

*Violations of municipal ordinances shall be heard and determined only before divisions of the Circuit Court as hereinafter provided in this Chapter. The term "heard and determined," for purposes of this Chapter, shall mean any process under which the Court in question retains the final authority to make factual determinations pertaining to allegations of a municipal ordinance violation. (RSMo. §479.010)*

**Decision:**

- No revision desired.
- Replace Section 130.020 with Statutory Section above.
- Revise as follows: \_\_\_\_\_

B. See Section 130.050. Though this comment does not affect the Code, we noted that on the City’s website there appears to be a contradiction. The City may want to correct the wording therein. It states the following:

*“The Judge of the St. Peters Municipal Court is known as a Municipal Judge of the Eleventh Judicial Circuit Court, and shall be elected to his/her position by the qualified voters of the City for a term of two years. The term of the elected Municipal Judge is four years. Currently ... holds this position.”*

**NO DECISION REQUIRED HERE**

C. See Section 130.070.

(1) Subsections 7 and 8 herein both appear to be other than qualifications; we would proposed that these be redesignated as Subsections B and C.

**Decision:**

- Change Subsections (A)(7) and (8) to be Subsections B and C.
- No revision desired.
- Revise as follows: \_\_\_\_\_

(2) Section 479.020, RSMo., was amended in 2016 to include the following language: “No Municipal Judge shall serve as a Municipal Judge in more than five (5) municipalities at one time.” The City may want to include this language herein.

**Decision:**

- Include the above language from Section 479.020, RSMo., as an additional Subsection D [or as B if Item C(1) above is “no revision”].
- No revision desired.
- Revise as follows: \_\_\_\_\_

D. See Section 130.150. Note that the similar language in Section 479.110, RSMo., uses the word “shall” instead of the word “may” as used herein.

**Decision:**

- No revision desired.
- Change “may” to “shall.”
- Revise as follows: \_\_\_\_\_

E. See Section 130.180. Note that the similar statutory provisions in Section 479.170, RSMo., were amended in 2010 to include an additional paragraph. The City should review and determine if it should be included herein as Subsection B.

***Section 479.170.2, RSMo.***

*B. For purposes of this Section, any offense involving the operation of a motor vehicle in an intoxicated condition as defined in Section 577.001, RSMo., shall not be cognizable in Municipal Court, if the*

*defendant has been convicted, found guilty, or pled guilty to two (2) or more previous intoxication-related traffic offenses as defined in Section 577.001, RSMo., or has had two (2) or more previous alcohol-related enforcement contacts as defined in Section 302.525, RSMo. (RSMo. §479.170, 2010, 2017)*

**Decision:**

- Add the paragraph set out above as Subsection B of Section 130.180.
- No revision desired.
- Revise as follows: \_\_\_\_\_

- F. See Section 130.235. Note that there is an additional Section 479.360, RSMo., that has been added to the Statutes which requires that no fine may be charged for failure to appear in the case of a “minor traffic violation.” Review the statutory provisions below and determine if any revisions should be made to this Section.

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

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

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

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

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

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

*(5) The municipal court only assesses fines and costs as authorized by law;*

*(6) No additional charge shall be issued for the failure to appear for a minor traffic violation;*

*(7) The municipal court conducts proceedings in a courtroom that is open to the public and large enough to reasonably accommodate the public, parties, and attorneys;*

*(8) The municipal court makes use of alternative payment plans;*

*(9) The municipal court makes use of community service alternatives for which no associated costs are charged to the defendant; and*

*(10) The municipal court has adopted an electronic payment system or payment by mail for the payment of minor traffic violations.*

*2. On or before December 31, 2015, the state auditor shall set forth by rule a procedure for including the addendum information required by this section. The rule shall also allow reasonable opportunity for demonstration of compliance. (L. 2015 S.B. 5, A.L. 2016 S.B. 572)*

**Decision:**

- Add the underlined portion of the statute set out above as Subsection D of Section 130.235.
- No revision desired.
- Revise as follows: \_\_\_\_\_

G. See Section 130.240(A)(2)(d). Note that the last two sentences in this Subsection do not include the same elements as the statutory provisions underlined below.

***488.5026. Two dollar surcharge for all criminal cases, funds to be deposited in inmate prisoner detainee security fund.***

*1. Upon approval of the governing body of a city, county, or a city not within a county, a surcharge of two dollars shall be assessed as costs in each court proceeding filed in any court in any city, county, or city not within a county adopting such a surcharge, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of two dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.*

*2. Notwithstanding any other provision of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the governmental unit authorizing such surcharge.*

*3. The treasurer shall deposit funds generated by the surcharge into the "Inmate Prisoner Detainee Security Fund". Funds deposited shall be utilized to acquire and develop biometric verification systems and information sharing to ensure that inmates, prisoners, or detainees in a holding cell facility or other detention facility or area which hold persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system. The funds deposited in the inmate prisoner detainee security fund shall be used only to supplement the sheriff's funding received from other county, state or federal funds. The county commission shall not reduce any sheriff's budget as a result of any funds received within the inmate prisoner detainee security fund. Upon the installation of the information sharing or biometric verification system, funds in the inmate prisoner detainee security fund may also be used for the maintenance, repair, and replacement of the information sharing or biometric verification system, and also to pay for any expenses related to detention, custody, and housing and other expenses for inmates, prisoners, and detainees. (L. 2003 S.B. 5, A.L. 2004 H.B. 1179, A.L. 2012 H.B. 1647 merged with S.B. 628; A.L. 2016 H.B. 1936)*

**Decision:**

- Replace the last two sentences of this Subsection with the underlined statutory provisions above.
- No revision desired.
- Revise as follows: **attach revisions separately**.
- Revise as follows: \_\_\_\_\_

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## Chapter 135, Purchasing System

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

**Decision:**

- No revision desired; this is correct.
- No revision desired.
- Revise as follows:  \_\_\_\_\_

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## Chapter 140, Finance

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### Article I, General Provisions

Is the fiscal year still current as stated in Section 140.010?

**Decision:**

- No revision desired; this is correct.
- Revise as follows: \_\_\_\_\_

### Article II, Method For Disposal Of Abandoned And Surplus Property

As regards this Article, the City may want to review the provisions of this Article against Section 542.301, RSMo., set out below, which sets forth procedures for the disposition of unclaimed seized property and forfeiture somewhat differently than the procedures referenced herein.

***542.301. Disposition of unclaimed seized property--forfeiture to the state, when--allegedly obscene matter, how treated--appeal authorized.***

*1. Property which comes into the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to any other provisions of law or returned to the claimant shall be disposed of as follows:*

*(1) Stolen property, or property acquired in any other manner declared an offense by chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this subsection, shall be delivered by order of court upon claim having been made and established, to the person who is entitled to possession:*

*(a) The claim shall be made by written motion filed with the court with which a motion to suppress has been, or may be, filed. The claim shall be barred if not made within one year from the date of the seizure;*

*(b) Upon the filing of such motion, the judge shall order notice to be given to all persons interested in the property, including other claimants and the person from whose possession the property was seized, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons whose address is unknown by publication in a newspaper of general circulation in the county. No property shall be delivered to any claimant unless all interested persons have been given a reasonable opportunity to appear and to be heard;*

(c) *After a hearing, the judge shall order the property delivered to the person or persons entitled to possession, if any. The judge may direct that delivery of property required as evidence in a criminal proceeding shall be postponed until the need no longer exists;*

(d) *A law enforcement officer having custody of seized property may, at any time that seized property has ceased to be useful as evidence, request that the prosecuting attorney of the county in which property was seized file a motion with the court of such county for the disposition of the seized property. If the prosecuting attorney does not file such motion within sixty days of the request by the law enforcement officer having custody of the seized property, then such officer may request that the attorney general file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. Such disposition may, if the property is not claimed within one year from the date of the seizure or if no one establishes a right to it, and the seized property has ceased to be useful as evidence, include a public sale of the property. Pursuant to a motion properly filed and granted under this section, the proceeds of any sale, less necessary expenses of preservation and sale, shall be paid into the county treasury for the use of the county. If the property is not salable, the judge may order its destruction. Notwithstanding any other provision of law, if no claim is filed within one year of the seizure and no motion pursuant to this section is filed within six months thereafter, and the seized property has ceased to be useful as evidence, the property shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543;*

(e) *If the property is a living animal or is perishable, the judge may, at any time, order it sold at public sale. The proceeds shall be held in lieu of the property. A written description of the property sold shall be filed with the judge making the order of sale so that the claimant may identify the property. If the proceeds are not claimed within the time limited for the claim of the property, the proceeds shall be paid into the county treasury. If the property is not salable, the judge may order its destruction.*

(2) *Weapons, tools, devices, computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet, and substances other than motor vehicles, aircraft or watercraft, used by the owner or with the owner's consent as a means for committing felonies other than the offense of possessing burglary tools in violation of section 569.180, and property, the possession of which is an offense under the laws of this state or which has been used by the owner, or used with the owner's acquiescence or consent, as a raw material or as an instrument to manufacture, produce, or distribute, or be used as a means of storage of anything the possession of which is an offense under the laws of this state, or which any statute authorizes or directs to be seized, other than lawfully possessed weapons seized by an officer incident to an arrest, shall be forfeited to the state of Missouri.*

2. *The officer who has custody of the property shall inform the prosecuting attorney of the fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon file a written motion with the court with which the motion to suppress has been, or may be, filed praying for an order directing the forfeiture of the property. If the prosecuting attorney of a county in which property is seized fails to file a motion with the court for the disposition of the seized property within sixty days of the request by a law enforcement officer, the officer having custody of the seized property may request the attorney general to file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. The signed motion shall be returned to the requesting agency. A motion may also be filed by any person claiming the right to possession of the property*

*praying that the court declare the property not subject to forfeiture and order it delivered to the moving party.*

*3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the judge shall order notice to be given to all persons interested in the property, including the person out of whose possession the property was seized and any lienors, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons of unknown address by publication in a newspaper of general circulation in the county. Every interested person shall be given a reasonable opportunity to appear and to be heard as to the nature of the person's claim to the property and upon the issue of whether or not it is subject to forfeiture.*

*4. If the evidence is clear and convincing that the property in issue is in fact of a kind subject to forfeiture under this subsection, the judge shall declare it forfeited and order its destruction or sale. The judge shall direct that the destruction or sale of property needed as evidence in a criminal proceeding shall be postponed until this need no longer exists.*

*5. If the forfeited property can be put to a lawful use, it may be ordered sold after any alterations which are necessary to adapt it to a lawful use have been made. In the case of computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet, or other devices used in the acquisition, possession, or distribution of child pornography or obscene material, the law enforcement agency in possession of such items may, upon court order, retain possession of such property and convert such property to the use of the law enforcement agency for use in criminal investigations. If there is a holder of a bona fide lien against property which has been used as a means for committing an offense or which has been used as a raw material or as an instrument to manufacture or produce anything which is an offense to possess, who establishes that the use was without the lienholder's acquiescence or consent, the proceeds, less necessary expenses of preservation and sale, shall be paid to the lienholder to the amount of the lienholder's lien. The remaining amount shall be paid into the county treasury.*

*6. If the property is perishable the judge may order it sold at a public sale or destroyed, as may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of preservation and sale, shall be held in lieu of the property.*

*7. When a warrant has been issued to search for and seize allegedly obscene matter for forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and convincing that the matter is obscene as defined by law and it was being held or displayed for sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene and forfeited to the state and order its destruction or other disposition; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without the judge having thoroughly examined each item. If the material to be seized is the same as or another copy of matter that has already been determined to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's agent, the determination of obscenity in the criminal proceeding shall constitute clear and convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except when the dealer, exhibitor or displayer consents to a longer period, or by such person's actions or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered within ten days of the return of the warrant. If the matter is not found to be obscene or is not found to have been held or displayed for sale, exhibition or distribution*

*to the public, or a judgment is not entered within the time provided for, the matter shall be restored forthwith to the dealer, exhibitor or displayer.*

*8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case should be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of a matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.*

*9. A determination of obscenity, pursuant to this subsection, shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter; except that dealer, distributor or displayer from which the obscene matter was seized for forfeiture to the state.*

*10. When allegedly obscene matter or pornographic material for minors has been seized under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in which the matter was seized may file a written motion with the circuit court of the county or judicial district in which the seizure occurred praying for an order directing the forfeiture of the matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date, time, place and nature of the hearing shall be personally served upon the owner, dealer, exhibitor, displayer or such person's agent. Such notice shall be served no less than five days before the hearing.*

*11. If the evidence is clear and convincing that the matter is obscene as defined by law, and that the obscene material was being held or displayed for sale, exhibition, distribution or circulation to the public or that the matter is pornographic for minors and that the pornographic material was being held or displayed for sale, exhibition, distribution or circulation to minors, the judge shall declare it to be obscene or pornographic for minors and forfeited to the state and order its destruction or other disposition. A determination that the matter is obscene in a criminal proceeding as well as a determination that such obscene material was held or displayed for sale, exhibition, distribution or circulation to the public or a determination that the matter is pornographic for minors in a criminal proceeding as well as a determination that such pornographic material was held or displayed for sale, exhibition, distribution or circulation to minors shall be clear and convincing evidence that such material should be forfeited to the state; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without a judge having thoroughly examined each item. A dealer, distributor or displayer shall have had reasonable opportunity to appear in opposition if the matter the prosecutor seeks to destroy is the same matter that formed the basis of a criminal proceeding against the dealer, distributor or displayer where the dealer, distributor or displayer has been charged and found guilty of holding or displaying for sale, exhibiting, distributing or circulating obscene material to the public or pornographic material for minors to minors. If the matter is not found to be obscene, or if obscene material is not found to have been held or displayed for sale, exhibition, distribution or circulation to the public, or if the matter is not found to be pornographic for minors or if pornographic material is not found to have been held or displayed for sale, exhibition, distribution or circulation to minors, the matter shall be restored forthwith to the dealer, exhibitor or displayer.*

*12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case shall be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.*

13. *A determination of obscenity shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter.*

14. *An appeal by any party shall be allowed from the judgment of the court as in other civil actions.*

15. *All other property still in the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to this section or any other provision of law after three years following the seizure and which has ceased to be useful as evidence shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543. (L. 1974 S.B. 366 § 9, A.L. 1980 H.B. 1528 Revision, A.L. 1987 H.B. 113, et al., A.L. 1998 H.B. 931, A.L. 2002 S.B. 1248, A.L. 2012 S.B. 628, A.L. 2014 H.B. 1298 Revision)*

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately)

Chapter 145, Taxation

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Are there any additional sales taxes that should be placed in this Chapter that are being charged in the City?

**Decision:**

- No revision desired.
- The City has submitted the enabling ordinances for the following sales taxes, which should be added to this Chapter: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

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## TITLE II, PUBLIC HEALTH, SAFETY AND WELFARE

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### Chapter 200, Police

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#### Article III, In General

- A. See Section 200.100(B)(1)(b). Note the definition of DANGEROUS FELONY as set out in Section 556.061(19), RSMo., has been amended as recently as 2017 and reads as set out below. The City may want to change this definition to reflect the newer statutory provisions.

*(19) "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, 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 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 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, child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001;*

#### Decision:

- Replace the definition in this Section with the newer definition from the statutes set out above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. Due to the age of some of the provisions in this Chapter, the City may want to review and determine if these are still the current procedures in the City.

#### Decision:

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

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## Chapter 205, Animal Regulations

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### Generally

- We have not reviewed this Chapter to the Statutes since it was very recently adopted and there was some confusion in the implementation of Ord. No. 6849 regarding where the amendments to the City's Chapter were to be inserted. Due to the uncertainty about what the City was including from St. Charles County Code and what the City wanted to retain from its own City Code Chapter 205, the City provided a redline copy of Chapter 205 which is what is included in the Code at this time. The Supplement Editor noted this on page 205:2 of the current code.

Note that because of the combination of the required Sections of St. Charles County's Code into the St. Peter's Code, there appears to be some duplication and possible conflict in some areas. See as an example the definitions in Section 205.010 which contain a definition of DANGEROUS ANIMAL (from St. Peters Code) and DANGEROUS DOG (from St. Charles County). Assuming a "dog" is considered an "animal," these definitions could lead to a conflict. Also note that the definition of DANGEROUS DOG references Section 205.142(C) and (D). The City opted to NOT adopt Section 205.142 per Section F of Article 2 of the Contract and Exhibit D to Ord. No. 6849. This simply adds to the confusion.

- Also, it seems that changing the Section numbers provided by St. Charles County may confuse the enforcement of these Sections; and that may need to be worked out with the County. We believe the contract appears to expect the City to enact these Sections as they read and are numbered.
- That said, it appears that many of the Section numbers from St. Charles County's Code have changed. We cannot be certain if this affects the contract set out in Ord. No. 6849. The City's Attorney should review this ordinance and determine if there are any possible consequences of changed Section numbers herein. As examples of this; see Section 205.120 of the OSCCMo which has been placed in the St. Peter's Code in Section 205.150(C) and Section 205.160.
- Additionally, note that the contract appears to require the City to incorporate any amendments the County may enact in the future to these Sections. Since they are spread out throughout the Chapter and some even combined as part of another Section, it seems this would be a difficult task. The City may want to determine if the County is supplying those amendments; or if the City may need to request those in the future; or worst case scenario, the City may need to check the County's website monthly to confirm that no amendments to the County's Chapter 205 have been made. Any amendments to this Chapter would need to be provided in ordinance form adopted by the City and sent in as any other supplemental ordinance.
- Lastly, we would suggest, of course dependent on the City Attorney's opinion and information the City may receive from the County, that the City consider enacting a Chapter 205C or something of that nature, so that the St. Charles County provisions can be held separately as that would simplify the amendments and keep the City's regulations clear of any possible conflict.

### **Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

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## Chapter 210, Offenses

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### General Statement

Note that this Chapter in many respects is based on the “Model” Offenses Chapter that was provided and revised the last time the City recodified its ordinances. We note that this Model Offenses Chapter has been revised numerous times since then with additional statutory material. We are including a copy of the updated “Model” as Sample Chapter 210A, the Sample Offenses Chapter, for the City’s review. The City may want to include some additional statutory material from said Sample Chapter. See, for instance, Sample Section 210A.030. Note that many of the City’s provisions are unique to the City and not contained in the Sample Chapter 210A, so we are not suggesting the City replace the entirety of current Code Chapter 210, only any Sections noted below or that are additional to those contained in the City’s current Chapter.

#### Decision:

- Any and all desired revisions are noted below.
- Add the following Sections from Sample Chapter 210A: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

### Article I, Generally

A. See Section 210.005. Note that the definition of ANIMAL does not appear to agree with the newly enacted definition of ANIMAL in Section 205.010 of the Code which reads “Any living vertebrate except human.” Please advise if any revision is necessary.

#### Decision:

- No revision desired.
- Replace the term ANIMAL in Section 210.005 with the statement “As defined in Section 205.010 of this Code.”
- Use the definition of ANIMAL from Section 205.010 to replace the definition in Section 210.005.
- Revise as follows: \_\_\_\_\_

B. See Section 210.005. Note that the statutory provisions of Section 556.061, RSMo., which this Section 210.005 appears for the most part to be based on, have added a number of new definitions since this Section was last updated which we have underlined below. The City may want to review and confirm whether these definitions are necessary in the City’s Code.

#### ***556.061. Beginning January 1, 2017--Code definitions.***

*In this code, unless the context requires a different definition, the following terms shall mean:*

*(1) "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;*

*(2) "Affirmative defense":*

*(a) The defense referred to is not submitted to the trier of fact unless supported by evidence; and*

*(b) 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;*

(3) *"Burden of injecting the issue":*

(a) *The issue referred to is not submitted to the trier of fact unless supported by evidence; and*

(b) *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;*

(4) *"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;*

(5) *"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;*

(6) *"Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;*

(7) *"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 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;*

(8) *"Computer network", two or more interconnected computers or computer systems;*

(9) *"Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;*

(10) *"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;*

(11) *"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;*

(12) *"Computer system", a set of related, connected or unconnected, computer equipment, data, or software;*

(13) "Confinement":

(a) 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 release without guard and without condition that he return to confinement;

(b) 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;

(14) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

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

(b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(15) "Controlled substance", a drug, substance, or immediate precursor in schedules I through V as defined in chapter 195;

(16) "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;

(17) "Custody", a person is in custody when he or she has been arrested but has not been delivered to a place of confinement;

(18) "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;

(19) "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, 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 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 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, child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than

one hundred twenty days under section 565.153, and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001;

(20) "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;

(21) "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;

(22) "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;

(23) "Digital camera", a camera that records images in a format which enables the images to be downloaded into a computer;

(24) "Disability", a mental, physical, or developmental impairment that substantially limits one 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;

(25) "Elderly person", a person sixty years of age or older;

(26) "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 year;

(27) "Forcible compulsion" either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(28) "Incapacitated", a temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his or her conduct, or unable to communicate unwillingness to an act;

(29) "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;

(30) "Inhabitable structure", a vehicle, vessel or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(c) Which is used for overnight accommodation of persons.

*Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present.*

*If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another;*

(31) "Knowingly", when used with respect to:

(a) Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or

(b) *A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;*

(32) *"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;*

(33) *"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 year or less;*

(34) *"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;*

(35) *"Offense", any felony or misdemeanor;*

(36) *"Physical injury", slight impairment of any function of the body or temporary loss of use of any part of the body;*

(37) *"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;*

(38) *"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 or 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 person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;*

(39) *"Property", anything of value, whether real or personal, tangible or intangible, in possession or in action;*

(40) *"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;*

(41) *"Purposely", when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;*

(42) *"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;*

(43) *"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;*

(44) *"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;*

(45) "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;

(46) "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;

(47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft;

(48) "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 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;

(49) "Voluntary act":

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

(b) 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;

(50) "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. (L. 1977 S.B. 60, A.L. 1982 H.B. 1201, A.L. 1983 S.B. 44 & 45, S.B. 276, A.L. 1984 S.B. 448 § A, H.B. 1255, A.L. 1987 S.B. 372, A.L. 1990 H.B. 1370, et al., A.L. 1994 S.B. 763, A.L. 1999 H.B. 165 merged with S.B. 177, A.L. 2002 S.B. 969, et al., A.L. 2003 S.B. 5, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2013 H.B. 215 merged with H.B. 505, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371)

Effective 1-01-17

**Decision:**

Include the following underlined definitions in Section 210.005: \_\_\_\_\_

\_\_\_\_\_

Include all the underlined definitions above in Section 210.005.

No revision desired.

Revise as follows: (attach revisions separately).

Revise as follows: \_\_\_\_\_

- C. See Section 210.005. Note that the definitions of CONFINEMENT, of CONSENT, of POSSESS OR POSSESSED and of PUBLIC SERVANT all appear to have changed since this Section was enacted. Review those terms above and determine if any revisions should be made.

**Decision:**

- Replace all four definitions in Section 210.005 with the newer definitions from Section 556.061, RSMo., set out above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

D. See Section 210.005. Note that the definition of SAMPLE has been revised in Section 407.925, RSMo., to include “alternative nicotine products.” It reads as follows: “*SAMPLE — A tobacco product, alternative nicotine product or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.*” Also see the comment below in this Analysis re: Sections 210.340 through 210.385.

**Decision:**

- Change the definition of SAMPLE to mirror the statute as set forth above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

E. See Section 210.005. As regards the definition of SEXUAL CONDUCT, note that this definition is contained in Sections 566.010, 566.200 and 567.010, RSMo. The definition contained in Section 210.005 does not match any of the definitions set out in the Statutes, set out below for the City’s review.

**566.010, RSMo.** “As used in Ch. 566 and 568, RSMo.

*SEXUAL CONDUCT—Sexual intercourse, deviate sexual intercourse or sexual contact.”*

**566.200, RSMo.** “As used in Sections 566.200 to 566.218 and 578.475, RSMo.

*SEXUAL CONDUCT—Sexual intercourse as defined in Section 566.010; deviate sexual intercourse as defined in Section 566.010; actual or simulated acts of human masturbation; physical contact with a person’s clothed or unclothed genitals, pubic area, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.”*

**567.010, RSMo.** “As used in Ch. 567

*SEXUAL CONDUCT—Sexual intercourse, deviate sexual intercourse or sexual contact.”*

**Decision:**

- Replace the definition using the wording from Section \_\_\_\_\_, RSMo., set out above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- F. See Section 210.005. Note that the definition of SEXUAL CONTACT agrees with both Sections 566.010 and 567.010, RSMo. However the definition of SEXUAL INTERCOURSE appears to combine the definitions of SEXUAL INTERCOURSE and DEVIATE SEXUAL INTERCOURSE, both contained in Sections 566.010 and 567.010, RSMo. The City may want to determine if these should be combined or separated into two separate definitions. See the separate definitions set out below which are identical in both statutory Sections noted above.

*SEXUAL INTERCOURSE* — Any penetration, however slight, of the female genitalia by the penis.

*DEVIATE SEXUAL INTERCOURSE*—Any sexual act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

**Decision:**

- Separate these definitions as set out above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- G. See Section 210.005. Note that the definition of TOBACCO PRODUCTS has been revised in Section 407.925, RSMo., to include “alternative nicotine products.” It reads as follows: “*TOBACCO PRODUCTS* — Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products or vapor products.” Also see the comment below in this Analysis re: Sections 210.340 through 210.385.

**Decision:**

- Change the definition of TOBACCO PRODUCTS to mirror the statute as set forth above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- H. See Section 210.005. Note that the definition of VAPOR PRODUCT has been revised in Section 407.925, RSMo., to include “alternative nicotine products” in the last line thereof. It reads as follows:

*VAPOR PRODUCT* — Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any alternative nicotine product or tobacco product.

Also see the comment below in this Analysis re: Sections 210.340 through 210.385.

**Decision:**

- Change the definition of VAPOR PRODUCT to mirror the statute as set forth above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- I. See Section 210.005. Note that the definition of VENDING MACHINE has been revised in Section 407.925, RSMo., to include “alternative nicotine products” in the last line thereof. It reads as follows:

*VENDING MACHINE — Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products or vapor products.*

Also see the comment below in this Analysis re: Sections 210.340 through 210.385.

**Decision:**

- Change the definition of VENDING MACHINE to mirror the statute as set forth above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article II, Offenses Against The Person**

- A. Should Section 210.030(A) include additional wording to that contained in the similar statutory provisions of Section 565.091.1, RSMo., as set out below?

*“565.091.1, RSMo. 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.”*

**Decision:**

- Use the statutory language above to replace Subsection 210.030(A).
- No revision desired.
- Revise as follows: (attach revisions separately).

- B. See Section 210.035(B). Note that the similar statutory provisions of Section 565.225, RSMo., appear to have amended this Section to add a new element as set out below. The City may want to review and determine if this element should be added herein. Also note that this offense appears to be a felony offense and normally we do not see felonies included in Municipal Codes.

*(6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.*

**Decision:**

- Add the element above as Subsection (B)(6) of Section 210.035.
- No revision desired.
- Delete Subsection (B)(6) of Section 210.035 entirely; the City does not prosecute it.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article III, Offenses Concerning Administration Of Justice**

- A. See Section 210.055. Note that the references in Subsection (C)(5) do not appear to exist. There is no Section 570.233, RSMo. This could be referencing Section 570.223, RSMo.; however after the 2014 amendment (effective 1-1-2017) these references no longer exist either. Please review Section 570.223, RSMo., set out below and determine what changes are needed.

***570.223. Beginning January 1, 2017--Identity theft--penalty--restitution--other civil remedies available--exempted activities.***

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

*2. The offense of identity theft is a class B misdemeanor unless the identity theft results in the theft or appropriation of credit, money, goods, services, or other property:*

*(1) Not exceeding seven hundred fifty dollars in value, in which case it is a class A misdemeanor;*

*(2) Exceeding seven hundred fifty dollars and not exceeding twenty-five thousand dollars in value, in which case it is a class D felony;*

*(3) Exceeding twenty-five thousand dollars and not exceeding seventy-five thousand dollars in value, in which case it is a class C felony;*

*(4) Exceeding seventy-five thousand dollars in value, in which case it is a class B felony.*

*3. In addition to the provisions of subsection 2 of this section, the court may order that the defendant make restitution to any victim of the offense. Restitution may include payment for any costs, including attorney fees, incurred by the victim:*

*(1) In clearing the credit history or credit rating of the victim; and*

*(2) In connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising from the actions of the defendant.*

*4. In addition to the criminal penalties in subsections 2 and 3 of this section, any person who commits an act made unlawful by subsection 1 of this section shall be liable to the person to whom the identifying information belonged for civil damages of up to five thousand dollars for each incident, or three times the amount of actual damages, whichever amount is greater. A person damaged as set forth in subsection 1 of this section may also institute a civil action to enjoin and restrain future acts that would constitute a violation of subsection 1 of this section. The court, in an action brought under this subsection, may award reasonable attorneys' fees to the plaintiff.*

*5. If the identifying information of a deceased person is used in a manner made unlawful by subsection 1 of this section, the deceased person's estate shall have the right to recover damages pursuant to subsection 4 of this section.*

*6. Civil actions under this section must be brought within five years from the date on which the identity of the wrongdoer was discovered or reasonably should have been discovered.*

7. *Civil action pursuant to this section does not depend on whether a criminal prosecution has been or will be instituted for the acts that are the subject of the civil action. The rights and remedies provided by this section are in addition to any other rights and remedies provided by law.*

8. *This section and section 570.224 shall not apply to the following activities:*

(1) *A person obtains the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or another privilege denied to minors;*

(2) *A person obtains means of identification or information in the course of a bona fide consumer or commercial transaction;*

(3) *A person exercises, in good faith, a security interest or right of offset by a creditor or financial institution;*

(4) *A person complies, in good faith, with any warrant, court order, levy, garnishment, attachment, or other judicial or administrative order, decree, or directive, when any party is required to do so;*

(5) *A person is otherwise authorized by law to engage in the conduct that is the subject of the prosecution.*

9. *Notwithstanding the provisions of subdivision (1) or (2) of subsection 2 of this section, every person who has previously been found guilty of identity theft or attempted identity theft, and who subsequently is found guilty of identity theft or attempted identity theft of credit, money, goods, services, or other property not exceeding seven hundred fifty dollars in value is guilty of a class E felony and shall be punished accordingly.*

10. *If credit, property, or services are obtained by two or more acts from the same person or location, or from different persons by two or more acts which occur in approximately the same location or time period so that the identity thefts are attributable to a single scheme, plan, or conspiracy, the acts may be considered as a single identity theft and the value may be the total value of all credit, property, and services involved.*

*(L. 1999 S.B. 328, et al., A.L. 2004 H.B. 916, A.L. 2004 H.B. 959, A.L. 2005 H.B. 353 merged with S.B. 402, A.L. 2014 S.B. 491) Effective 1-01-17*

**Decision:**

- Revise as follows: (attach revisions separately).
- No revision desired.
- Revise as follows:

B. See Section 210.105. This Section appears to apply to licensing of security guards. Should this be placed in Chapter 605 with other business licensing?

**Decision:**

- Move Section 210.105 to Chapter 605 as a new Article therein.
- No revision desired.
- Revise as follows: (attach revisions separately).

**Article V, Offenses Concerning Public Peace**

See Section 210.155. Note that this Section does not mirror the statutory provisions of Section 574.160, RSMo., which the City may want to review for possible inclusion herein. Review and advise.

**Section 210A.740. Unlawful Funeral Protests Prohibited — Definitions.**

- A. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.
- B. Definitions. As used in this Section, the following terms mean:  
**FUNERAL and BURIAL SERVICE** — The ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this Section does not apply to processions while they are in transit beyond any three-hundred-foot zone that is established under Subsection (A) above.  
**OTHER PROTEST ACTIVITIES** — Any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.
- C. The offense of unlawful funeral protest shall be an ordinance violation. (RSMo. §574.160, 2014)

**Decision:**

- No revision desired.
- Replace Section 210.155 with the above statutory provisions.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article VI, Offenses Concerning Weapons And Firearms**

- A. See Section 210.170. Note that the definition of PROJECTILE WEAPON is also contained in Section 210.005 and differs from this definition by adding the words “or animal” at the end of this definition. These definitions should be reconciled to avoid any possible conflict in the future.

**Decision:**

- Replace the definition of PROJECTILE WEAPON in Section 210.170 to read: “As defined in Section 210.005.”
- Change this definition to add “or animals” at the end of this definition.
- Delete the definition of PROJECTILE WEAPON in Section 210.005.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. See Section 210.180. Note that the similar statutory provisions of Section 571.020, RSMo., have been amended numerous times since this Section was enacted with the prior recodification. The new provisions are contained in the Sample Offense Chapter in Sample Section 210A.850. The City may want to replace this Section with the updated wording of Sample Section 210A.850.

**Decision:**

- Replace Section 210.180 with Sample Section 210A.850.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- C. See Section 210.195. Note that the similar statutory provisions of Section 571.070, RSMo., contain additional elements the City may want to include herein. Also note that this offense appears to be a felony and we don't usually see felonies contained in Municipal Codes.

***571.070. Possession of firearm unlawful for certain persons--penalty--exception.***

*1. A person commits the crime of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:*

*(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or*

*(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.*

*2. Unlawful possession of a firearm is a class C felony.*

*3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm. (L. 1981 H.B. 296, A.L. 1982 H.B. 1201, A.L. 2008 H.B. 2034, A.L. 2010 H.B. 1692, et al.)*

**Decision:**

- Add the underlined statutory provisions above to Section 210.195.
- Delete Section 210.195 entirely; the City does not prosecute it.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- D. See Section 210.200. Note that Subsection (A)(5) has been amended in Section 571.107, RSMo., to read as set out below. The City should review and advise if any revisions should be made.

***571.107.1(5), RSMo.*** *Any meeting of the {MuniName} {GovBody}, except that nothing in this Subsection shall preclude a member of the {GovBody} holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the {GovBody} of which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;*

**Decision:**

- Add the underlined statutory provisions above to Section 210.200(A)(5), filling in {GovBody} with "Board of Aldermen" and {MuniName} with "St. Peters."
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- E. See Section 210.200. Note that Subsection (A)(11) has been amended in Section 571.107, RSMo., to read as set out below. The City should review and advise if any revisions should be made.

**571.107.1(11), RSMo.** *Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subsection shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;*

**Decision:**

- Add the underlined statutory provisions above to Section 210.200(A)(11).  
 No revision desired.  
 Revise as follows: (attach revisions separately).  
 Revise as follows: \_\_\_\_\_

- F. See Section 210.200. Note that Subsection (A)(15) has been amended in Section 571.107, RSMo., to read as set out below. The City should review and advise if any revisions should be made.

**571.107.1(15), RSMo.** *Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;*

**Decision:**

- Add the underlined statutory provisions above to Section 210.200(A)(15).  
 No revision desired.  
 Revise as follows: (attach revisions separately).  
 Revise as follows: \_\_\_\_\_

- G. See Section 210.200. Note that Subsection (B)(1) and (2) has been amended in Section 571.107, RSMo., to read as set out below. The City should review and advise if any revisions should be made.

**571.107.2, RSMo.** *If the violator holds a concealed carry permit or endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the Sheriff of the*

County which issued the certificate of qualification for a concealed carry permit or endorsement and the Department of Revenue.

2. If the violator does not hold a current valid concealed carry permit or endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.060 of this Code of Ordinances.

**Decision:**

- Add the underlined statutory provisions above to Section 210.200(B)(1) and (2).
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article VIII, Offenses Concerning Morals**

A. See Section 210.280(B). Note that the similar statutory provisions of Section 191.918, RSMo., appear to state this a little differently and the City may want to conform to the State’s wording. We have underlined the differences below.

***191.918. Breast-feeding in public permitted--not sexual conduct, public indecency, or obscenity--no municipal ordinances to prohibit or restrict.***

1. Notwithstanding any other provision of law to the contrary, a mother may, with discretion, breast-feed her child or express breast milk in any public or private location where the mother is otherwise authorized to be.

2. The act of a mother breast-feeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be shall not:

(1) Constitute sexual conduct or sexual contact as defined in section 566.010; or

(2) Be considered an act of public indecency, indecent exposure, sexual conduct, lewd touching, or obscenity or any other similar term for purposes of state or municipal law.

3. A municipality shall not enact an ordinance prohibiting or restricting a mother from breast-feeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be. (L. 1999 S.B. 8 & 173 § 6, A.L. 2014 H.B. 1320)

**Decision:**

- Revise Section 210.280(B) to include the underlined statutory provisions above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. See Section 210.285. Note that this Section dates back to 1979. The City may want to review this for current applicability and also against the notes herein and below. Although the definition of the SEXUALLY-ORIENTED MATERIAL appears correct; the term defined in the statutes is EXPLICIT SEXUAL MATERIAL. Also see the definition of MATERIAL in Section 573.010, RSMo., set out below which includes additional types of material the City may want to include as well.

**573.010. Beginning January 1, 2017--Definitions.**

*As used in this chapter the following terms shall mean:*

(1) *"Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;*

(2) *"Characterized by", describing the essential character or dominant theme of an item;*

(3) *"Child", any person under the age of fourteen;*

(4) *"Child pornography":*

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

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

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

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

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

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

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

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

(8) "Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any

mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

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

(10) "Nudity" or "state of nudity", the showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola;

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

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

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

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

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

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

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

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

(b) The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

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

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

(16) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;

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

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

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

(20) *"Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;*

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

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

(b) *Bestiality;*

(c) *Masturbation;*

(d) *Sadistic or masochistic abuse; or*

(e) *Lascivious exhibition of the genitals or pubic area of any person;*

(22) *"Sexually oriented business" includes:*

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

a. *Has a substantial portion of its displayed merchandise which consists of such items; or*

b. *Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or*

c. *Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or*

d. *Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or*

e. *Maintains a substantial section of its interior business space for the sale or rental of such items; or*

f. *Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;*

(b) *An adult cabaret;*

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

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

*a. By a college, junior college, or university supported entirely or partly by taxation;*

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

*c. In a structure:*

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

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

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

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

(24) *"Specified anatomical areas" include:*

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

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

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

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

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

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

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

**Decision:**

- Change the defined term to read EXPLICIT SEXUAL MATERIAL; and add the statutory definition of MATERIAL underlined above.
- Only change the defined term to read EXPLICIT SEXUAL MATERIAL.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- C. See Section 210.285(C). The City may want to review this against the similar statutory provisions of Section 573.060, RSMo., which states this offense differently.

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

*1. A person commits the offense of public display of explicit sexual material if he or she recklessly:*

*(1) Exposes, places, exhibits, or in any fashion, displays explicit sexual material in any location, whether public or private, and in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision as viewed from a street, highway, public sidewalk, or the property of others, or from any portion of the person's store, the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public; or*

*(2) Fails to take prompt action to remove such a display from property in his or her possession after learning of its existence.*

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

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

**Decision:**

- Replace Section 210.285(C) with the statutory provisions noted above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- D. Lastly, regarding Section 210.285, note that the City may want to review the provisions of Sample Chapter 210A, Article X (Sample Sections 210A.1670 through 210A.1690), which contains the statutory provisions as separate sections on this subject matter. Review and advise if any revisions should be made.

**Decision:**

- No additional revisions are desired; just those noted above.
- Replace Section 210.285 with Sample Sections 210A.1670 through 210A.1690.
- Revise as follows: (attach revisions separately).

**Article IX, Offenses Concerning Alcohol And Drugs**

- A. See Section 210.290(D)(1). Note that the “Department of Health” is now the **Department of Health and Senior Services** as stated in Section 195.140, RSMo. The City may want to change that reference herein.

**Decision:**

- Change “Department of Health” to read **Department of Health and Senior Services**.
- No revision desired.
- Revise as follows: \_\_\_\_\_

- B. See Section 210.300. Note that this Section does not include reference to “synthetic cannabinoid” as referenced in Section 579.015, RSMo., set out below. Also note that the reference in Subsection B may no longer be current based on the deletions in Chapter 195 and the enactment of Chapter 579, RSMo., where many of the regulations now are placed. This should possibly read “except as authorized by Chapter 195, RSMo., and Chapter 579, RSMo., as amended.” Note that we have not included all of the definitions in Section 195.010, RSMo., but rather only the definition of SYNTHETIC CANNABINOID since that Statutory Section is so lengthy.

***579.015 Possession or control of a controlled substance--penalty.***

*1. A person commits the offense of possession of a controlled substance if he or she knowingly possesses a controlled substance, except as authorized by this chapter or chapter 195.*

*2. The offense of possession of any controlled substance except thirty-five grams or less of marijuana or any synthetic cannabinoid is a class D felony.*

*3. The offense of possession of more than ten grams but thirty-five grams or less of marijuana or any synthetic cannabinoid is a class A misdemeanor.*

*4. The offense of possession of not more than ten grams of marijuana or any synthetic cannabinoid is a class D misdemeanor. If the defendant has previously been found guilty of any offense of the laws related to controlled substances of this state, or of the United States, or any state, territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.*

*5. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to include any exception, excuse, proviso, or exemption contained in this chapter or chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant. (L. 1989 S.B. 215 & 58, A.L. 2010 H.B. 1472, A.L. 2011 H.B. 641, A.L. 2014 S.B. 491; A.L. 2016 H.B. 2332)  
\*Transferred 2014; formerly 195.202*

***195.010. Definitions.***

*The following words and phrases as used in this chapter and chapter 579, unless the context otherwise requires, mean:*

*(1) ...*

*(40) "Synthetic cannabinoid", includes unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist, including but not limited to any substance listed in paragraph (ll) of subdivision (4) of subsection 2 of section 195.017 and any*

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*analogues; homologues; isomers, whether optical, positional, or geometric; esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it shall not include any approved pharmaceutical authorized by the United States Food and Drug Administration;*

...

*(RSMo 1939 § 9832, A.L. 1945 p. 957, A.L. 1953 p. 619, A.L. 1957 p. 679, A.L. 1971 H.B. 69, A.L. 1975 H.B. 438, A.L. 1982 S.B. 522, A.L. 1989 S.B. 215 & 58, A.L. 1997 H.B. 635, A.L. 1998 H.B. 1147, et al., A.L. 2001 H.B. 471 merged with S.B. 89 & 37, A.L. 2011 H.B. 641, A.L. 2014 S.B. 491; A.L. 2018 H.B. 2034 merged with S.B. 826)*

**Decision:**

- Add the definition of SYNTHETIC CANNABINOID from Section 195.010, RSMo., to this Section and change Subsection B to read: "Possession Or Control Of Marijuana And Synthetic Marijuana. It shall be unlawful for any person to possess or have under such person's control marijuana or synthetic marijuana, except as authorized by Chapter 195, RSMo., or Chapter 579, RSMo., as amended."
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- C. See Sections 210.305 and 210.307. The City may want to review Sample Sections 210A.1840 through 210A.1860 of Sample Chapter 210A which contains similar material and derives from the newest statutory provisions of Sections 579.097, 579.099 and 579.101, RSMo. The Sample Sections reflect the current provisions regarding this subject. Advise if any revisions should be made.

**Decision:**

- Replace Sections 210.305 and 210.307 with Sample Sections 210A.1840 through 210A.1860.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article X, Offenses Concerning Minors**

- A. Due to the age of the enabling ordinance in Section 210.310, the City may want to review this Section to confirm the procedures are still current.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. See Section 210.330. Note that the definition of BODY PIERCING disagrees with the statutory definition contained in Section 324.520, RSMo., as set out below. Review and advise if any revisions are needed.

**324.520. Definitions--tattooing, branding, body piercing, prohibited, when, penalty.**

1. As used in sections 324.520 to 324.524, the following terms mean:

- (1) "Body piercing", the perforation of human tissue other than an ear for a nonmedical purpose;
- (2) "Branding", a permanent mark made on human tissue by burning with a hot iron or other instrument;
- (3) "Controlled substance", any substance defined in section 195.010;
- (4) "Minor", a person under the age of eighteen;
- (5) "Tattoo", one or more of the following:
- (a) An indelible mark made on the body of another person by the insertion of a pigment under the skin; or
- (b) An indelible design made on the body of another person by production of scars other than by branding.

2. No person shall knowingly tattoo, brand or perform body piercing on a minor unless such person obtains the prior written informed consent of the minor's parent or legal guardian. The minor's parent or legal guardian shall execute the written informed consent required pursuant to this subsection in the presence of the person performing the tattooing, branding or body piercing on the minor, or in the presence of an employee or agent of such person. Any person who fraudulently misrepresents himself or herself as a parent is guilty of a class B misdemeanor.

3. A person shall not tattoo, brand or perform body piercing on another person if the other person is under the influence of intoxicating liquor or a controlled substance.

4. A person who violates any provisions of sections 324.520 to 324.526 is guilty of a misdemeanor and shall be fined not more than five hundred dollars. If there is a subsequent violation within one year of the initial violation, such person shall be fined not less than five hundred dollars or more than one thousand dollars.

5. No person under the age of eighteen shall tattoo, brand or perform body piercing on another person. (L. 1998 H.B. 1601, et al. § 24, A.L. 1999 H.B. 343, A.L. 2007 H.B. 780)

**Decision**

- Replace the current definition of BODY PIERCING in Section 210.330(B) with the underlined definition above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

C. See Sections 210.340 through 210.385. The City may want to review Sample Chapter 210A, Article XIII, Offenses Concerning Tobacco, Alternative Nicotine Products Or Vapor Products (Sample Sections 210A.2100 through 210A.2160), which reflects current statutory material using portions of Chapter 407, RSMo. These Sample Sections also contain the statutory provisions which would replace some of the definitions noted in Section 210.005.

**Decision:**

- Delete Sections 210.340 through 210.385 and the definitions noted in the comments to Section 210.005 above; AND insert Sample Chapter 210A, Article XIII, to replace this material.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article XI, Noises**

The City may want to review Sections 210.390 and 210.400 in this Article for current applicability due to their ages.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article XII, Regulations For Fireworks**

See Section 210.420. In the last line herein, it references "...Chapter 33 of the Fire Code adopted in Section 507.010 of this Code." It appears that the correct reference would be "Chapter 56 of the Fire Code" since the City has now adopted the 2015 ICC Fire Code.

**Decision:**

- Change "Chapter 33" to read **Chapter 56**.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article XIII, Miscellaneous Offenses**

Due to the age of Section 210.440, the City may want to review the procedures herein for current applicability.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

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## Chapter 215, Nuisances

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The reference in Section 215.030(B)(2) to Section 215.035 appears to be incorrect. Is the intended reference actually Section 215.033?

**Decision:**

- Change the reference to read **215.033**.
- No revision desired; this reference is correct.
- Revise as follows: \_\_\_\_\_

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## Chapter 217, Abandoned Property

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Section 217.020 appears to mirror Section 577.080, RSMo. Note that these similar Statutory provisions contain slightly different language in the first sentence of this Section. It reads “A person commits the offense of abandoning a vehicle, vessel, or trailer if he or she **knowingly** abandons any vehicle, vessel, or trailer....” Does the City want to make any revisions to this Section?

**Decision:**

- Add the word “knowingly” to mirror the statutory language.
- No revision desired.
- Revise as follows: \_\_\_\_\_

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## Chapter 220, Organization For Emergency Management

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See Section 220.060. Note that the similar statutory provisions of Section 44.090, RSMo., have been amended to include a “Public Safety Agency” as one of the entities which may enter into mutual aid agreements. See said Section below and determine if and revisions are needed.

***44.090. Mutual-aid agreements--participation in statewide mutual aid system--reimbursement for services provided, benefits.***

*1. The executive officer of any political subdivision or public safety agency may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the state for reciprocal emergency aid. Such arrangements or agreements shall be consistent with the state disaster plan and program and the provisions of section 70.837 and section 320.090. In time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual-aid arrangements or agreements.*

*2. Any contracts that are agreed upon may provide for compensation from the parties and other terms that are agreeable to the parties and may be for an indefinite period as long as they include a sixty-day cancellation notice provision by either party. The contracts agreed upon may not be entered into for the purpose of reduction of staffing by either party.*

3. *At the time of significant emergency such as fire, earthquake, flood, tornado, hazardous material incident, terrorist incident, or other such man-made or natural emergency disaster or public safety need anywhere within the state or bordering states, the highest ranking official of any political subdivision or public safety agency or their designee may render aid to or request aid from any jurisdiction, agency, or organization even without written agreement, as long as he or she is in accordance with the policies and procedures set forth by the governing boards of those jurisdictions, agencies, or organizations. A public safety need, as used in this section, shall include any event or incident necessitating mutual-aid assistance from another public safety agency.*

4. *When responding to mutual aid or emergency aid requests, political subdivisions or public safety agencies shall be subject to all provisions of law as if it were providing service within its own jurisdiction.*

5. *All political subdivisions and public safety agencies within the state are, upon enactment of this legislation or execution of an agreement, automatically a part of the Missouri statewide mutual aid system. A political subdivision within the state may elect not to participate in the statewide mutual aid system upon enacting an appropriate resolution by its governing body declaring that it elects not to participate in the statewide mutual aid system and by providing a copy of the resolution to the director of the department of public safety or his or her designee.*

6. *The Missouri mutual aid system shall be administered by the department of public safety, which may authorize any organization to assist in the administration of the mutual aid system. The department of public safety may promulgate rules for this section. Any rule or portion of a rule, as that term is defined in section 536.010, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.*

7. *For the purpose of this section, public safety agencies shall include, but shall not be limited to, fire service organizations, law enforcement agencies, emergency medical service organizations, public health and medical personnel, emergency management officials, infrastructure departments, public works agencies, and those other agencies, organizations, departments, and specialized emergency response teams that have personnel with special skills or training that are needed to provide services during an emergency, public safety need, or disaster, declared or undeclared.*

8. *It shall be the responsibility of each political subdivision and public safety agency to adopt and put into practice the National Incident Management System promulgated by the United States Department of Homeland Security.*

9. *In the event of a disaster or other public safety need that is beyond the capability of local political subdivisions, the local governing authority or public safety agency having jurisdiction may request assistance under this section.*

10. *Any entity or individual that holds a license, certificate, or other permit issued by a participating political subdivision, public safety agency, or state shall be deemed licensed, certified, or permitted in the requesting political subdivision or public safety agency's jurisdiction for the duration of the emergency or authorized drill.*

11. *Reimbursement for services rendered under this section shall be in accordance with any local, state and federal guidelines. Any political subdivision or public safety agency providing assistance shall receive appropriate reimbursement according to those guidelines.*

12. *Applicable benefits normally available to personnel while performing duties for their jurisdiction are also available to such persons when an injury or death occurs when rendering assistance to another political subdivision or public safety agency under this section. Responders shall be eligible for the same state and federal benefits that may be available to them for line-of-duty deaths or injuries, if such services are otherwise provided for within their jurisdiction.*

13. *For the purposes of liability, all members of any political subdivision or public safety agency responding under operational control of the requesting political subdivision or a public safety agency are deemed employees of such responding political subdivision or public safety agency and are subject to the liability and workers' compensation provisions provided to them as employees of their respective political subdivision or public safety agency. (L. 1951 p. 536 § 26.220, Reenacted L. 1953 p. 553, Reenacted L. 1955 p. 607, A.L. 1967 p. 122, A.L. 1998 S.B. 743, A.L. 2003 H.B. 307, A.L. 2005 H.B. 58 merged with S.B. 210, A.L. 2009 H.B. 103)*

**Decision:**

- Change to read “The executive officer (Mayor) or Public Safety Agency may enter into.....”
- No revision desired.
- Revise as follows:  \_\_\_\_\_

Chapter 225, Human Rights

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**Generally**

This Chapter was originally based on portions of our “Model” Human Rights Chapter. We have included a Sample Chapter 220A on Human Rights which reflects Statutory amendments from the 2017 Legislative Session. Note that all Sections of the Sample Chapter do not need to be included. Below we have noted the Sections of the current Code which should be reviewed against Sample Chapter 220A.

**Decision:**

- No revision desired; except as noted below.
- Revise as follows: \_\_\_\_\_

**Article I, In General**

A. Should Section 225.020(A)(3) be deleted? It appears that the City does not have a local Commission on Human Rights but rather the Missouri Commission on Human Rights operates as the administrative and enforcement agency in the City.

**Decision:**

- Delete Subsection (A)(3) of Section 225.020.
- No revision desired.
- Revise as follows: \_\_\_\_\_

- B. Review Section 225.030 against Sample Section 220A.020 which was revised in numerous ways in 2017. Some definitions were added at that time as well.

**Decision:**

- Replace Section 225.030 with Sample Section 220A.020.
- No revision desired.
- Revise as follows: \_\_\_\_\_

**Article II, Discriminatory Practices**

- A. The City should review Section 225.040 against Sample Section 220A.060 which was amended in 2017.

**Decision:**

- Replace Section 225.040 with the provisions of Sample Section 220A.060.
- No revision desired.
- Revise as follows: \_\_\_\_\_

- B. The City should review Section 225.060 against Sample Section 220A.080 which was amended in 2017.

**Decision:**

- Replace Section 225.060 with the provisions of Sample Section 220A.080.
- No revision desired.
- Revise as follows: \_\_\_\_\_

- C. The City should review Section 225.070 against Sample Section 220A.090 which was amended in 2017.

**Decision:**

- Replace Section 225.070 with the provisions of Sample Section 220A.090.
- No revision desired.
- Revise as follows: \_\_\_\_\_

Chapter 230, Health And Sanitation

---

**Article I, Prohibition Of Smoking In City Properties**

- A. See Section 230.010. Should the definition of TOBACCO refer back to Section 210.005 as it does in the definition of VAPOR PRODUCT? Also see the comment above to Section 210.005 regarding these two definitions.

**Decision:**

- Change the definition of TOBACCO to read: “This term shall have the same meaning as set forth in Section 210.005.”
- No revision desired.
- Revise as follows: \_\_\_\_\_

B. Is Section 230.030 still current?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_

**Article III, Underground Storage Tanks**

See the reference in Section 230.300 to Sections 319.100 to 319.137, RSMo., which occurs twice. Note that this area of the Statutes regulating Underground and Petroleum Storage Tanks appears to end with 319.139, RSMo. Should these references be revised?

**Decision:**

- In Section 230.300 change the references “Sections 319.100 to 319.137, RSMo.” to read “Sections 319.100 to **319.139**, RSMo.”
- No revision desired.
- Revise as follows: \_\_\_\_\_

Chapter 235, Solid Waste

---

**Article I, Generally**

A. Many of the provisions in this Article have not been amended since the 1990s; the City may want to review this Chapter for current applicability.

**Decision:**

- No revision desired, except as noted below.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. Are the fees in Section 235.060(D) still current?

**Decision:**

- No revision desired; these fees are correct.
- Change the facility fee of \$200 to \$\_\_\_\_\_; change the transportation vehicle fee of \$200 to \$\_\_\_\_\_.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

C. Is the fee in Section 235.060(M) still current?

**Decision:**

- No revision desired; this fee is correct.
- Change the commercial solid waste container permit fee of \$50 to \$\_\_\_\_\_.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

D. Is the recycling fee still \$0.00 as stated in Section 235.090(B)(1)(b)?

**Decision:**

- No revision desired; this fee is correct.
- Change the recycling fee of \$0.00 to \$\_\_\_\_\_.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

E. Is the charge of \$10.00 in Section 235.090(D)(3) for terminating and/or renewing solid waste service still current?

**Decision:**

- No revision desired; this fee is correct.
- Change the charge of \$10.00 to \$\_\_\_\_\_.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article II, Solid Waste Processing Facilities**

A. The reference to “Section 260.200(8), RSMo.” in Section 235.110 in the definition of SOLID WASTE is no longer correct. The City may want to change this to simply read “Section 260.200, RSMo.” or “Section 260.200(21), RSMo.”

**Decision:**

- Change the reference “Section 260.200(8), RSMo.” to read “Section 260.200, RSMo.”
- Change the reference “Section 260.200(8), RSMo.” to read “Section 260.200(21), RSMo.”
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. The reference to “Section 260.360(12), RSMo.” in Section 235.110 in the definition of SOLID WASTE is no longer correct. The City may want to change this to simply read “Section 260.360, RSMo.” or “Section 260.200(14), RSMo.”

**Decision:**

- Change the reference “Section 260.360(12), RSMo.” to read “Section 260.360, RSMo.”
- Change the reference “Section 260.360(12), RSMo.” to read “Section 260.360(14), RSMo.”
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

C. The reference to “Section 260.360(a), RSMo.” in Section 235.110 in the definition of SOLID WASTE is no longer correct. The City may want to change this to simply read “Section 260.360, RSMo.” or “Section 260.200(11), RSMo.”

**Decision:**

- Change the reference “Section 260.360(a), RSMo.” to read “Section 260.360, RSMo.”
- Change the reference “Section 260.360(a), RSMo.” to read “Section 260.360(11), RSMo.”
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

D. In Section 235.110, the definition of SOLID WASTE, the City may also want to delete the references to (Laws 1986), since this Section has been amended as recently as 2007.

**Decision:**

- Use the same decision from [Item B under Global Changes](#) above.
- Delete (Laws 1986) from only this Section 235.110.
- Change the reference which reads (Laws 1986) to read “, as amended, ....”
- Revise as follows: \_\_\_\_\_

## Chapter 240, Parks and Recreation

The provisions of Ord. No. 7084 will be incorporated into this Chapter with the next supplement to the Code.

**NO DECISION REQUIRED**

Chapter 245, Unmanned Aircraft Systems

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See Section 245.020(A). In the second line hereof, this should probably read: "... deviation from the regulations of Subsections (C), (D) and (J) of Section 245.010 under the terms...."

**Decision:**

- Change as noted above.
- No revision desired.
- Revise as follows: \_\_\_\_\_

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## TITLE III, TRAFFIC CODE

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### Sample Traffic Code Enclosed for Comparison

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Following the **Sample Legislation** divider, we have included a Sample Traffic Code (Chapters 300A through 385A), and we note that the City used portions of it during the last recodification project. The included Sample includes the most current changes to any statutory material therein. When noting possible revisions needed below in the comments to this Title, we will refer to this Sample document as a resource rather than setting out the statutory material in full. All statutory provisions within this Sample Traffic Code will contain the Statute Section and its last revision date at the end of any statutorily based Section.

### General Note

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Where a Chapter in Title III is not addressed in the Chapter-by-Chapter review below, it appeared generally satisfactory. However, a lack of comment does not preclude revisions to any Chapter based on the experiences of the City. We encourage the City Officials to review all chapters of the Code.

#### **Decision:**

- All changes to Title III are noted below.
- Revise as follows: (attach revisions separately).

### Chapter 300, General Provisions

---

- A. See Section 300.010. In the Missouri Statutes there are 5 different definitions of ALL-TERRAIN VEHICLE as identified and set out below. None of these definitions agree with the definition set out in this Section. The City may want to review and determine if any revisions should be made herein.

#### ***Section 300.010, RSMo.***

*"All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;*

#### ***Section 301.010, RSMo.***

*"All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;*

#### ***Sections 407.815 and 407.1025, RSMo.***

*"All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;*

**Section 577.001, RSMo.**

*"All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;*

**Decision:**

- Revise the definition of ALL-TERRAIN VEHICLE to match the term as defined in Section \_\_\_\_\_, RSMo.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. As regards the definition of CONSTRUCTION ZONE OR WORK ZONE set out in Section 300.010, note that the similar statutory provisions of Section 304.580, RSMo., appears to have additional language to that included herein.

**304.580. Definitions.**

*As used in sections 304.582 and 304.585, the term "construction zone" or "work zone" means any area upon or around any highway as defined in section 302.010 which is visibly marked by the department of transportation or a contractor or subcontractor performing work for the department of transportation as an area where construction, maintenance, incident removal, or other work is temporarily occurring. The term "work zone" or "construction zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed. The terms "worker" or "highway worker" as used in sections 304.582 and 304.585 shall mean any person that is working in a construction zone or work zone, or any employee of the department of transportation that is performing duties under the department's motorist assist program on a state highway or the right-of-way of a state highway. (L. 1994 H.B. 1430 § 1, A.L. 2001 S.B. 244, A.L. 2006 S.B. 872, et al.)*

**Decision:**

- Include the underlined wording from the Statute in the definition of CONSTRUCTION ZONE OR WORK ZONE in Section 300.010.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

## Chapter 310, Enforcement And Obedience To Traffic Regulations

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- A. See Section 310.060. Note that the similar statutory provisions of Section 304.022, RSMo., have some additional language as underlined in the below copy of said Statute. The City should review and determine if any revisions are necessary.

**304.022. Emergency vehicle defined--use of lights and sirens--right-of-way--stationary vehicles, procedure--penalty.**

1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

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

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

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

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is 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 307.175;

(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;

(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; or

(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, hazardous materials, or as may be requested by the appropriate State agency acting on behalf of the Governor.*

5. (1) *The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.*

(2) *The driver of an emergency vehicle may:*

(a) *Park or stand irrespective of the provisions of sections 304.014 to 304.025;*

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

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

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

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

6. *No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.*

7. *Violation of this section shall be deemed a class A misdemeanor. (L. 1953 p. 587 § 304.020, A.L. 1969 p. 418, A.L. 1971 H.B. 113, A.L. 1981 H.B. 183, A.L. 1986 S.B. 523 merged with H.B. 1428, A.L. 1991 S.B. 265, A.L. 1995 H.B. 424, A.L. 1996 H.B. 1047 merged with H.B. 1369, A.L. 1997 H.B. 244, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2004 S.B. 757 merged with S.B. 788, A.L. 2005 H.B. 353 merged with H.B. 487 merged with H.B. 618, A.L. 2006 S.B. 872, et al., A.L. 2007 S.B. 82 merged with S.B. 352, A.L. 2012 S.B. 470 merged with S.B. 568 merged with S.B. 611; A.L. 2016 S.B. 732, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225)*

**Decision:**

Add the underlined wording above to this Section 310.060.

No revision desired.

Revise as follows: (attach revisions separately).

Revise as follows: \_\_\_\_\_

B. The City may want to review Sample Section 310A.070 (based on Section 307.175, RSMo.) which is in addition to Section 310.060 noted above. The City may want this additional Section included in this Chapter.

**Decision:**

- Add Sample Section 310A.070 to this Chapter 310.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

C. Note that Section 310.110 appears to mirror the statutory provisions of Section 577.060, RSMo., which was revised as recently as 2017 and should be reviewed by the City. See Sample Section 310A.110 which sets out the newest statutory provisions.

**Decision:**

- Replace this Section 310.110 with Sample Section 310A.110.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

Chapter 320, Speed Regulations

Is the general speed limit of 25 miles per hour in Section 320.060 still current?

**Decision:**

- No revision desired.
- Change 25 miles per hour to read \_\_\_\_\_ miles per hour.
- Revise as follows: \_\_\_\_\_

Chapter 325, Turning Movements

See Section 325.060. The City may want to review Sample Section 340A.170 (based on Section 304.015, RSMo.) which includes two additional Subsections (see Subsection A and D) which are not included in the City’s Code provisions in Section 325.060. Review said Sample Section 340A.170 and determine if any revisions should be made herein.

**Decision:**

- Replace Section 325.060 with the Sample Section 340A.170.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

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## Chapter 335, Stop And Yield Intersections, Railroad Crossings

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### Article I, General

- A. Review Section 335.090 against Sample Section 335A.090 which contains additional statutory provisions from Section 304.035, RSMo., in Subsections C through E of said Sample Section. The City should determine if any revisions should be made.

**Decision:**

- Replace Section 335.090 with the Sample Section 335A.090.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. As regards Sections 335.095 and 335.097, it appears that the City has had litigation regarding Section 335.095. It also appears that the City discontinued its contract regarding these red light cameras in 2015. If any revisions are required please advise.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

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## Chapter 340, Miscellaneous Driving Rules

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- A. Section 340.085 (A)(2) appears to conflict with Section 340.080(C). Both of these Subsections discuss what seems to be a bicycle flag/emblem, but they indicate different height from the ground and requirements for said flag/emblem. The City should review these provisions and determine if any revisions should be made

**Decision:**

- Delete Subsection 340.085(A)(2); retain Subsection 340.080(C).
- Delete Subsection 340.080(C) only the last 2 sentences; retain Subsection 340.085(A)(2).
- No revision desired; these are referring to different requirements.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. Sections 340.140 and 340.150 appear to state very similar and in part duplicative wording. Possibly these Sections could be combined or one eliminated.

**Decision:**

- No revision desired; retain both Sections.
- Delete Section 340.150; retain Section 340.140.
- Delete Section 340.140; retain Section 340.150.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- C. Review Section 340.170 against Sample Section 340A.210 which contains additional statutory provisions from Section 304.351, RSMo., in Subsections D through G of said Sample Section. The City should determine if any revisions should be made.

**Decision:**

- Replace Section 340.090 with Sample Section 340A.210.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- D. Review Section 340.220 against Sample Section 340A.200 which contains additional statutory provisions from Section 304.050, RSMo., in Subsection E of said Sample Section. The City should determine if any revisions should be made.

**Decision:**

- Revise Section 340.220 by adding Subsection E from Sample Section 340A.200.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- E. The City may want to review Section 340.240 against the similar statutory provisions of Sections 304.170 and 304.180, RSMo., which have been recently amended in 2017 and 2018, respectively, and which are set out below. The City should review and advise if any revisions are needed.

***304.170. Regulations as to width, height and length of vehicles — tractor parades permitted.***

*1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.*

*2. No vehicle operated upon the interstate highway system or upon any route designated by the state highways and transportation commission shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.*

3. *No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.*

4. *No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. Notwithstanding any provision of this section to the contrary, an articulated bus, comprised of two or more sections connected by a flexible joint or other mechanism, may be up to sixty feet in length, not including safety bumpers which may extend one foot in front and one foot in the rear, and not including bicycle storage racks which may extend over the safety bumper by up to five feet when in the down position transporting a bicycle. The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.*

5. *No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of P.L. 97-424 codified in Title 23 of the United States Code, 23 U.S.C. Section 101, et al., as amended, no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.*

6. *In order to comply with the provisions of P.L. 97-424 codified in Title 23 of the United States Code, 23 U.S.C. Section 101, et al., as amended, no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 11 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the commission may designate additional routes for such sixty-five foot combinations.*

7. (1) *Automobile transporters, boat transporters, truck-trailer boat transporter combinations, and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combination boat transporters shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.*

(2) *Stinger-steered combination automobile transporters having a length not in excess of eighty feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding stinger-steered automobile combination transporters are exclusive of front and rear overhang, which shall be no greater than a four-foot front overhang and no greater than a six-foot rear overhang.*

(3) *Automobile transporters may transport cargo or general freight on a backhaul, as long as in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in section 304.180.*

8. *Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.*

9. *No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.*

10. *No towaway trailer transporter combination vehicles operated upon the interstate and designated primary highway system of this state shall have an overall length of more than eighty-two feet.*

11. *The commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8, 9, and 10 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8, 9, and 10 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.*

12. *Except as provided in subsections 5, 6, 7, 8, 9, 10, and 11 of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway.*

13. (1) *Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol; or to self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting agricultural implements or implements of husbandry or road-making machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.*

(2) *Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.*

(3) *Notwithstanding any other provision of law to the contrary, agricultural machinery and implements may be operated on state highways between the hours of sunset and sunrise for agricultural purposes provided such vehicles are equipped with lighting meeting the requirements of section 307.115.*

14. *As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application*

*of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.*

15. *Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The commission shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.*(RSMo 1939 § 8405, A.L. 1943 p. 663, A. 1949 S.B. 1113, A.L. 1953 p. 568, A.L. 1957 p. 624, A.L. 1965 p. 488, A.L. 1967 p. 412, A.L. 1971 S.B. 317, A.L. 1972 H.B. 1112, A.L. 1974 S.B. 552, A.L. 1979 S.B. 44, A.L. 1980 S.B. 508, A.L. 1983 H.B. 539, A.L. 1985 S.B. 416, A.L. 1986 S.B. 784, A.L. 1988 S.B. 686, A.L. 1992 H.B. 1794, A.L. 1999 S.B. 17 merged with S.B. 19, A.L. 2000 H.B. 1142 merged with H.B. 1948, A.L. 2004 S.B. 1233, et al., A.L. 2007 S.B. 82, A.L. 2009 H.B. 93 & 216 merged with H.B. 683, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225)

**304.180. Regulations as to weight — axle load, tandem axle defined — transport of specific items, total gross weight permitted — requirements during disasters — emergency vehicles, maximum gross weight — natural gas fueled vehicles, increase in maximum gross weight, when.**

1. *No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.*

2. *An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.*

3. *Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:*

<i>Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise</i>					
	<i>Maximum load in pounds</i>				
<i>feet</i>	<i>2 axles</i>	<i>3 axles</i>	<i>4 axles</i>	<i>5 axles</i>	<i>6 axles</i>
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			

City of St. Peters, Missouri

<i>More than 8</i>	<i>38,000</i>	<i>42,000</i>			
<i>9</i>	<i>39,000</i>	<i>42,500</i>			
<i>10</i>	<i>40,000</i>	<i>43,500</i>			
<i>11</i>	<i>40,000</i>	<i>44,000</i>			
<i>12</i>	<i>40,000</i>	<i>45,000</i>	<i>50,000</i>		
<i>13</i>	<i>40,000</i>	<i>45,500</i>	<i>50,500</i>		
<i>14</i>	<i>40,000</i>	<i>46,500</i>	<i>51,500</i>		
<i>15</i>	<i>40,000</i>	<i>47,000</i>	<i>52,000</i>		
<i>16</i>	<i>40,000</i>	<i>48,000</i>	<i>52,500</i>	<i>58,000</i>	
<i>17</i>	<i>40,000</i>	<i>48,500</i>	<i>53,500</i>	<i>58,500</i>	
<i>18</i>	<i>40,000</i>	<i>49,500</i>	<i>54,000</i>	<i>59,000</i>	
<i>19</i>	<i>40,000</i>	<i>50,000</i>	<i>54,500</i>	<i>60,000</i>	
<i>20</i>	<i>40,000</i>	<i>51,000</i>	<i>55,500</i>	<i>60,500</i>	<i>66,000</i>
<i>21</i>	<i>40,000</i>	<i>51,500</i>	<i>56,000</i>	<i>61,000</i>	<i>66,500</i>
<i>22</i>	<i>40,000</i>	<i>52,500</i>	<i>56,500</i>	<i>61,500</i>	<i>67,000</i>
<i>23</i>	<i>40,000</i>	<i>53,000</i>	<i>57,500</i>	<i>62,500</i>	<i>68,000</i>
<i>24</i>	<i>40,000</i>	<i>54,000</i>	<i>58,000</i>	<i>63,000</i>	<i>68,500</i>
<i>25</i>	<i>40,000</i>	<i>54,500</i>	<i>58,500</i>	<i>63,500</i>	<i>69,000</i>
<i>26</i>	<i>40,000</i>	<i>55,500</i>	<i>59,500</i>	<i>64,000</i>	<i>69,500</i>
<i>27</i>	<i>40,000</i>	<i>56,000</i>	<i>60,000</i>	<i>65,000</i>	<i>70,000</i>
<i>28</i>	<i>40,000</i>	<i>57,000</i>	<i>60,500</i>	<i>65,500</i>	<i>71,000</i>
<i>29</i>	<i>40,000</i>	<i>57,500</i>	<i>61,500</i>	<i>66,000</i>	<i>71,500</i>
<i>30</i>	<i>40,000</i>	<i>58,500</i>	<i>62,000</i>	<i>66,500</i>	<i>72,000</i>
<i>31</i>	<i>40,000</i>	<i>59,000</i>	<i>62,500</i>	<i>67,500</i>	<i>72,500</i>
<i>32</i>	<i>40,000</i>	<i>60,000</i>	<i>63,500</i>	<i>68,000</i>	<i>73,000</i>
<i>33</i>	<i>40,000</i>	<i>60,000</i>	<i>64,000</i>	<i>68,500</i>	<i>74,000</i>
<i>34</i>	<i>40,000</i>	<i>60,000</i>	<i>64,500</i>	<i>69,000</i>	<i>74,500</i>
<i>35</i>	<i>40,000</i>	<i>60,000</i>	<i>65,500</i>	<i>70,000</i>	<i>75,000</i>
<i>36</i>		<i>60,000</i>	<i>66,000</i>	<i>70,500</i>	<i>75,500</i>
<i>37</i>		<i>60,000</i>	<i>66,500</i>	<i>71,000</i>	<i>76,000</i>
<i>38</i>		<i>60,000</i>	<i>67,500</i>	<i>72,000</i>	<i>77,000</i>
<i>39</i>		<i>60,000</i>	<i>68,000</i>	<i>72,500</i>	<i>77,500</i>
<i>40</i>		<i>60,000</i>	<i>68,500</i>	<i>73,000</i>	<i>78,000</i>
<i>41</i>		<i>60,000</i>	<i>69,500</i>	<i>73,500</i>	<i>78,500</i>
<i>42</i>		<i>60,000</i>	<i>70,000</i>	<i>74,000</i>	<i>79,000</i>
<i>43</i>		<i>60,000</i>	<i>70,500</i>	<i>75,000</i>	<i>80,000</i>

44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

*Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.*

*4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.*

*5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.*

*6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, 10, 12, and 13 of this section.*

*7. Notwithstanding any provision of this section to the contrary, the commission shall issue a single-use special permit, or upon request of the owner of the truck or equipment shall issue an annual permit, for the transporting of any crane or concrete pump truck or well-drillers' equipment. The commission shall set fees for the issuance of permits and parameters for the transport of cranes pursuant to this subsection. Notwithstanding the provisions of section 301.133, cranes, concrete pump trucks, or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.*

*8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction*

*system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.*

*9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk, from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.*

*10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.*

*11. Notwithstanding any provision of this section or any other law to the contrary, the commission shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the department of transportation motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The commission shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.*

*12. Notwithstanding any provision of this section to the contrary, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear-drive steer axle.*

*13. Notwithstanding any provision of this section to the contrary, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds. (RSMo 1939 § 8406, A.L. 1943 p. 663, A. 1949 S.B. 1113, A.L. 1951 p. 695, A.L. 1957 p. 624, A.L. 1963 p. 417, A.L. 1965 p. 489, A.L. 1967 p. 412, A.L. 1983 H.B. 539, A.L. 1985 H.B. 157 merged with H.B. 330, A.L. 2000 H.B. 1948, A.L. 2001 S.B. 244, A.L. 2008 S.B. 930 & 947, A.L. 2012 S.B. 470 merged with S.B. 568 merged*

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*with S.B. 631, A.L. 2013 H.B. 103, A.L. 2014 H.B. 1190, A.L. 2015 S.B. 12, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225, A.L. 2018 S.B. 683 merged with S.B. 881) Prior revision: 1929 § 7787 (1971) The single axle, tandem axle and gross weight limits specified in § 304.180 are cumulative and each must be complied with. The state is not required to establish either intent to violate the limits or guilty knowledge of such violation to make a case. State v. Boze (A.), 472 S.W.2d 35.*

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

F. Is the information in Section 340.250 still current?

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

G. There appears to be a typographical error in Section 340.260(B); should it read as follows? "...which is not paved with asphalt, concrete, gravel ~~of~~ or any other similar material...."

**Decision:**

- Make the above-noted change.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

H. Due to the age of the enabling ordinance in Section 340.280, the City may want to review this Section for current applicability.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

I. See Section 340.290. The City may want to compare this Section to the provisions of Sample Sections 380A.140 through 380A.160 which include more up-to-date provisions, revised as recently as 2017, and which expands these provisions as well. Review and advise if any revisions are desired herein.

**Decision:**

- Replace this Section with Sample Sections 380A.140 through 380A.160.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

J. See Section 340.350. Note that the similar statutory provisions of Section 304.029, RSMo., allow operation on a street or a highway with a posted speed limit not greater than 35 miles per hour instead of the 25 miles per hour set out herein. Review and advise if any revision is needed herein.

***304.029. Operation of low-speed vehicles on highway, permitted when--exemptions.***

*1. Notwithstanding any other law to the contrary, a low-speed vehicle may be operated upon a highway in the state if it meets the requirements of this section. Every person operating a low-speed vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle except as to the special regulations in this section and except as to those provisions which by their nature can have no application.*

*2. The operator of a low-speed vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A low-speed vehicle shall not be operated on a street or a highway with a posted speed limit greater than thirty-five miles per hour. The provisions of this subsection shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five miles per hour.*

*3. A low-speed vehicle shall be exempt from the requirements of sections 307.350 to 307.402 for purposes of titling and registration. Low-speed vehicles shall comply with the standards in 49 CFR 571.500, as amended.*

*4. Every operator of a low-speed vehicle shall maintain financial responsibility on such low-speed vehicle as required by chapter 303 if the low-speed vehicle is to be operated upon the highways of this state.*

*5. Each person operating a low-speed vehicle on a highway in this state shall possess a valid driver's license issued pursuant to chapter 302.*

*6. For purposes of this section a "low-speed vehicle" shall have the meaning ascribed to it in 49 CFR, section 571.3, as amended.*

*7. All low-speed vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 CFR 571.500, as amended.*

*8. Nothing in this section shall prevent county or municipal governments from adopting more stringent local ordinances governing low-speed vehicle operation if the governing body of the county or municipality determines that such ordinances are necessary in the interest of public safety. The department of transportation may prohibit the operation of low-speed vehicles on any highway under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety. (L. 2004 H.B. 996 and H.B. 1142 and H.B. 1201 and H.B. 1489 merged with S.B. 1233, et al.)*

**Decision:**

- Change 25 mph to 35 mph in two places in Section 340.350.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

## Chapter 342, Driving While Intoxicated

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See Chapter 342. The City should review this Chapter against Sample Chapter 342A, which contains similar material but has been updated through 2017.

### **Decision:**

- Replace Sections 342.010 through 342.050 with Sample Sections 342A.010 through 342A.040.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

## Chapter 345, Pedestrians' Rights And Duties

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This Chapter matches the statutory provisions except that a new Section 300.411, RSMo., has been added to this material in the Statutes. Review Sample Section 345A.100 and determine if it should be added to this Chapter.

### **Decision:**

- Add Section 345A.100 to this Chapter 345.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

## Chapter 370, Abandoned Vehicles

---

See Section 370.030(A)(1)(b) and (c). Note that the similar statutory provisions of Section 304.155, RSMo., appear to set out different timing as to when a vehicle can be towed. See the underlined areas set out below.

***304.155. Abandoned motor vehicles on public property, removal--hazards on land and water, removal, limited liability, when--towing of property report to highway or water patrol or crime inquiry and inspection report when, owner liable for costs--check for stolen vehicles procedure--reclaiming vehicle--lien for charges--record maintenance by towing companies--lienholder repossession, procedure.***

*1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:*

*(1) Any abandoned property on the right-of-way of:*

*(a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, or immediately if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety*

*until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;*

*(b) Any interstate highway or freeway outside of an urbanized area, left unattended for twenty-four hours, or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;*

*(c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or*

*(d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;*

*.....(due to the length of this Section we have only included the necessary portion of this Section)*

*(L. 1965 p. 487 §§ 1 to 3, A.L. 1982 S.B. 665, A.L. 1985 H.B. 288, et al., A.L. 1987 S.B. 290, A.L. 1988 H.B. 1581, A.L. 1992 H.B. 1794, A.L. 1996 S.B. 560, A.L. 1997 H.B. 257, A.L. 1999 S.B. 19, A.L. 2004 S.B. 1233, et al., A.L. 2005 H.B. 487, A.L. 2009 H.B. 683)*

**Decision:**

- Change 48 hours to 24 hours in two places as indicated in the statute Section above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

Chapter 375, Vehicle Equipment

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**Article I, General Regulations**

A. Section 375.020 appears to be repeated in Section 375.100(C). One of these provisions could be removed.

**Decision:**

- Delete Section 375.020 and retain Section 375.100(C).
- Delete Section 375.100(C) and retain Section 375.020.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. The City may want to compare Section 375.100 to Sample Section 370A.140. Since all of these Subsections derive from Section 307.170, RSMo., the City may want to put Sections 375.030 and 375.040 in this Section since they relate to this Section. These are statutorily correct; however, in the Statutes they are contained in one Section. Please advise if any revisions should be made.

**Decision:**

- Move Sections 375.030 and 375.040 to be new Subsections in Section 375.100 to mirror the Statute.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article II, Light Regulations**

The City should compare Section 375.170(B) to Sample Section 370A.050(B), which has been amended due to statutory revisions in 2013.

**Decision:**

- Replace Subsection 375.170(B) with Sample Traffic Code Subsection 370A.050(B).
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

## Chapter 385, Licensing Regulations

**Article I, Driver's License**

- A. The City should review Section 385.010(A) in conjunction with the statutory provisions set out below. Note simply a gender neutral change in Subsection (A) (see Section 302.321.1, RSMo); but also the penalty wording in Subsection (B) should be compared to that in Section 302.321.2, RSMo.

***302.321. Beginning January 1, 2017--Driving while license or driving privilege is cancelled, suspended or revoked, penalty--enhanced penalty for repeat offenders--imprisonment, mandatory, exception.***

*1. 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 cancelled, 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 cancelled, suspended, or revoked.*

*2. Any person convicted of driving while revoked is guilty of a misdemeanor. A first violation of this section shall be punishable as a class D misdemeanor. A second or third violation of this section shall be punishable as a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior two driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses is guilty of a class E felony. Except upon conviction as a first offense, no court shall suspend the imposition*

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*of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until such person has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving while revoked is a class E felony on the second or subsequent conviction pursuant to section 577.010 or a fourth or subsequent conviction for any other offense. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021. (RSMo 1939 § 8465, A.L. 1951 p. 678 § 302.320, A.L. 1961 p. 493, A.L. 1972 S.B. 651, A.L. 1983 S.B. 318 & 135, A.L. 1984 H.B. 1575 Revision, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1995 H.B. 717, A.L. 1999 S.B. 19, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2005 H.B. 353 merged with S.B. 37, et al., A.L. 2011 H.B. 111, A.L. 2014 S.B. 491)Effective 1-01-17*

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. The City may want to review Section 385.030 against Sample Section 380A.030 which contains additional Subsections (A)(5) and (6). The City should advise if these should be included herein.

**Decision:**

- Add Sample Subsections 380A.030(A)(5) and (6) as added Subsections in Section 385.030.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article II, Vehicle Licensing And Inspection**

- A. Section 385.050 should be compared to Section 301.130.5, RSMo., set out below. (We have not included the entirety of this Statutory Section only the pertinent subsection.) There have been some amendments to this Statutory Section as recently as 2018.

***301.130. License plates, required slogan and information--special plates--plates, how displayed--tabs to be used--rulemaking authority, procedure.***

*5. No motor vehicle or trailer shall be operated on any highway of this state 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. 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. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities 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 pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles, autocycles, and motorscooters*

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*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 pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.*

(RSMo 1939 § 8377, A.L. 1947 V. I p. 380, A. 1949 S.B. 1110, A.L. 1951 p. 695, A.L. 1969 S.B. 242, A.L. 1977 H.B. 367, et al., A.L. 1981 S.B. 200 merged with H.B. 511, A.L. 1983 H.B. 149, et al., A.L. 1986 H.B. 1067 & 1299, A.L. 1987 H.B. 605, A.L. 1993 S.B. 105, A.L. 1995 S.B. 3 merged with S.B. 156, S.B. 70, A.L. 2001 S.B. 520, A.L. 2003 H.B. 491, A.L. 2004 S.B. 1233, et al., A.L. 2005 H.B. 487, A.L. 2007 S.B. 82 merged with S.B. 384, A.L. 2008 S.B. 930 & 947, A.L. 2013 H.B. 349, A.L. 2015 S.B. 254, A.L. 2016 H.B. 2380, A.L. 2018 S.B. 881)

**Decision:**

- Change the appropriate wording to read as underlined above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. Note that also as regards the prior comment, the term “autocycle” was included this past session. The City may want to include provisions on autocycles as well. See the newly amended provisions of Section 304.005, RSMo., set out below.

**304.005. Autocycle — defined—protective headgear not required — valid driver's license required to operate.**

1. As used in this section, the term "**autocycle**" means a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards.

2. Notwithstanding subsection 2 of section 302.020, a person operating or riding in an autocycle may not be required to wear protective headgear.

3. No person shall operate an autocycle on any highway or street in this state unless the person has a valid driver's license. The operator of an autocycle, however, shall not be required to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340. (L. 2016 H.B. 1976, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225, A.L. 2018 S.B. 881)

**Decision:**

- Include a new Section 385.025 based on the Statutory wording of Section 304.005, RSMo.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article III, City Motor Vehicle License**

Since the provisions in this Article were initially enacted in 1978, the City may want to confirm that the City Motor Vehicle License fees and requirements set out in this Article are still current.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Chapter 390, Parades, Processions, Demonstrations, Etc.**

The City may want to review this Chapter in its entirety for current applicability, since it does not appear to have been amended recently.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Traffic Schedules**

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

- Schedule I, Speed Limits
- Schedule II, Stop Intersections
- Schedule III, Parking Restrictions
- Schedule IV, Traffic Control Signal
- Schedule V, One-Way Streets
- Schedule VI, Barricaded Streets

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

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## TITLE IV, LAND USE

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### Title IV Notes and Appendixes

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#### **Appendix A, Schedule of Permits, Inspections and Plan Review Fees**

The City may want to confirm the fees herein are still correct, as they do not appear to have been amended since 2011.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

#### Chapter 400, Planning

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This Chapter references the “Planning Commission” [for example, see Section 405.200(B)(11)]; however, throughout the rest of the Zoning Regulations the City references the “Planning and Zoning Commission.” See the definition of “Commission” in Section 405.100 of this Code. Would the City like to change the term “Planning Commission” to read “Planning and Zoning Commission” in this Chapter 400? If not, you may wish to add an Editor’s Note in this Chapter that states the term used throughout the Zoning Regulations is the “Planning and Zoning Commission.”

**Decision:**

- Change “Planning Commission” to “Planning and Zoning Commission” throughout Ch. 400.
- Include a note that states “The Planning Commission is now known as the Planning and Zoning Commission.”
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

#### Chapter 405, Zoning And Subdivision Regulations

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##### **Article IV, Definitions**

- A. See Section 405.100, the definition of ADULT ORIENTED BUSINESS, BOOKSTORE, VIDEO STORE OR PEEP SHOW. See the comment below to [Article VI, Section 405.530](#), which also sets out a definition of SEXUALLY ORIENTED BUSINESSES. These two comments relate to each other and should be reconciled so that the defined term is also the term used in the text. Review both of these comments and determine what revisions should be made.

**Decision:**

- See changes to be made in the comment to Article VI, Section 405.530.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. See Section 405.100, the definition of SEXUAL CONDUCT. Statutory Sections 566.010 and 567.010, RSMo., both contain the same definition set out below. This may be exactly as the City wants this to read since it appears that the definition of SEXUAL INTERCOURSE included herein includes both the definition of DEVIATE SEXUAL INTERCOURSE and SEXUAL INTERCOURSE included in this statutory Section.

***566.010. Chapter 566 and chapter 568 definitions.***

*As used in this chapter and chapter 568, the following terms mean:*

.....

*(3) "Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;*

...

*(5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;*

*(6) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;*

*(7) "Sexual intercourse", any penetration, however slight, of the female genitalia by the penis. (L. 1977 S.B. 60, A.L. 1987 H.B. 341, A.L. 1991 H.B. 566, A.L. 1994 S.B. 693, A.L. 2000 S.B. 757 & 602, A.L. 2002 S.B. 969, et al., A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491; A.L. 2017 S.B. 34)*

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article VI, Supplementary Regulations**

In Section 405.530, note that the name of the Section is “Adult Sexually Oriented Businesses”; then in the first line of this Section, see the term “Adult Oriented Businesses”; then in Subsection (A)(1) both “adult oriented business” and “sexually oriented business” are used. It seems that only one of these terms should be used. Note that the defined term in Section 405.100 is ADULT ORIENTED BUSINESS; however the defined term in Section 573.010, RSMo., is SEXUALLY ORIENTED BUSINESS, which is set out below. Also note

that if this term is changed, then the definition of "Adult-Oriented Business" in Section 405.100 may also need to be changed.:

**Section 573.010 Definitions**

.....

(22) "Sexually oriented business" includes:

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

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

(b) An adult cabaret;

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

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

- a. By a college, junior college, or university supported entirely or partly by taxation;
- b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- c. In a structure:
  - (i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
  - (ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

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

.....

**Decision:**

- Change the defined term in Section 405.100 to "SEXUALLY ORIENTED BUSINESS" and in that definition the reference in Subsection 5 to "considered adult" to read "considered sexually oriented" and in Subsection 5c "adult oriented activity" to read "sexually oriented activity"; AND change all the references throughout this Chapter to "adult oriented business" or "adult oriented business, bookstore, video store or peep show" to read "sexually oriented business."
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article VIII, Subdivision Regulations**

Many of the provisions in this Article date back to 1989 and the 1990s. The City may want to review these regulations and the procedures herein to confirm their accuracy.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article IX, Permanent Sign Regulations**

Is the penalty in Section 405.755 still current?

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article X, Planning Administration**

In Section 405.780(E)(2), the last two lines appear to have a typographical error. This should possibly read "... may include, but are not necessarily be limited to, any of the following:...."

**Decision:**

- Make the change noted above to delete "be."
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article XII, Violations And Penalties**

See Section 405.815(A)(1). Note that there does not appear to be a Subsection (4) of Section 89.120, RSMo., as excepted at the beginning of this Subsection. Possibly this phrase should be deleted.

**Decision:**

- Delete “Except as provided in Subsection (4) of Section 89.120, RSMo.”
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Chapter 410, Floodplain Management**

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This Chapter was adopted in 2015, and probably requires no revision. However, because floodplain regulations are constantly changing and this is not our area of expertise, we generally suggest the City have the local SEMA office review its regulations to confirm they are completely up to date. The contact that we usually give a City is Karen McHugh; her e-mail is [karen.mchugh@sema.dps.mo.gov](mailto:karen.mchugh@sema.dps.mo.gov) and she has assisted many of our clients.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

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## TITLE V, BUILDING AND CONSTRUCTION

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### General Note

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Where a Chapter in this Title V is not addressed in the Chapter-by-Chapter review below, it appeared generally satisfactory. However, a lack of comment does not preclude revisions to any Chapter based on the experiences of the City. We encourage the City Officials to review all chapters of the Code.

**Decision:**

- All changes to Title V are noted below.
- Revise as follows: (attach revisions separately).

### Title V Notes and Appendixes

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#### **Appendix A, Schedule Of Fees**

This Schedule was last formally amended in 2015. Are these fees still current?

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

### Chapter 500, General Provisions

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#### **Article I, Building Commissioner**

As regards Section 500.030, possibly the reference herein to “Chapters 504 to 525” should be changed to read “Chapters 504 through 527” to account for the inclusion of Chapter 527.

**Decision:**

- Revise “Chapters 504 to 525” to read **Chapters 504 through 527.**
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

### Chapter 506, Existing Building Code

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A. See Section 506.010. Note that this code’s adoption does not seem to include the requirement in Subsection 3 of Section 67.280, RSMo., set out below.

**67.280. Communities may incorporate by reference certain technical codes--penalty provisions, requirements--definitions.**

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

(1) "Code", any published compilation of rules prepared by various technical trade associations, federal agencies, this state or any agency thereof, but shall be limited to: regulations concerning the construction of buildings and continued occupancy thereof; mechanical, plumbing, and electrical construction; and fire prevention;

(2) "Community", any county, fire protection district or municipality;

(3) "County", any county in the state;

(4) "Fire protection district", any fire protection district in the state;

(5) "Municipality", any incorporated city, town or village.

2. Any community, if the community otherwise has the power under the law to adopt such an ordinance, may adopt or repeal an ordinance which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full. At least one copy of such code, portion or amendment which is incorporated or adopted by reference, shall be filed in the office of the clerk of the community and there kept available for public use, inspection, and examination. The filing requirements herein prescribed shall not be deemed to be complied with unless the required copies of such codes, portion, or amendment or public record are filed with the clerk of such community for a period of ninety days prior to the adoption of the ordinance which incorporates such code, portion, or amendment by reference.

3. Any ordinance adopting a code, portion, or amendment by reference shall state the penalty for violating such code, portion, or amendment, or any provisions thereof separately, and no part of any such penalty shall be incorporated by reference. (L. 1983 H.B. 92 §§ 1, 2, 3, A.L. 1995 H.B. 452, et al., A.L. 2009 H.B. 859)

**Decision:**

- Include a penalty Section using the wording of Section 505.050, making it applicable to this Chapter.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. Also note that there are no amendments to this code, which seems unusual based on the other adoptions set out in this Title. Please confirm there are no amendments to this Existing Building Code.

**Decision:**

- There are no amendments to this code.
- There are amendments to this code. The City is sending the amendments to General Code for inclusion.
- Revise as follows: \_\_\_\_\_

Chapter 513, Energy Conservation Code

506,513, 523, and 527 have Savings and Severability clauses codified. We don't want those there. Have removed.

A. See Section 513.010. Note that this code's adoption does not seem to include the requirement in Subsection 3 of Section 67.280, RSMo., set out under [Comment A to Chapter 506 above](#).

**Decision:**

- Include a penalty Section using the wording of Section 505.050, making it applicable to this Chapter.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. Also note that there are no amendments to this code, which seems unusual based on the other adoptions set out in this Title. Please confirm there are no amendments to this Energy Conservation Code.

**Decision:**

- There are no amendments to this code.
- There are amendments to this code. The City is sending the amendments to General Code for inclusion.
- Revise as follows: \_\_\_\_\_

---

### Chapter 523, Swimming Pool and Spa Code

---

A. See Section 523.010. Note that this code's adoption does not seem to include the requirement in Subsection 3 of Section 67.280, RSMo., set out under [Comment A to Chapter 506 above](#).

**Decision:**

- Include a penalty Section using the wording of Section 505.050, making it applicable to this Chapter.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. This code has one amendment that was sent as a revision; is this the only amendment?

**Decision:**

- There are no additional amendments to this code.
- There are additional amendments to this code. The City is sending the amendments to General Code for inclusion.
- Revise as follows: \_\_\_\_\_

---

### Chapter 525, Property Maintenance Code

---

See Section 525.040. Note that the last two amendments in this Section regarding Figures A103.1(1) and A103.1(2) state "No Change." Since this terminology was not used anywhere else in the amendments (and typically any Section not mentioned is obviously not changed), we wanted to confirm that this was not

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intended to retain the previous figures in the prior Chapter. We believe the City's intent is to use the Figures in the 2015 International Property Maintenance Code. Please confirm.

**Decision:**

- Correct as edited; no revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

### Chapter 527, Design And Construction Of Storm Shelters Code

---

See the note to Chapter 506 above. The same questions apply to Section.

- A. See Section 527.010. Note that this code's adoption does not seem to include the requirement in Subsection 3 of Section 67.280, RSMo., set out under [Comment A to Chapter 506 above](#).

**Decision:**

- Include a penalty Section using the wording of Section 505.050, making it applicable to this Chapter.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. Also note that there are no amendments to this code, which seems unusual based on the other adoptions set out in this Title. Please confirm there are no amendments to this Energy Conservation Code.

**Decision:**

Storm Shelter Code
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- There are no amendments to this code.
- There are amendments to this code. The City is sending the amendments to General Code for inclusion.
- Revise as follows: \_\_\_\_\_

### Chapter 535, Municipal Tree and Landscape Regulations

---

Since most of the Chapter does not appear to have been amended since 1998, the City may want to review this Chapter in its entirety to confirm that the procedures herein are still current.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

## Chapter 540, Relocation Policy

---

- A. Much of this Chapter does not appear to have been amended since 1992; the City may want to review this Chapter in its entirety to confirm that the procedures herein are still current.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. Note that Section 540.040(A)(4) does not appear to agree with the statutory provisions of Section 523.205.5(4), RSMo., which seems to allow for 90 days for ALL displaced persons. Also see Section 540.040(A)(5) which seems to state this requirement as well.

***523.205. Relocation assistance given, when--definitions--relocation plans--contents--residential payments--business payments--advance payments--waiver--notice--report--ineligibility for tax abatement, when--additional requirements.***

1. Any public agency as defined in section 523.200 which is required, as a condition to the receipt of federal funds to give relocation assistance to any displaced person, is hereby authorized and directed to give similar relocation assistance to displaced persons when the property involved is being acquired for the same public purpose through the same procedures, and is being purchased solely through expenditure of state or local funds.

2. Any political subdivision, governmental entity, or corporation created under chapter 353, initiating condemnation proceedings which may necessitate displacement of persons, when such displacement is not subject to the provisions of the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Sections 4601 to 4655, as amended) or subsection 1 of this section, shall establish by ordinance or rule a relocation policy which shall include, but not be limited to, the provisions and requirements of subsections 2 to 15 of this section, or in lieu thereof, such relocation policy shall contain provisions and requirements which are equivalent to the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Sections 4601 to 4655, as amended).

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

(1) "Business", any lawful activity that is conducted:

(a) Primarily for the purchase, sale or use of personal or real property or for the manufacture, processing or marketing of products or commodities;

(b) Primarily for the sale of services to the public; or

(c) On a not-for-profit basis by any organization that has obtained an exemption from the payment of federal income taxes as provided in Section 501(c)(3) of Title 26, U.S.C., as amended, and veterans organizations;

(2) "Decent, safe and sanitary dwelling", a dwelling which meets applicable housing and occupancy codes. The dwelling shall:

(a) Be structurally sound, weathertight and in good repair;

(b) Contain a safe electrical wiring system;

(c) Contain an adequate heating system;

(d) Be adequate in size with respect to the number of rooms needed to accommodate the displaced person; and

(e) For a handicapped person, be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling;

(3) "Handicapped person", any person who is deaf, legally blind or orthopedically disabled to the extent that acquisition of another residence presents a greater burden than other persons would encounter or to the extent that modifications to the replacement residence would be necessary;

(4) "Person", any individual, family, partnership, corporation, or association that has a legal right to occupy the property, including but not limited to month-to-month tenants.

4. Every urban redevelopment corporation acquiring property within a redevelopment area shall submit a relocation plan as part of the redevelopment plan.

5. Unless the property acquisition under the operation of chapter 99, chapter 100, or chapter 353 is subject to federal relocation standards or subsection 1 of this section, the relocation plan shall provide for the following:

(1) Payments to all eligible displaced persons, as defined in section 523.200, who occupied the property to be acquired for not less than ninety days prior to the initiation of negotiations who are required to vacate the premises;

(2) A program for identifying special needs of displaced persons with specific consideration given to income, age, size of family, nature of business, availability of suitable replacement facilities and vacancy rates of affordable facilities;

(3) A program for providing proper and timely notice to all displaced persons, including a general description of their potential rights and benefits if they are displaced, their eligibility for relocation assistance, and the nature of that assistance. The notices required for compliance with this section are as follows:

(a) A general information notice that shall be issued at the approval and selection of a designated redeveloper and shall inform residential and nonresidential owners and occupants of a potential project, including the potential acquisition of the property;

(b) A notice of relocation eligibility that shall be issued as soon as feasible after the execution of the redevelopment agreement and shall inform residential and nonresidential occupants within the project area who will be displaced of their relocation assistance and nature of that assistance, including ninety days' advance notice of the date the occupants must vacate;

(4) A program for referrals of displaced persons with provisions for a minimum of three decent, safe and sanitary housing referrals for residential persons or suitable referral sites for displaced businesses, a minimum of ninety days' notice of referral sites for all displaced persons prior to the date such displaced persons are required to vacate the premises, and arrangements for transportation to inspect referral sites; and

(5) Every displaced person shall be given a ninety-day notice to vacate, prior to the date such displaced person is required to vacate the premises.

6. All displaced residential persons eligible for payments shall be provided with relocation payments based upon one of the following, at the option of the person:

(1) A one thousand dollar fixed moving expense payment; or

(2) Actual reasonable costs of relocation including, but not limited to, actual moving costs, utility deposits, key deposits, storage of personal property up to one month, utility transfer and connection fees and other initial rehousing deposits including first and last month's rent and security deposit. Such costs of relocation shall not include the cost of a replacement property or any capital improvements thereto.

7. All displaced businesses eligible for payments shall be provided with relocation payments based upon the following, at the option of the business:

(1) A three thousand dollar fixed moving expense payment and up to an additional ten thousand dollars for reestablishment expenses. Reestablishment expenses are limited to costs incurred for physical improvements to the replacement property to accommodate the particular business at issue; or

(2) Actual costs of moving including costs for packing, crating, disconnection, dismantling, reassembling and installing all personal equipment and costs for relettering similar signs and similar replacement stationery, and up to an additional ten thousand dollars for reestablishment expenses. Reestablishment expenses are limited to actual costs incurred for physical improvements to the replacement property to accommodate the particular business at issue.

8. If a displaced person demonstrates the need for an advance relocation payment, in order to avoid or reduce a hardship, the developer or public agency shall issue the payment subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished. Payment for a satisfactory claim shall be made within thirty days following receipt of sufficient documentation to support the claim. All claims for relocation payment shall be filed with the displacing agency within six months after:

(1) For tenants, the date of displacement;

(2) For owners, the date of displacement or the final payment for the acquisition of the real property, whichever is later.

9. Any displaced person, who is also the owner of the premises, may waive relocation payments as part of the negotiations for acquisition of the interest held by such person. Such waiver shall be in writing, shall disclose the person's knowledge of the provisions of this section and his entitlement to payment and shall be filed with the acquiring public agency. However, any such waiver shall not include a waiver of any notice provisions of this section, and a displaced person shall remain entitled to all of the provisions regarding programs which are contained in subdivisions (2) and (3) of subsection 5 of this section.

10. All persons eligible for relocation benefits shall be notified in writing of the availability of such relocation payments and assistance, with such notice to be given concurrently with the notice of referral sites as required in subdivision (4) of subsection 5 of this section.

11. Any urban redevelopment corporation, its assigns or transferees, which have been provided any assistance under the operation of chapter 99, chapter 100, chapter 353, or this chapter, with land acquisition by the local governing body, shall be required to make a report to the local governing body or appropriate public agency which shall include, but not be limited to, the addresses of all occupied residential buildings and structures within the redevelopment area and the names and addresses of persons displaced by the redeveloper and specific relocation benefits provided to each person, as well as a sample notice provided to each person.

12. An urban redevelopment corporation which fails to comply with the relocation requirements provided in this section shall not be eligible for tax abatement as provided for in chapter 353.

13. The requirements set out in this section shall be considered minimum standards. In reviewing any proposed relocation plan under the operation of chapter 99, chapter 100, or chapter 353, the local governing body or public agency shall determine the adequacy of the proposal and may require additional elements to be provided.

14. Relocation assistance shall not be provided to any person who purposely resides or locates his business in a redevelopment area solely for the purpose of obtaining relocation benefits.

15. The provisions of sections 523.200 and 523.205 shall apply to land acquisitions under the operation of chapter 99, chapter 100, or chapter 353, filed for approval, approved or amended on or after August 31, 1991, and, as provided by subsection 2 of this section, any other land acquisition by a political subdivision or governmental entity through condemnation proceedings initiated after December 31, 2006. (L. 1971 H.B. 94 § 2, A.L. 1991 H.B. 502, A.L. 2006 H.B. 1944)

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**Decision:**

- Replace the language in 540.040(A)(4) with the underlined statutory language above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Chapter 545, Rights-Of-Way Management Regulations**

See the definition of EXCAVATION in Section 545.010. Note that Section 319.015(4), RSMo., contains the definition set out below. The City should review this definition and determine if any revisions are needed. Also see the comments under [Chapter 635](#) below, which appears to regulate rights-of-way management in some respects as well.

***Section 319.015(4), RSMo.***

*(4) "Excavation", any operation in which earth, rock or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, equipment or explosives and includes, without limitation, backfilling, grading, trenching, digging, ditching, pulling material from a ditch but not including routine road maintenance, drilling, well-drilling, augering, boring, tunneling, scraping, cable or pipe plowing, plowing-in, pulling-in, ripping, driving, and demolition of structures, except that, the use of mechanized tools and equipment to break and remove pavement and masonry down only to the depth of such pavement or masonry on roads dedicated to the public use for vehicular traffic, the tilling of soil for agricultural purposes when such excavation does not exceed sixteen inches in depth, the installation of marking flags and stakes and the use of pressurized air to disintegrate and suction to remove earth, rock, or other materials for the location of underground facilities shall not be deemed excavation. Backfilling or moving earth on the ground in connection with other excavation operations at the same site shall not be deemed separate instances of excavation. For railroads regulated by the Federal Railroad Administration, "excavation" shall not include any excavating done by a railroad when such excavating is done entirely on land that the railroad owns or on which the railroad operates, or in the event of an emergency, excavating done by a railroad on adjacent land;*

**Decision:**

- Replace the definition in Section 545.010 with the statutory definition above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Chapter 550, Storm Sewer and Drainage Facility Guidelines**

As regards Sections 550.110, 550.120 and 550.125; note that the requirements of Section 67.280 RSMo. (set out under [Comment A to Chapter 506 above](#)), as to procedures which need to be followed in the event a

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technical code is adopted by reference in an ordinance, appear to require that there be a separate penalty provision for each technical code, and that one copy of each be kept on file.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

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## TITLE VI, BUSINESS AND OCCUPATIONS

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### Chapter 600, Alcoholic Beverages

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#### Article I, In General

- A. See Section 600.010. Note that HB 132 of 2009 deleted the phrase to “in excess of three and two-tenths percent by weight and” from references to “malt liquor” in the Statutes. Should the definition of MALT LIQUOR be revised to delete the phrase to “in excess of three and two-tenths percent by weight and”?

**Decision:**

- Delete the phrase in quotations above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. The City may wish to review the provisions of Section 600.030 against the similar statutory provisions of Section 311.096, RSMo., which sets forth the requirements for the sale of liquor by the drink not for consumption on premises but for consumption in a common eating and drinking area somewhat differently from the way it is described herein.

***311.096. Common eating and drinking area, defined--licenses for sale of liquor by the drink not for consumption on premises--fees--extended hours for convention trade areas.***

*1. As used in this section, the term "common eating and drinking area" means an area or areas within a building or group of buildings designated for the eating of food and drinking of liquor sold at retail by establishments which do not provide areas within their premises for the consumption of food and liquor; where the costs of maintaining such area or areas are shared by the payment of common area maintenance charges, as provided in the respective leases permitting the use of such areas, or otherwise; and where the annual gross income from the sale of prepared meals or food consumed in such common eating and drinking area is, or is projected to be, at least two hundred seventy-five thousand dollars.*

*2. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, or who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, as described in the application for such license. In addition to all other fees required by law, each establishment in a common eating and drinking area licensed under this subsection shall pay to the director of revenue the sum of three hundred dollars per year. The times for selling intoxicating liquor as fixed in section 311.290, the authority for the collection of fees by counties and cities as provided in section 311.220, and all other laws and regulations of this state relating to the sale of intoxicating liquor by the drink shall apply to each establishment licensed under this subsection in the same manner as they apply to establishments licensed under sections 311.085 and 311.090.*

3. *Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, between the hours of 11:00 a.m. on Sunday and 12:00 midnight on Sunday by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, as described in the application for such license. In addition to all other fees required by law, each establishment in a common eating and drinking area licensed under this subsection shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.*

4. *Any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, may apply to the supervisor of liquor control for a special permit to remain open on all days of the week except Sunday between the hours of 1:30 a.m. to 3:00 a.m. The provisions of subsection 3 of this section shall apply to the sale of intoxicating liquor by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area on Sunday. To qualify for such a permit, the premises of such an applicant must be located in an area which has been designated as a convention trade area by the governing body of the county or city. An applicant granted a special permit under this section shall pay, in addition to all other fees required by this chapter, an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees. (L. 1986 S.B. 444, A.L. 1994 S.B. 474)*

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

C. Note that Section 600.070 should be compared against the last sentence of Section 311.290, RSMo., below, to determine if that additional language should be included herein.

***311.290. Time fixed for opening and closing premises--closed place defined--penalty.***

*No person having a license issued pursuant to this chapter, nor any employee of such person, shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon or about his or her premises. If the person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs, hotels, or bowling alleys, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants or bowling alleys whose business is conducted in one room only, then the licensee shall keep securely locked during the hours and on the days specified in this section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A "closed place" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this section shall be deemed guilty of a class A misdemeanor. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler*

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*licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor at retail.* (RSMo 1939 § 4891, A.L. 1941 p. 412, A.L. 1951 p. 16, A.L. 1957 p. 27, A.L. 1967 p. 424, A.L. 1979 S.B. 192, A.L. 1981 S.B. 128, A.L. 1987 S.B. 150, A.L. 2003 S.B. 298, A.L. 2009 H.B. 132, A.L. 2013 S.B. 59, A.L. 2013 S.B. 121)

**Decision:**

- Insert the underlined statutory wording above as a new Subsection 600.070(E).
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

D. It appears that the last sentence of Section 600.090(B) could be deleted as it appears to duplicate the prior sentence.

**Decision:**

- Delete the last sentence of Section 600.090(B) as duplicative.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

E. Section 600.100 appears to be based on the statutory provisions of Section 311.470, RSMo., which were repealed in 2010 by HB 1965. The City may want to consider deleting this Section.

**Decision:**

- Delete Section 600.100.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

F. Does Section 600.170 intend to keep persons under 21 out of restaurants that serve liquor? There are no longer “restaurant-bar” licenses at the state level. Should there be additional exceptions stated herein?

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article II, License Regulations**

A. See Section 600.250. Note that the similar statutory provisions of Section 311.060, RSMo., appear to have some additional requirements therein which the City may want to review to determine if any revisions are needed.

**\*311.060. Qualifications for licenses--resident corporation and financial interest defined--revocation, effect of, new license, when.**

1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and, except as otherwise provided under subsection 7 of this section, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five years have passed since the revocation as provided under subsection 6 of this section, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

2. (1) No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of such corporation, or other financial interest therein, or ten percent or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law except as otherwise provided under subsections 6 and 7 of this section, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor. Each employer shall report the identity of any employee convicted of a felony to the division of liquor control. The division of liquor control shall promulgate rules to enforce the provisions of this subdivision.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent by weight, except to a resident corporation as defined in this section.

3. A “**resident corporation**” is defined to be a corporation incorporated under the laws of this state, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the county and municipality in which they reside and who shall have been bona fide residents of the state for a period of three years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight, or owned or controlled, directly or indirectly, by

*nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight.*

4. *The term “financial interest” as used in this chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.*

5. *The supervisor shall by regulation require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the supervisor.*

6. *Any person whose license or permit issued under this chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five years after the date of the revocation.*

7. *Any person whose license or permit issued under this chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five years after the date of the revocation. The person may be issued a new license or permit at the discretion of the division of alcohol and tobacco control. If the division denies the request for a new permit or license, the person may not submit a new application for five years from the date of the denial. If the application is approved, the person shall pay all fees required by law for the license or permit. Any person whose request for a new license or permit is denied may seek a determination by the administrative hearing commission as provided under section 311.691. (RSMo 1939 § 4906, A.L. 1947 V. 1 p. 370, A.L. 1987 H.B. 520 merged with H.B. 62 & 70, A.L. 2009 H.B. 132, A.L. 2016 S.B. 994) \*Effective 10-14-16, see § 21.250. S.B. 994 was vetoed July 1, 2016. The veto was overridden on September 14, 2016.*

*(1972) Eligibility for employee's liquor permit, lost following applicant's conviction of violation of federal tax laws involving sale and manufacture of intoxicating liquors, was reinstated by Presidential Pardon received after service in armed forces. Damiano v. Burge (A.), 481 S.W.2d 562.*

*(1973) Conviction on misdemeanor charge of possessing obscene literature by 100% stockholder held sufficient grounds for refusal of liquor by the drink license. Peppermint Lounge Inc. v. Wright (Mo.), 498 S.W.2d 749.*

*(1975) Held governor's power to pardon is limited to criminal prosecutions and does not extend to administrative revocation of license. The court also held that the governor has no authority to “order” an action by the director of liquor control when the statute places such duty on the director. Theodoro v. Department of Liquor Control (Mo.), 527 S.W.2d 350.*

**Decision:**

No revision desired.

Revise as follows: (attach revisions separately).

Revise as follows: \_\_\_\_\_

- B. As regards Section 600.340, note that the similar statutory provisions of Section 311.080, RSMo., appear to include some additional elements to this regulation.

**311.080. Sale of liquor prohibited near schools and churches, exceptions.**

1. No license shall be granted for the sale of intoxicating liquor, as defined in this chapter, within one hundred feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the board of alderman, city council, or other proper authorities of any incorporated city, town, or village, except that when a school, church or place of worship shall hereafter be established within one hundred feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten days' written notice has been provided to all owners of property within one hundred feet of the proposed licensed premises.

2. The board of aldermen, city council or other proper authorities of any incorporated city, town or village may by ordinance prohibit the granting of a license for the sale of intoxicating liquor within a distance as great as three hundred feet of any school, church, or other building regularly used as a place of religious worship. In such cases, and where the ordinance has been lawfully enacted, no license of any character shall be issued in conflict with the ordinance while it is in effect; except, that when a school, church or place of worship is established within the prohibited distance from any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason.

3. Subsection 1 of this section shall not apply to a license issued by the supervisor of alcohol and tobacco control for the sale of intoxicating liquor pursuant to section 311.218 or to a license issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of federal taxes.

4. Subsection 1 of this section shall not apply to any premises holding a license issued before January 1, 2004, by the supervisor of alcohol and tobacco control for the sale of intoxicating liquor. To retain a license under this subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety days. (RSMo 1939 § 4948, A.L. 1959 H.B. 139, A.L. 2003 S.B. 298, A.L. 2005 S.B. 262)

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- C. As regards Section 600.420, note that the phrase herein which reads “of more than three and two-tenths percent (3.2%) by weight and” can be removed since this reference has been removed throughout Chapter 311, RSMo. This would then read “Retailers selling intoxicating malt liquor by the drink with an alcoholic content not in excess of five percent (5%)...”

**Decision:**

- Change as noted above.
- No revision desired.
- Revise as follows: \_\_\_\_\_

- D. See Section 600.430. Note that the similar statutory provisions of Section 311.090, RSMo., do not contain the reference to 3.2% as noted in the previous comment.

**311.090. Sale of liquor by the drink, cities, requirements.**

1. Any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, and the ordinances, rules and regulations of the incorporated city in which such licensee proposes to operate his business, may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises described in the application; provided, that no license shall be issued for the sale of intoxicating liquor, other than malt liquor as defined in section 311.490, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold to any person other than a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, in any incorporated city having a population of less than nineteen thousand five hundred inhabitants, until the sale of such intoxicating liquor, by the drink at retail for consumption on the premises where sold, shall have been authorized by a vote of the majority of the qualified voters of the city. Such authority shall be determined by an election to be held in those cities having a population of less than nineteen thousand five hundred inhabitants as determined by the last preceding federal decennial census, under the provisions and methods set out in this chapter. Once such licenses are issued in a city with a population of at least nineteen thousand five hundred inhabitants, any subsequent loss of population shall not require the qualified voters of such a city to approve the sale of such intoxicating liquor prior to the issuance or renewal of such licenses. No license shall be issued for the sale of intoxicating liquor, other than malt liquor as defined in section 311.490, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold, outside the limits of such incorporated cities unless the licensee is a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended.

2. If any charitable, fraternal, religious, service, or veterans' organization has a license to sell intoxicating liquor on its premises pursuant to this section and such premises includes two or more buildings in close proximity, such permit shall be valid for the sale of intoxicating liquor at any such building. (RSMo 1939 § 4890, A.L. 1981 S.B. 126, A.L. 1983 H.B. 85, et al., A.L. 1984 S.B. 441, A.L. 1990 H.B. 1180, A.L. 1993 S.B. 76, A.L. 1994 S.B. 474, A.L. 1995 S.B. 43, A.L. 2009 H.B. 132, A.L. 2012 H.B. 1498; A.L. 2016 S.B. 919)

**Decision:**

- Delete the reference to 3.2% and change to refer to “as defined in Section 311.490, RSMo.” as underlined above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- E. See Section 600.440. Note that the similar statutory provisions of Section 311.200.2, RSMo., do not contain the reference to 3.2% as noted in the previous comment.

**311.200.2, RSMo.**

*2. For a permit authorizing the sale of malt liquor, as defined in section 311.490, by grocers and other merchants and dealers in the original package direct to consumers but not for resale, a fee of fifty dollars per year payable to the director of the department of revenue shall be required. The phrase "original package" shall be construed and held to refer to any package containing one or more standard bottles, cans, or pouches of beer. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.*

**Decision:**

- Delete the reference to 3.2% and change to refer to Section 311.490, RSMo., as underlined above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- F. Would the City prefer to have the license fee of \$37.50 in Section 600.475 placed in Section 600.690 with the other liquor license fees?

**Decision:**

- Yes, move this license fee to Section 600.690 and include just a reference to Section 600.690 in this Section.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- G. See Section 600.560. Note that the similar statutory provisions of Section 311.190, RSMo., appear to allow for a maximum license fee of \$450.00 for cities and counties as authorized by Section 311.220, RSMo. Also note that the City may want to place this license fee in Section 600.690 with the other liquor license fees.

**311.190. Wine or brandy manufacturer's license, fee--use of materials produced outside state, limitation, exception--what sales may be made, when.**

*1. For the privilege of manufacturing wine or brandy, which manufacturing shall be in accordance with all provisions of federal law applicable thereto except as may otherwise be specified in this section, in quantities not to exceed five hundred thousand gallons, not in excess of eighteen percent of alcohol by weight for wine, or not in excess of thirty-four percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits, there shall be paid to and collected by the director of revenue, in lieu of the charges provided in section 311.180, a license fee of five dollars for each five hundred gallons or fraction thereof of wine or brandy produced up to a maximum license fee of three hundred dollars.*

2. *Notwithstanding the provisions of subsection 1 of this section, a manufacturer licensed under this section may use in any calendar year such wine- and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent of the manufacturer's wine entered into fermentation in the prior calendar year.*

3. *In any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, the director of the department of agriculture shall determine the percent of loss and allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.*

4. *A manufacturer licensed under this section may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under this section and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under this section may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between 9:00 a.m. and 10:00 p.m. (L. 1943 p. 620 § 4898a, A.L. 1945 p. 1056, A.L. 1969 H.B. 237, A.L. 1979 H.B. 701, A.L. 1982 H.B. 1323, A.L. 1993 H.B. 63, A.L. 1994 S.B. 474, A.L. 1999 S.B. 391, A.L. 2007 S.B. 299 & S.B. 616)*

**Decision:**

- Change \$300.00 to \$450.00; AND place this license fee in Section 600.690 and reference Section 600.690 herein.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

H. See Section 600.580(A). Note that there appears to be some conflict within this paragraph. In the first sentence it refers to "... sale of all kinds of intoxicating liquor at retail..." Then towards the end of that same sentence and in the third and fourth sentence it states "... for the sales of such wine, beer and malt liquor..." See the similar statutory provisions of Section 311.482, RSMo., set out below, which the City may want to compare to this Section.

***311.482. Temporary permit for sale by drink may be issued to certain organizations, when, duration--collection of sales taxes, notice to director of revenue.***

1. *Notwithstanding any other provision of this chapter, a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on the premises of the licensee may be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven days by any such club or organization.*

2. *To secure the permit, the applicant shall complete a form provided by the supervisor, but no applicant shall be required to furnish a personal photograph as part of the application. The applicant shall pay a fee of twenty-five dollars for such permit.*

3. *If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 a.m.*

4. *At the same time that an applicant applies for a permit under the provisions of this section, the applicant shall notify the director of revenue of the holding of the event and by such notification, by certified mail, shall accept responsibility for the collection and payment of any applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen days after the close of the event, and failure to do so shall result in a liability of triple the amount of the tax due plus payment of the tax, and denial of any other permit for a period of three years. Under no circumstances shall a bond be required from the applicant.*

5. *No provision of law or rule or regulation of the supervisor shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering. (L. 1987 S.B. 150 § 3, A.L. 1995 S.B. 43, A.L. 2009 H.B. 132, A.L. 2011 H.B. 101)*

**Decision:**

- Insert the statutory Section above to replace Subsection A of this Section.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- I. See Section 600.580(B). Note that this Subsection appears to be referencing the license contained in Section 311.218, RSMo., and appears to set out similar provisions. Note, however, the reference to “malt liquor containing alcohol in excess of three and two-tenths percent by weight” in line 3 of Subsection B should probably read “malt liquor containing alcohol not in excess of five percent (5%) by weight...” as noted in Section 311.090, RSMo., set out below.

***311.090. Sale of liquor by the drink, cities, requirements.***

*1. Any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, and the ordinances, rules and regulations of the incorporated city in which such licensee proposes to operate his business, may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises described in the application; provided, that no license shall be issued for the sale of intoxicating liquor, other than malt liquor as defined in section 311.490, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold to any person other than a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, in any incorporated city having a population of less than nineteen thousand five hundred inhabitants, until the sale of such intoxicating liquor, by the drink at retail for consumption on the premises where sold, shall have been authorized by a vote of the majority of the qualified voters of the city. Such authority shall be determined by an election to be held in those cities having a population of less than nineteen thousand five hundred inhabitants as determined by the last preceding federal decennial census, under the provisions and methods set out in this chapter. Once such licenses are issued in a city with a population of at least nineteen thousand five hundred inhabitants, any subsequent loss of population shall not require the qualified voters of such a city to approve the sale of such intoxicating liquor prior to the issuance or renewal of such licenses. No license shall be issued for the sale of intoxicating liquor, other than malt*

*liquor as defined in section 311.490, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold, outside the limits of such incorporated cities unless the licensee is a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended.*

2. *If any charitable, fraternal, religious, service, or veterans' organization has a license to sell intoxicating liquor on its premises pursuant to this section and such premises includes two or more buildings in close proximity, such permit shall be valid for the sale of intoxicating liquor at any such building.*

*(RSMo 1939 § 4890, A.L. 1981 S.B. 126, A.L. 1983 H.B. 85, et al., A.L. 1984 S.B. 441, A.L. 1990 H.B. 1180, A.L. 1993 S.B. 76, A.L. 1994 S.B. 474, A.L. 1995 S.B. 43, A.L. 2009 H.B. 132, A.L. 2012 H.B. 1498; A.L. 2016 S.B. 919)*

**Decision:**

- Change the reference to read as noted above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

J. Is the administrative fee of \$75.00 in Section 600.605 still current?

**Decision:**

- Yes, this fee is correct; no revision desired.
- Revise as follows: \_\_\_\_\_

K. Is the fee of \$10.00 in Section 600.620 still current?

**Decision:**

- Yes, this fee is correct; no revision desired.
- Revise as follows: \_\_\_\_\_

L. Is the temporary picnic license (3.2% beer by the drink) in Section 600.690 still offered? This license does not appear to be contained in the Statutes. The 3.2% reference does not occur in Chapter 311, RSMo., since the removal of non-intoxicating beer provisions.

**Decision:**

- Delete this license fee.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article III, Enforcement And Penalty**

In Section 600.705(A) see the reference to “Supervisor of the Division of Alcohol and Tobacco and Control.” This should read simply “Supervisor of Alcohol and Tobacco Control.”

**Decision:**

- Change this reference as noted above.
- No revision desired.
- Revise as follows: \_\_\_\_\_

**Chapter 605, Business Licenses And Business Regulations****Article I, General Provisions**

A. See Section 605.001.

- (1) As to the definition of LICENSED MASSAGE PRACTITIONER, the City may wish to note the similar term “Massage therapist” is defined at Section 324.240(6), RSMo., as “a health care practitioner who provides or offers to provide massage therapy; as provided in sections 324.240 to 324.275, to any person at no cost or for a fee, monetary or otherwise, implying that the massage therapist is trained, experienced and licensed in massage therapy, and who holds a current, valid license to practice massage therapy.”

**Decision:**

- Insert the statutory definition set out above to replace the current definition in this Section.
- No revision desired.
- Revise as follows: (attach revisions separately). 
- Revise as follows: \_\_\_\_\_

- (2) As to the definition of MASSAGE, the City may wish to note Section 324.240(7), RSMo., defines the similar term “Massage therapy” as “a health care profession which involves the treatment of the body’s tonus system through the scientific or skillful touching, rubbing, pressing or other movements of the soft tissues of the body with the hands, forearms, elbows, or feet, or with the aid of mechanical apparatus, for relaxation, therapeutic, remedial or health maintenance purposes to enhance the mental and physical well-being of the client, but does not include the prescription of medication, spinal or joint manipulation, the diagnosis of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law, or to those occupations defined in chapter 329, RSMo.”

**Decision:**

- Insert the statutory definition set out above to replace the current definition in this Section.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- (3) As to the definition of MASSAGE ESTABLISHMENTS, the City may wish to note Section 324.240(5), RSMo., defines the similar term “Massage business” as “any place of business in which massage therapy is practiced.”

**Decision:**

- Insert the statutory definition set out above to replace the current definition in this Section.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- (4) As to the definition of MECHANICAL OR ELECTRONIC AMUSEMENT DEVICE, note that in the last line of this definition the term “mechanical amusement devices” is used. The City may want to be consistent in the use of this defined term.

**Decision:**

- Change “mechanical amusement devices” to read “mechanical or electronic amusement devices.”
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- (5) See Section 605.001. As to the definition of TATTOOING, the City may wish to note Section 324.520.1(5), RSMo., defines the term “tattoo” as “one or more of the following: (a) an indelible mark made on the body of another person by the insertion of a pigment under the skin; or (b) an indelible design made on the body of another person by production of scars other than by branding.”

**Decision:**

- Insert the statutory definition set out above to replace the current definition in this Section.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

- B. See Section 605.013(A)(2). Note that the license type stated as “mechanical amusement device” appears to be defined and referred to throughout this Chapter as “Mechanical or Electronic Amusement Device.” Should this be changed to read as the defined term? Note that the only other place the term “mechanical amusement device” occurs is in the definition noted above and Chapter 230 of this Code.

**Decision:**

- Change “mechanical amusement device” to read “mechanical or electronic amusement device” in this Chapter AND in Chapter 230.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article III, Peddlers/Solicitors (Also Known As Hawkers, Hucksters And Itinerant Workers)**

See Section 605.185(H) and (I). Note that Subsection (H)(1) and (2) reference a license term not to exceed five days. Subsection I mentions a license term not to exceed four consecutive days. Review and confirm these are both correct and determine if any clarification is needed.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article IV, Public Utilities**

A. See Sections 605.195 and 605.200, which both cite “described in Section 605.190 above”; however, Section 605.190 does not appear to set out the functions performed by public utilities, nor does it describe the business. Possibly the City would want to refer specifically to the definition of PUBLIC UTILITY in Section 605.001, which does appear to set out a description that term.

**Decision:**

- Change both Sections to read as follows: “Every public utility as defined in Section 605.001 above...”
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. See Section 605.210. See the prior note. Similarly, this Section may be better understood if the first and second line were changed to read “It shall be the duty of every public utility, defined in Section 605.001 of Article I of this Chapter, engaged in furnishing, distributing and supplying gas ~~as described in Section 605.190~~ to file with the City Clerk on or before the thirtieth...”

**Decision:**

- Change to read as suggested above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

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- C. See Section 605.215. This Section may be better understood if the second line were changed to read "... required of a public utility engaged in the business defined in Section 605.001 of Article I of this Chapter described in Section 605.190; but..."

**Decision:**

- Change to read as suggested above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article V, Amusement Centers And Arcades**

- A. In Section 605.230, see the reference to "amusement devices" in the last line of this Section. Should this be changed to read "mechanical or electronic amusement devices"?

**Decision:**

- Change "amusement devices" to read "mechanical or electronic amusement devices."
- No revision desired.
- Revise as follows: \_\_\_\_\_

- B. In Section 605.295(A), see the reference to "amusement device" in the first line of this Section. Should this be changed to read "mechanical or electronic amusement devices"?

**Decision:**

- Change "amusement devices" to read "mechanical or electronic amusement devices."
- No revision desired.
- Revise as follows: \_\_\_\_\_

- C. In Section 605.295(B) and (C), see the references to "coin-operated machine or device" and "coin-operated amusement device" respectively. Should these references be changed to read "mechanical or electronic amusement devices"?

**Decision:**

- Change "coin-operated machine or device" and "coin-operated amusement device" to read "mechanical or electronic amusement device."
- No revision desired.
- Revise as follows: \_\_\_\_\_

- D. In Section 605.320, see the reference to "coin-operated amusement devices and machines" in the first line of this Section. Should this be changed to read "mechanical or electronic amusement devices," which is the term used in Subsection B of this Section?

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**Decision:**

- Change “coin-operated amusement devices and machines” to read “mechanical or electronic amusement devices.”
- No revision desired.
- Revise as follows: \_\_\_\_\_

E. In Section 605.320(B), see the reference to “amusement device” in the last phrase of this Section. Should this be changed to read “mechanical or electronic amusement device”?

**Decision:**

- Change “amusement device” to read “mechanical or electronic amusement device.”
- No revision desired.
- Revise as follows: \_\_\_\_\_

**Article VI, Massage Establishments And Outcall Massage Services**

A. Generally, the City may wish to review the provisions of Section 324.272, RSMo., which provides that “*except as provided in subsection 2 of this Section, sections 324.240 to 324.275 shall preempt any rule, regulation or order adopted by a political subdivision of the state relating to the licensing or regulation of massage therapists or massage businesses.*” Section 324.272.2, RSMo., provides that “*Sections 324.240 to 324.275 shall not affect: (1) local regulations relating to zoning requirements, local health department regulations, or occupational license taxes pertaining to massage therapists or massage businesses; or (2) local regulations that do not relate to the practice of massage therapy as performed by a Missouri state licensed massage therapist, including regulations of those professions who perform duties with a licensed massage therapist.*”

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. See Section 605.335(A). Should the end of this Section read “...and such additional fee shall be described as mechanical or electronic amusement device on the fee schedule at Section 605.013.” This is the term used earlier in this same sentence and defined in Section 605.013 of this Chapter.

**Decision:**

- Change “mechanical device” to read “mechanical or electronic amusement device.”
- No revision desired.
- Revise as follows: \_\_\_\_\_

**Article VII, Taxicabs**

In Section 605.405, it appears there is a typo. Should the word “paving” should be paying?

**Decision:**

- Change “paving” to read **paying**.
- No revision desired.
- Revise as follows: \_\_\_\_\_

**Article VIII, Tow Trucks**

- A. In Section 605.585 there is a reference to “amusement device fee” in the last line. Should this be changed to read “mechanical or electronic amusement device fee”? Note that “mechanical or electronic amusement device” is used earlier in this same paragraph.

**Decision:**

- Change “amusement device fee” to read “mechanical or electronic amusement device fee.”
- No revision desired.
- Revise as follows: \_\_\_\_\_

- B. See Section 605.620. Note that the insurance requirements for Taxicabs in Section 605.410 of this Chapter are \$100,000, \$300,000 and \$100,000. Does the City want these to be the same or should the insurance requirements in this Section remain as they are?

**Decision:**

- Change these insurance requirements to \$100,000; \$300,000 and \$100,000.
- No revision desired.
- Revise as follows: \_\_\_\_\_

**Article X, Circuses And Carnivals**

See Section 605.750. Note that the insurance requirements for Taxicabs in Section 605.410 of this Chapter are \$100,000, \$300,000 and \$100,000. Does the City want these to be the same or should the insurance requirements in this Section remain as they are?

**Decision:**

- Change these insurance requirements to \$100,000; \$300,000 and \$100,000.
- No revision desired.
- Revise as follows: \_\_\_\_\_

**Article XI, Musical Festivals**

See Section 605.790(A)(11)(c)(6). It appears that the last two lines of this Subsection should read as follows: “...employees or volunteers shall be in excess of the applicant’s insurance and shall not contribute with it.” Please confirm.

**Decision:**

- Change as noted above by adding “in” before the word “excess.”
- No revision desired.
- Revise as follows: \_\_\_\_\_

**Article XII, Pawnbrokers**

The City may want to review Section 605.845 against the provisions of Section 367.031, RSMo., set out below which sets forth the receipt requirements and the database information which differs somewhat from the register information herein.

***367.031. Beginning January 1, 2017--Receipt for pledged property--contents--definitions--third-party charge for database--access to database information, limitations--error in data, procedure--loss of pawn ticket, effect.***

*1. At the time of making any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:*

- (1) The name and address of the pawnshop;*
- (2) The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;*
- (3) The date of the transaction;*
- (4) An identification and description of the pledged goods, including serial numbers if reasonably available;*
- (5) The amount of cash advanced or credit extended to the pledgor;*
- (6) The amount of the pawn service charge;*
- (7) The total amount which must be paid to redeem the pledged goods on the maturity date;*
- (8) The maturity date of the pawn transaction; and*
- (9) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.*

*2. The pawnbroker may be required, in accordance with local ordinances, to furnish appropriate law enforcement authorities with copies of information contained in subdivisions (1) to (4) of subsection 1 of this section and information contained in subdivision (6) of subsection 4 of section 367.040. The pawnbroker may satisfy such requirements by transmitting such information electronically to a database in accordance with this section, except that paper copies shall be made available for an on-site inspection upon request of any appropriate law enforcement authority.*

*3. As used in this section, the following terms mean:*

- (1) "Database", a computer database established and maintained by a third party engaged in the business of establishing and maintaining one or more databases;*
- (2) "Permitted user", persons authorized by law enforcement personnel to access the database;*
- (3) "Reportable data", the information required to be recorded by pawnbrokers for pawn transactions pursuant to subdivisions (1) to (4) of subsection 1 of this section and the information*

*required to be recorded by pawnbrokers for purchase transactions pursuant to subdivision (6) of subsection 4 of section 367.040;*

*(4) "Reporting pawnbroker", a pawnbroker who chooses to transmit reportable data electronically to the database;*

*(5) "Search", the accessing of a single database record.*

*4. The database shall provide appropriate law enforcement officials with the information contained in subdivisions (1) to (4) of subsection 1 of this section and other useful information to facilitate the investigation of alleged property crimes while protecting the privacy rights of pawnbrokers and pawnshop customers with regard to their transactions.*

*5. The database shall contain the pawn and purchase transaction information recorded by reporting pawnbrokers pursuant to this section and section 367.040 and shall be updated as requested. The database shall also contain such security features and protections as may be necessary to ensure that the reportable data maintained in the database can only be accessed by permitted users in accordance with the provisions of this section.*

*6. The third party's charge for the database shall be based on the number of permitted users. Law enforcement agencies shall be charged directly for access to the database, and the charge shall be reasonable in relation to the costs of the third party in establishing and maintaining the database. No reporting pawnbroker or customer of a reporting pawnbroker shall be charged any costs for the creation or utilization of the database.*

*7. (1) The information in the database shall only be accessible through the internet to permitted users who have provided a secure identification or access code to the database but shall allow such permitted users to access database information from any jurisdiction transmitting such information to that database. Such permitted users shall provide the database with an identifier number of a criminal action for which the identity of the pawn or purchase transaction customer is needed and a representation that the information is connected to an inquiry or to the investigation of a complaint or alleged crime involving goods delivered by that customer in that transaction. The database shall record, for each search, the identity of the permitted user, the pawn or purchase transaction involved in the search, and the identity of any customer accessed through the search. Each search record shall be made available to other permitted users regardless of their jurisdiction. The database shall enable reporting pawnbrokers to transmit to the database through the internet reportable data for each pawn and purchase transaction.*

*(2) Any person who gains access to information in the database through fraud or false pretenses shall be guilty of a class D felony.*

*8. Any pawnbroker licensed under section 367.043 shall meet the following requirements:*

*(1) Provide all reportable data to appropriate users by transmitting it through the internet to the database;*

*(2) Transmit all reportable data for one business day to the database prior to the end of the following business day;*

*(3) Make available for on-site inspection to any appropriate law enforcement official, upon request, paper copies of any pawn or purchase transaction documents.*

*9. If a reporting pawnbroker or permitted user discovers any error in the reportable data, notice of such error shall be given to the database, which shall have a period of thirty days in which to correct the error. Any reporting pawnbroker experiencing a computer malfunction preventing the transmission of reportable data or receipt of search requests shall be allowed a period of at least*

*thirty but no more than sixty days to repair such malfunction, and during such period such pawnbroker shall not be deemed to be in violation of this section if good faith efforts are made to correct the malfunction. During the periods specified in this subsection, the reporting pawnbroker and permitted user shall arrange an alternative method or methods by which the reportable data shall be made available.*

*10. No reporting pawnbroker shall be obligated to incur any cost, other than internet service costs, in preparing, converting, or delivering its reportable data to the database.*

*11. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given, and the number of the pawn ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the secretary of state pursuant to section 486.205 to perform notarial acts in this state.*

*(L. 1951 p. 281 § 3, A.L. 1965 p. 114, A.L. 1990 H.B. 1125, A.L. 2002 H.B. 1888, A.L. 2005 H.B. 353, A.L. 2014 S.B. 491) Effective 1-01-17*

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

**Article XIII, Junk Dealers**

The City may want to review Section 605.875 against Section 226.680, RSMo., set out below, to determine if any revisions are needed.

***226.680. Prohibited areas--exceptions.***

*No license shall be granted for the operation of a junkyard within one thousand feet of the nearest edge of right-of-way of any highway on the interstate or primary system except the following:*

- (1) Those screened by natural objects, plantings, fences, or other appropriate means so as to render them not visible from the traveled way of the highway involved;*
- (2) Those located within areas which are zoned for industrial use under authority of law;*
- (3) Those located within industrial areas determined by the state highways and transportation commission from actual land use to be industrial or commercial areas;*
- (4) Those not visible from the right-of-way of the interstate or primary system. (L. 1965 2d Ex. Sess. p. 905 § 4)*

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

**Article XIV, Dealers In Precious Metals, Gems And Coins**

The City may want to review Section 605.915(B)(6) against the provisions of Section 407.292.4, RSMo., set out below, which appear to allow for sale to a minor under certain circumstances.

**Section 407.292.4, RSMo.**

4. *When a purchase is made from a minor, the written authority of the parent, guardian, or person in loco parentis authorizing the sale shall be attached and maintained with the record of transaction described in subsection 2 of this section.*

**Decision:**

- Replace Subsection 605.915(B)(6) with the statutory paragraph set out above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**Article XVI, Vending Machines And Amusement Devices**

See the use of the term “amusement devices” in Section 605.945. Should this read “mechanical or electronic amusement device” as is used elsewhere in this Chapter?

**Decision:**

- Change this term to read as set out above.
- No revision desired.
- Revise as follows: \_\_\_\_\_

**Chapter 610, Sale Of Cigarettes**

A. The City may want to compare the definition of TOBACCO PRODUCTS in Section 610.010 against Section 149.011(16), RSMo, below. The statutory definition is worded differently.

**Section 149.011, Definitions**

(16) *"Tobacco product", cigarettes, cigarette papers, clove cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine;*

**Decision:**

- Replace the definition of TOBACCO PRODUCTS with the statutory definition set out above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

B. The City may want to compare the definition of VENDING MACHINE in Section 610.010 against Section 407.925(13), RSMo., below. The statutory definition is worded differently.

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City of St. Peters, Missouri

**Section 407.925(13), RSMo.**

*(13) "Vending machine", any mechanical electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products, or vapor products.*

**Decision:**

- Replace the definition of VENDING MACHINE with the statutory definition set out above.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

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Chapter 615, Tattoo Establishments

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Note that the Sections 605.015(D), 615.025, 615.030(A)(1), 615.035(A)(1)(b) and 615.035(B) all refer to "Sections 324.520 to 324.524, RSMo." It appears this reference should possibly be "Sections 324.520 to 324.526, RSMo." Review and confirm.

**Decision:**

- Change this reference as noted above in each Section/Subsection noted.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

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Chapter 620, Miscellaneous Business Regulations

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**Article II, Newsracks**

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

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

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Chapter 625, Alarm Businesses And Systems

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

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**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

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 Chapter 630, Out-Patient Surgical Treatment Center
 

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This Chapter was last amended in 2000. The City may want to review the provisions of Section 197.200 et seq., RSMo., regarding ambulatory surgical center licensing laws, as recently amended by SB No. 5 of 2017, to determine if any revisions are necessary.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

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 Chapter 635, Video Service Provider Regulations Including Use Of Public Right-Of-Way
 

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**Article I, In General**

See Section 635.010, the definitions of CABLE SYSTEM and LOW-INCOME HOUSEHOLD which are defined differently in Section 67.2677, RSMo., set forth below.

***67.2677. Definitions.***

*For purposes of sections 67.2675 to 67.2714, the following terms mean:*

- (1) *"Cable operator", as defined in 47 U.S.C. Section 522(5);*
- (2) *"Cable system", as defined in 47 U.S.C. Section 522(7);*

....

(9) *"Low-income household", a household with an average annual household income of less than thirty-five thousand dollars;*

... (L. 2007 S.B. 284, A.L. 2010 H.B. 1965)

**Decision:**

- Insert the definitions above to replace the similar definitions currently in Section 635.010
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

**.Article III, Installation, Operation And Maintenance Of Network**

A. Since this Article appears to contain the Rights-Of-Way Usage Code from the statutory provisions in Sections 67.1830 to 67.1850, RSMo., AND there have been additional provisions regarding "Small Wireless Facility Deployment" which were just newly enacted in 2018, now contained in Sections 67.5110 to 67.5125, RSMo., following the **Sample Legislation** divider, we have included two Samples for the City's review:

- Legislation from another community: "Sample Wireless" Chapter 515, Article II, Rights-Of-Way Usage Code, from the City of Creve Coeur in St. Louis County.
- Sample ordinance on "Small Wireless Facility Deployment" (Model HB 1991 Ordinance) from the Missouri Municipal League.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

B. See Section 635.170. Note that some of the definitions set out herein differ slightly from those in the similar statutory provisions of Section 67.1830, RSMo. We have only included the differing definitions and underlined the areas of difference. Possibly this was the City's intention, but since this was amended in 2018, we wanted to bring these differences to the City's attention. Review and advise if any changes are needed.

**67.1830. Definitions.** *As used in sections 67.1830 to 67.1846, the following terms shall mean:*

...

(3) "**Emergency**", includes but is not limited to the following:

(a) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that prevents or significantly jeopardizes the ability of a public utility to provide service to customers;

(b) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that results or could result in danger to the public or a material delay or hindrance to the provision of service to the public if the outage, cut, rupture, leak or any other such failure of public utility facilities is not immediately repaired, controlled, stabilized or rectified; or

(c) Any occurrence involving a public utility facility that a reasonable person could conclude under the circumstances that immediate and undelayed action by the public utility is necessary and warranted;

...

(5) "**Management costs**" or "**rights-of-way management costs**", the actual costs a political subdivision reasonably incurs in managing its public rights-of-way, including such costs, if incurred, as those associated with the following:

(a) Issuing, processing and verifying right-of-way permit applications;

(b) Inspecting job sites and restoration projects;

(c) Protecting or moving public utility right-of-way user construction equipment after reasonable notification to the public utility right-of-way user during public right-of-way work;

(d) Determining the adequacy of public right-of-way restoration;

(e) Restoring work inadequately performed after providing notice and the opportunity to correct the work; and

(f) Revoking right-of-way permits.

Right-of-way management costs shall be the same for all entities doing similar work. Management costs or rights-of-way management costs shall not include payment by a public utility right-of-way user for the use or rent of the public right-of-way, degradation of the public right-of-way or any costs as outlined in paragraphs (a) to (f) of this subdivision which are incurred by the political subdivision as a result of use by users other than public utilities, the attorneys' fees and cost of litigation relating to the interpretation of this section or section 67.1832, or litigation, interpretation or development of any ordinance enacted pursuant to this section or section 67.1832, or attorneys' fees and costs in connection with issuing, processing, or verifying right-of-way permits or other applications or agreements, or the political subdivision's fees and costs related to appeals taken pursuant to section 67.1838. In granting or renewing a franchise for a cable television system, a political subdivision may impose a franchise fee and other terms and conditions permitted by federal law;

(6) **"Managing the public right-of-way"**, the actions a political subdivision takes, through reasonable exercise of its police powers, to impose rights, duties and obligations on all users of the right-of-way, including the political subdivision, in a reasonable, competitively neutral and nondiscriminatory and uniform manner, reflecting the distinct engineering, construction, operation, maintenance and public work and safety requirements applicable to the various users of the public right-of-way, provided that such rights, duties and obligations shall not conflict with any federal law or regulation. In managing the public right-of-way, a political subdivision may:

(a) Require construction performance bonds or insurance coverage or demonstration of self-insurance at the option of the political subdivision or if the public utility right-of-way user has twenty-five million dollars in net assets and does not have a history of permitting noncompliance in the political subdivision as defined by the political subdivision, then the public utility right-of-way user shall not be required to provide such bonds or insurance;

(b) Establish coordination and timing requirements that do not impose a barrier to entry;

(c) Require public utility right-of-way users to submit, for right-of-way projects commenced after August 28, 2001, requiring excavation within the public right-of-way, whether initiated by a political subdivision or any public utility right-of-way user, project data in the form maintained by the user and in a reasonable time after receipt of the request based on the amount of data requested;

(d) Establish right-of-way permitting requirements for street excavation;

(e) Establish removal requirements for abandoned equipment or facilities, if the existence of such facilities prevents or significantly impairs right-of-way use, repair, excavation or construction;

(f) Establish permitting requirements for towers and other structures or equipment for wireless communications facilities in the public right-of-way under the provisions of section 67.1832, provided that such permitting requirements shall also be consistent with sections 67.5090 to 67.5103 and sections 67.5110 to 67.5121;

(g) Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way; and

(h) Impose permit conditions to protect public safety;

...

(9) **"Public utility"**, every cable television service provider, every pipeline corporation, gas corporation, electrical corporation, rural electric cooperative, telecommunications company, water corporation, heating or refrigerating corporation or sewer corporation under the jurisdiction of the public service commission; every municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government or cooperatively owned or operated utility pursuant to chapter 394; every street light maintenance district; every privately owned utility; and every other entity, regardless of its form of organization or governance, whether for profit or not, which in providing a public utility type of service for members of the general public, utilizes pipes, cables, conduits, wires,

*optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses, in the collection, exchange or dissemination of its product or services through the public rights-of-way; (L. 2001 S.B. 369, A.L. 2013 H.B. 331, A.L. 2014 S.B. 649 merged with S.B. 653, A.L. 2018 H.B. 1991)*

**Decision:**

- Insert the underlined provisions above in the similar definitions currently in Section 635.170.
- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

C. See Section 635.195. Note that the first sentence of this Section states “The City shall may recover...” It seems that the City should choose between “shall” and “may.” The statutory provisions of Section 67.1840, RSMo., uses the word “may”; however note that the City has changed that term to “shall” in many other similar statutory Sections set out herein.

**Decision:**

- Delete the word “may.”
- Delete the word “shall.”
- Other: (explain) \_\_\_\_\_

D. See Section 635.200. Note that the similar statutory provisions of Section 67.1842, RSMo., set out below, appear to have some additional elements included therein. The City should review and determine if any revisions are needed. We have underlined the additional language in this Section.

**67.1842. Prohibited acts by political subdivisions--no right-of-way permit required for projects commenced prior to August 28, 2001--no fee required, when.**

*1. In managing the public right-of-way and in imposing fees pursuant to sections 67.1830 to 67.1846, no political subdivision shall:*

- (1) Unlawfully discriminate among public utility right-of-way users;*
- (2) Grant a preference to any public utility right-of-way user;*
- (3) Create or erect any unreasonable requirement for entry to the public right-of-way by public utility right-of-way users;*
- (4) Require a telecommunications company to obtain a franchise or require a public utility right-of-way user to pay for the use of the public right-of-way, except as provided in sections 67.1830 to 67.1846;*
- (5) Enter into a contract or any other agreement for providing for an exclusive use, occupancy or access to any public right-of-way; or*
- (6) Require any public utility that has legally been granted access to the political subdivision's right-of-way to enter into an agreement or obtain a permit for general access to or the right to remain in the right-of-way of the political subdivision.*

*2. A public utility right-of-way user shall not be required to apply for or obtain right-of-way permits for projects commenced prior to August 28, 2001, requiring excavation within the public right-of-way, for which the user has obtained the required consent of the political subdivision, or that are otherwise lawfully occupying or performing work within the public right-of-way. The public utility right-of-way*

*user may be required to obtain right-of-way permits prior to any excavation work performed within the public right-of-way after August 28, 2001.*

3. *A political subdivision shall not collect a fee imposed pursuant to section 67.1840 through the provision of in-kind services by a public utility right-of-way user, nor require the provision of in-kind services as a condition of consent to use the political subdivision's public right-of-way; however, nothing in this subsection shall preclude requiring services of a cable television operator, open video system provider or other video programming provider as permitted by federal law. (L. 2001 S.B. 369, A.L. 2013 H.B. 331, A.L. 2014 S.B. 649)*

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

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## TITLE VII, UTILITIES

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### Chapter 700, General Provisions

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#### Article I, Combined Waterworks And Sewerage System

Are the surcharges in Section 700.015 still current?

**Decision:**

- No revision desired.
- Change \$1.90 to \$\_\_\_\_\_ ; change \$30.00 to \$\_\_\_\_\_ ; change \$40.00 to \$\_\_\_\_\_.
- Revise as follows: \_\_\_\_\_

#### Article II, Water And Sewer Service — Application, Deposits, Tap-On Fees

A. Is the deposit in Section 700.030(A) still current?

**Decision:**

- No revision desired.
- Change \$25.00 to \$\_\_\_\_\_.
- Revise as follows: \_\_\_\_\_

B. It appears that the tap-on fees have all been recently changed in Section 700.040; however it does not appear that Subsections 700.040(C) and (D) were amended as yet. Confirm the amounts in these Subsections are still current.

**Decision:**

- No revision desired.
- Change Subsection C from \$200 to \$\_\_\_\_\_ and \$500 to \$\_\_\_\_\_ ; change Subsection D from \$500 to \$\_\_\_\_\_.
- Revise as follows: \_\_\_\_\_

C. Are the penalty fees in Subsection 700.050(D) still correct?

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).
- Revise as follows: \_\_\_\_\_

D. Are the shutting off/turning on charges in Section 700.050(E) still correct?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_

Chapter 705, Water Regulations

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**Article IV, Fire Protection Lines — Fire Hydrant Use Charges**

A. Is the service charge in Section 705.090(B) still current?

**Decision:**

- No revision desired.
- Change \$100 to \$\_\_\_\_\_.
- Revise as follows: \_\_\_\_\_

B. Are the fire hydrant use charges in Section 705.100 still current?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_

**Article VIII, Backflow Prevention Devices On The Public Water System**

Is the \$10 administrative fee in Section 705.350(F) still current?

**Decision:**

- No revision desired.
- Change \$10 to \$\_\_\_\_\_.
- Revise as follows: \_\_\_\_\_

Chapter 710, Sewers

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

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

**Article IV, Restricted Use Of Public Sewers**

Is the user fee in Section 710.210(D) still current?

**Decision:**

- No revision desired.
- Change \$150 to \$\_\_\_\_\_.
- Revise as follows: \_\_\_\_\_

Chapter 715, Uniform Requirements For Direct And Indirect Contributors Into The Waste Water Collection And Treatment System

These regulations were adopted in 2013 and amended in 2014. They appear to be current.

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

Chapter 720, Illicit Discharge and Connection Regulations

These regulations have not been amended since they were adopted over 10 years ago. Do they continue to reflect the City’s policies and practices?

**Decision:**

- No revision desired.
- Revise as follows: (attach revisions separately).

**EDITORIAL AND CODE ANALYSIS**

**ATTACHMENT**

**TITLE I, GOVERNMENT CODE**

**CHAPTER 100, GENERAL PROVISIONS**

**Article I, General Code Provisions**

A. "COMPUTATION OF TIME

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

**CHAPTER 110, MAYOR AND BOARD OF ALDERMEN**

**Article II, Board of Aldermen**

C. Section 110.090 Enactment of Ordinances.

- A. The style of the ordinances of the city shall be: "Be it ordained by the Board of Aldermen of the City of St. Peters, Missouri, as follows:". No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the ayes and nays be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto, as herein provided.
- B. Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him or her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections

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

## **CHAPTER 125, PERSONNEL**

### **Article I, Personnel Policy and Procedures**

#### Section 125.020 Policies

3. Nepotism. Relatives of the Mayor, members of the Board of Aldermen, the City Administrator or any City employee are not eligible for employment with the City of St. Peters. Services Representatives, Municipal Youth, Appointed Board and Commission members, volunteers, temporary, seasonal and contract workers are exempted from this provision, except no employee may hire or directly supervise a relative. This Subsection is not intended to affect current employees who are related to one another. If employees in the same work unit become related through marriage, one (1) or the other must transfer to another work unit or resign or be terminated. The term "relative" as used in this Section shall include spouse, mother, father, daughter, son, sibling, grandparent, grandchild, great grandparent, great grandchild, aunt, uncle, niece, nephew, great-great grandparent, great-great grandchild, great niece, great nephew and first cousin, including in-laws, half relationships and step relationships.

### **Article II, In General**

#### 125.055 Employee Benefit Package

- A. The City Administrator is hereby directed to implement amendments to the City of St. Peters Health Plan as it may be stated and restated from time to time and described in health plan booklets (the "plan"), and its dental insurance policy consistent with and substantially containing the following provisions set forth below for all eligible employees, their eligible spouses and dependents, and eligible retired employees, their eligible spouses and dependents, of the City. The amendments to the plan and/or insurance policies set forth below shall be effective January 1, 2008 for all persons who are eligible employees, their eligible spouses and dependents on that date and thereafter. The amendments and

provisions described below apply to all retired employees of the City, and their spouses, who previously retired, or retire, on or after January 1, 2001.

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3. "Participant" means an eligible employee and his or her dependents under the plan or a retired employee and his or her dependents who are properly enrolled in the plan.

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- d. "RESERVED"

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3. "RESERVED"

D...

1. Application for retired employees and dependents.

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- b. Dependents of a retired employee who may participate as covered persons (as defined in the plan) in post-retirement medical coverage provided by the plan, or Medicare Supplemental policy described below, are the legal spouse (as defined in the plan) who has been legally married to the retired employee for at least two (2) full years prior to the date of the employee's retirement and dependent children of the retired employees on the retired employee's date of retirement. If a retired employee wishes to enroll a legal spouse or dependent for such post-retirement medical coverage, then he or she must do so by completing the appropriate enrollment process and tendering any contribution required for plan coverage of the legal spouse or dependents within the same period as described in Subsection (D)(1)(a) above.

- c. If a retired employee fails to enroll, or fails to enroll his or her legal spouse or dependents, within the thirty-one (31) day period provided, his or her coverage under the plan shall terminate as of the date determined under the plan, and he/she shall no longer be eligible to participate as a retired employee either under the plan or the Medical Supplemental policy described below. He or she may be eligible to continue plan participation for a limited period pursuant to the plan's continuation of coverage provisions for non-retired employees.

- d. If at any time a retired employee, or his or her legal spouse or dependents covered by the plan or Medicare Supplemental policy, ends plan participation in the plan's post-retirement medical coverage or in the Medicare Supplemental policy described below, then neither that retired employee or his or her legal spouse or dependents whose participation ended may re-enroll in the plan or Medicare Supplemental policy.

Notwithstanding the foregoing, if a retired employee, or his or her spouse, who would otherwise be eligible to enroll in the Medicare Supplemental policy described below instead enrolls in a Medicare Replacement plan, such as a Medicare Complete or Medicare Choice program, instead of the Medicare Supplemental policy, such retired employee, and his or her legal spouse, may anytime thereafter elect to enroll in the Medicare Supplemental policy offered hereunder.

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- (1) "RESERVED"
- (2) *Termination of coverage and re-enrollment.* Upon an employee's retirement from the City, coverage under the plan ends. A retired employee and his or her otherwise eligible legal spouse and dependents may then continue coverage under the plan, or the Medicare Supplemental policy described below, upon re-enrollment as described in Subsection (D)(1) above.
- (3) "RESERVED"
- (4) *Special enrollment.* Eligibility for a special enrollment period shall be based on the City's current provider policy as may be in place from time to time.
- (5) *Continuation of Coverage.* Eligibility for continuation of coverage shall be based on the City's current provider policy as may be in place from time to time.

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d. "RESERVED"

#### **Article IV Conflicts of Interest**

A. Section 125.110 Definitions.

#### **ADVERSARY PROCEEDING**

any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the body conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or an investigative proceeding initiated by an official, department, division, or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department or division of the City.

### **BUSINESS ENTITY**

A corporation, association, firm, partnership, proprietorship, or business entity of any kind or character.

### **BUSINESS WITH WHICH A PERSON IS ASSOCIATED**

- (a) Any sole proprietorship owned by himself or herself, the person's spouse or any dependent child in the person's custody;
- (b) Any partnership or joint venture in which the person or the person's spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the person is an officer or director or of which either the person or the person's spouse or dependent child in the person's custody whether singularly or collectively owns in excess of ten percent of the outstanding shares of any class of stock or partnership units; or
- (c) Any trust in which the person is a trustee or settlor or in which the person or the person's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent or more of the corpus of the trust.

### **SUBSTANTIAL INTEREST**

ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity, or of an interest having a value of ten thousand dollars (\$10,000.00) or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00), or more, per year from any individual or business entity within any calendar year.

**SUBSTANTIAL PERSONAL OR PRIVATE INTEREST IN ANY MEASURE, BILL, ORDER OR ORDINANCE**

Any interest in a measure, bill, order or ordinance of the City of St. Peters which results from a substantial interest in a business entity.

Chapter 130, Municipal Court

G. Section 130.240

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- d. Inmate security fund surcharge in the amount of two dollars (\$2.00); such surcharge collected shall be transmitted to the City Treasury for deposit into the "Inmate Prisoner Detainee Security Fund" which is hereby created. No such surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the Court or when costs are to be paid by the State, County or the City. Funds deposited shall be utilized to acquire and develop biometric verification systems and information sharing as provided by Section 488.5026, RSMo. Upon the installation of the information sharing or biometric verification system, funds in the Inmate Prisoner Detainee Security Fund may also be used for the maintenance, repair, and replacement of the information sharing or biometric verification system, and also to pay for any expenses related to detention, custody and housing and other expenses for inmate, prisoners, and detainees.

**CHAPTER 135, PURCHASING SYSTEM**

Amend paragraphs 1 and 2 of subsection A of Section 135.020 to read, as follows:

- 1. *Purchases under one thousand dollars and one cent (\$1,000.01)*. Purchases within this category may be under procedures established by the Director of Finance of the City.
- 2. *Purchases from one thousand dollars and one cent (\$1,000.01) to three thousand dollars (\$3,000.00)*. For purchases within this category, the Director of Finance shall solicit at least three (3) bids for the item or items for which solicitation may be obtained orally. The execution of the bid requirement should be documented. He/she may then award the purchase or contract of services to the lowest

responsible bidder who submits a responsive bid which is most advantageous to the City (hereafter referred to as the lowest responsible bidder).

## **CHAPTER 140, FINANCE**

### **Article III, Method for Disposal of Abandoned and Surplus Property**

Amend Section 140.070 to read, as follows:

Except as otherwise provided in Section 542.301, RSMo., as amended, abandoned property as defined in Section 140.060 of this Article shall be deemed to be forfeited to the City.

## **CHAPTER 145, TAXATION**

Amend subsection A of Section 145.020 to read, as follows:

- A. Pursuant to Sections 94.700-94.755, RSMo., as amended, a sales tax at the rate of one-half of one percent (.5%) is hereby imposed on all persons in the City who are engaged in the business of selling tangible personal property and taxable services subject to a sales tax under the provision of Sections 144.010 to 144.525, inclusive, RSMo., as amended (the Sales Tax Law). Said tax is for the privilege of engaging in such business in the City and shall be in the manner and to the extent provided in the Sales Tax Law and the rules and regulations of the Director of Revenue of the State of Missouri issued pursuant thereto.

## **TITLE II, PUBLIC HEALTH SAFETY AND WELFARE**

### **CHAPTER 200, POLICE**

#### **Article III, In General**

- A. Section 200.100(B)(1)(b). Delete definition of Dangerous Felony, and replace with, the following:

#### **“DANGEROUS FELONY**

Shall have the same meaning as set forth in Section 556.061(19), RSMo., as amended.”

### **CHAPTER 210, OFFENSES**

#### **Article III, Offenses Concerning Administration of Justice**

- A. Delete Section 210.055, and replace with, the following:

#### **Section 210.055 Identity Theft**

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

B. An offense under this section includes identity theft that results in the theft or appropriation of credit, money, goods, services, or other property not exceeding twenty-five thousand dollars in value.

C. This section shall not apply to the following activities:

1. A person obtains the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or another privilege denied to minors;

2. A person obtains means of identification or information in the course of a bona fide consumer or commercial transaction;

3. A person exercises, in good faith, a security interest or right of offset by a creditor or financial institution;

4. A person complies, in good faith, with any warrant, court order, levy, garnishment, attachment, or other judicial or administrative order, decree, or directive, when any party is required to do so; or

5. A person is otherwise authorized by law to engage in the conduct that is the subject of the prosecution.

Add the following defined terms to Section 210.005:

"Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;

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

"Internet service", an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the internet, or any comparable system or service and also includes, but is not limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service;

"Means of identification", anything used by a person as a means to uniquely distinguish himself or herself;

"Services" includes transportation, telephone, electricity, gas, water, or other public service, cable television service, video service, voice over internet protocol service, or internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

"Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment;

"Voice over internet protocol service", a service that:

- (a) Enables real-time, two-way voice communication;
- (b) Requires a broadband connection from the user's location;
- (c) Requires internet protocol-compatible customer premises equipment; and
- (d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

## **Article VIII, Offenses Concerning Morals**

Amend Section 210.285 by deleting Subsection B in its entirety and replacing with "Reserved".

## **Article X, Offenses Concerning Minors**

C. Delete Sections 210.340, 210.350 and 210.380.

Amend Sections 210.360, 210.370 and 210.385 to read, as follows:

### **Section 210.360 Signs To Be Posted Prohibiting Sales of Cigarettes, Etc., To Minors.**

A. The owner of an establishment at which vapor products, alternative nicotine products, tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which vapor products, alternative nicotine products or tobacco products are sold and on every vending machine where vapor products, alternative nicotine products or tobacco products are purchased a sign that shall:

1. Contain in red lettering at least one-half (½) inch high on a white background the following: "It is a violation of State law and City ordinances for vapor products, alternative nicotine products, cigarettes or other tobacco products to be sold to any person under the age of eighteen (18)"; and
2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 18"

### **Section 210.370 Sales, Etc., of Cigarettes, Etc., To Minors Prohibited.**

A. It shall be unlawful for any person to distribute a sample in or on any public street, sidewalk or park that is within five hundred (500) feet of any publicly-owned playground, day care center or public school or other bona fide educational institution used for classes, sponsored by any person, firm or corporation, public or private.

B. It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, alternative nicotine products or vapor products, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver a sample to any person on any public right-of-way, park, playground or other property owned by the City of St. Peters.

**Section 210.385** Unlawful To Sell or Distribute Tobacco Products, Alternative Nicotine Products and Vapor Products to Minors, Tobacco Products, Alternative Nicotine Products and Possession of Vapor Products by Minors Prohibited.

A. It shall be unlawful for any person to sell, give, provide or distribute any tobacco product, alternative nicotine product or vapor product to any person under the age of eighteen (18) years, including through a vending machine owned by the person or over which such person has control. It shall be a defense to prosecution under this Section if:

1. The person sold, gave, provided or distributed the tobacco product, alternative nicotine product or vapor product to the person under the age of eighteen (18) years with reasonable cause to believe that such person was eighteen (18) or more years of age; and

2. To purchase the tobacco product, alternative nicotine product or vapor product, the person under the age of eighteen (18) years exhibited a proof of age purporting to establish that such person was at least eighteen (18) years of age.

B. Before selling, giving, providing or distributing any tobacco product, alternative nicotine product or vapor product to a person that appears to be under twenty-seven (27) years of age, the person selling, giving, providing or distributing the tobacco product, alternative nicotine product or vapor product shall verify that the purchaser or receiver of the tobacco product, alternative nicotine product or vapor product is at least eighteen (18) years of age by:

1. Examining a proof of age that establishes that the person is at least eighteen (18) years of age; or

2. For sales made through the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is at least eighteen (18) years of age.

C. It shall be unlawful for any person who has an ownership interest in any real property or who exerts control over any real property, or who is an agent, employee, or lessee of a person with an ownership interest or who exerts control over such real property, or an agent or employee of such a lessee, to knowingly permit the use of tobacco products, alternative nicotine products or vapor products by any person under the age of eighteen (18) years on such property, unless such person allowing the person under the age of eighteen (18) years to use tobacco products, alternative nicotine products or vapor products is his or her parent or guardian.

D. It shall be unlawful for any person under the age of eighteen (18) years to purchase, possess, attempt to purchase or accept receipt of any tobacco product,

alternative nicotine product or vapor product, unless such person is an employee of a seller of tobacco product, alternative nicotine product or vapor products and is in such possession to effect a sale in the course of employment, or to present or offer to any person a purported proof of age in violation of Section 302.220, RSMo., or which is false, fraudulent, or belongs to another person for the purpose of purchasing, possessing, attempting to purchase or receiving any tobacco product, alternative nicotine product or vapor product.

E. Any person who violates Subsection A, B, C, or D of this Section may be prosecuted therefor and, upon conviction, subject to a fine:

1. For the first offense, twenty-five dollars (\$25.00).
2. For the second offense, one hundred dollars (\$100.00).
3. For a third and subsequent offenses, two hundred fifty dollars (\$250.00).

F. It is not a violation of this Section for a person under the age of eighteen (18) years to purchase or possess a tobacco product, alternative nicotine product or vapor product if such person purchases, possesses, attempts to purchase or accepts receipt of any tobacco product, alternative nicotine product or vapor product pursuant to a plan or action to investigate, patrol, or otherwise conduct a sting operation or enforcement action against a seller of tobacco products, alternative nicotine products or vapor products or a person employed by a seller of tobacco products, alternative nicotine products or vapor products or on any premises authorized to sell tobacco products, alternative nicotine products or vapor products to determine if tobacco products, alternative nicotine products or vapor products are being sold, offered for sale, given, provided or distributed to persons under the age of eighteen (18) years if the sting operation or enforcement action is approved by the City of St. Peters Police Department, or other law enforcement agency.

## CHAPTER 220, ORGANIZATION FOR EMERGENCY MANAGEMENT

Amend Section 220.060, as follows:

### 220.060 Mutual-Aid Agreements

A. The Mayor may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the State for reciprocal emergency aid. Such arrangements or agreements shall be consistent with the State disaster plan and program and the provisions of Section 70.837, RSMo., and Section 44.090, RSMo. In time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual-aid arrangements or agreements.

B. Any contracts that are agreed upon may provide for compensation from the parties and other terms that are agreeable to the parties and may be for an indefinite period as long as they include a sixty (60) day cancellation notice provision by either party. The contracts agreed upon may not be entered into for the purpose of reduction of staffing by either party.

D. At the time of significant emergency such as fire, earthquake, flood, tornado, hazardous material incident, terrorist incident, or other such manmade or natural emergency disaster anywhere within the State or bordering States, the highest ranking official of a political subdivision available or his/her designee may render aid to or request aid from any jurisdiction, agency, or organization even without written agreement, as long as he or she is in accordance with the policies and procedures set forth by the Board of Aldermen of the City of St. Peters. A public safety need, as used in this section, shall include any event or incident necessitating mutual-aid assistance from another public safety agency.

E. For purposes of this section, public safety agencies shall include fire service organizations, law enforcement agencies, emergency medical service organizations, public health and medical personnel, emergency management officials, infrastructure departments, public works agencies, and those other agencies, organizations, and departments, and specialized emergency response teams that have personnel with special skills or training that are needed to provide services during an emergency, public safety need or disaster, declared or undeclared.

F. In the event of a disaster or other public safety need that is beyond the capability of the City, the local governing authority or public safety agency having jurisdiction may request assistance under this section.

G. For the purposes of liability, all members of any political subdivision or public safety agency responding under operational control of the requesting political subdivision or a public safety agency are deemed employees of such responding political subdivision or public safety agency and are subject to the liability and workers' compensation provisions provided to them as employees of their respective political subdivision or public safety agency.

## CHAPTER 235, SOLID WASTE

### Article I, Generally

A.

1. Amend Section 235.010 by deleting the definition of Demolition and Construction Waste and inserting, the following:

#### COMMERCIAL SOLID WASTE

Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

#### CONSTRUCTION WASTE

Waste materials from the construction of residential, industrial or commercial structures, sidewalks, streets and driveways, including construction materials, brick, wood wastes, soil, rock, concrete and inert solids insoluble in water.

#### DEMOLITION WASTE

Waste materials from the destruction of residential, industrial or commercial structures, sidewalks, streets and driveways, including demolition wastes, brick, wood wastes, soil, rock, concrete and inert solids insoluble in water.

2. Amend Subsection (D) of Section 235.020, to read as follows:

Yard waste consisting of leaves, grass clippings, yard and garden vegetation, brush and tree limbs of less than one (1) inch in diameter or Christmas trees cut into lengths not exceeding 3 feet shall be stored yard waste containers. Yard wastes consisting of Christmas trees, tree limbs of greater than one (1) inch in diameter and other yard waste too large to fit in a yard waste container shall be piled separately in lengths not to exceed eight (8) feet in length for bulky collection, and shall not be mixed with other solid waste for collection. All yard wastes shall be stored so as to prevent dispersal upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. Disposable yard waste containers may be used for leaf or garden waste material at certain times as prescribed by Director.

3. Amend Subsection (D) of Section 235.030 to read, as follows:

Residential solid waste containers shall be stored upon the residential property. Commercial solid waste containers shall be stored upon private property for such purposes. The storage site shall be well drained; fully accessible to the collection equipment, public health personnel, and fire inspection personnel.

4. Amend Subsection (E) of Section 235.030 to read, as follows:

Solid waste collectors operating pursuant to a permit issued pursuant to this Article shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle, provided the solid waste was stored in compliance with the provisions set forth in this Chapter.

5. Amend Subsection (C) of Section 235.040 to read, as follows:

Demolition and construction wastes shall be transported to a disposal area as provided in Section 235.050(A) hereof. A permit shall not be required for the hauling of demolition waste, 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.

6. Amend Subsection (C) of Section 235.060 to read, as follows:

Each applicant for any such permit shall state in his/her application therefor:

1. The nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof;
2. The characteristics of solid waste to be collected, transported, processed or disposed;
3. The number of solid waste transportation vehicles to be operated thereunder;
4. The precise location or locations of solid waste processing or disposal facilities to be used; and
5. Such other information as required by the Director.

7. Amend Subsection (M) of Section 235.060 to read, as follows:

Commercial Container Permits. In the event that the Board of Aldermen has imposed a requirement of commercial container permits as provided for in this Subsection (M), no person, except the City, shall provide a solid waste container for storage of commercial solid waste within the corporate limits of the City, without first obtaining an annual permit therefor from the City. Each commercial solid waste container shall be labeled with the owner's name and phone number and a unique number assigned to the container by the owner for identification purposes; such letters and numbers shall be legible and not less than four (4) inches high. Provided however, if the commercial solid waste container is assigned to a permanent location, the unique container number shall not be required to be displayed. The permit shall be issued for a period of one (1) year from January first (1st) to December thirty-first (31st), inclusive, and each applicant shall pay therefor a fee of fifty dollars (\$50.00) for each commercial solid waste container to be used. The fees shall be due and payable on or before the first day of February of the current permit year for each container used within the corporate boundaries of the City of St. Peters as of the first day of January of the current permit year. Each applicant for any such permit shall state in his/her application therefor:

1. The type, size, precise location and unique identification number of each commercial solid waste container to be used thereunder; and
2. Such other information as required by the Director.

Pursuant to Subsection (G) hereof, an inspection of each commercial solid waste container is to be made by the City prior to issuance of the permit by the Director. The provisions of Subsections (H), (I) and (J) hereof shall be applicable as to determination of non-issuance, suspension or revocation of the permit provided herein.

8. Amend subparagraph (18) of Subsection (A) of Section 235.070 to read, as follows:

Collection, transportation and disposal of solid wastes under circumstances of local or national disaster whether from nature or manmade occurrences, including but not limited to riots, strikes, winter storms, floods, fires, or tornadoes.

9. Amend Subsection (C) of Section 235.070 to read, as follows:

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk.

10. Amend subparagraph (8) of Subsection (A) of Section 235.080 to read, as follows:

Take, steal, or damage any solid waste placed for collection for disposal or recycling purposes;

11. Amend Section 235.090 by deleting subparagraph (2)(b) of Subsection (A), and replacing it with, the following: "Reserved."

12. Amend subparagraph (2)(d) of Subsection (A) of Section 235.090 to read, as follows:

Any area of the City is not served by the City solid waste service pursuant to the restrictions of Section 260.247, RSMo., of the Missouri Solid Waste Management Law.

13. Amend subparagraph (3)(b) of Subsection (B) of Section 235.090 to read, as follows:

- b. Place yard waste in a disposable yard waste container or yard waste container, when allowed, for collection,

14. Amend subparagraph (8) of Subsection (B) of Section 235.090 to read, as follows:

*Solid waste containers.* All residential solid waste (other than yard waste) for regular collection must be in a City solid waste container and all yard waste for regular collection must be in a disposable solid waste container, when allowed, or in a City provided yard waste container. A disposable solid waste container and its contents shall not weigh more

than fifty (50) pounds and a City solid waste container or yard waste container and its contents shall not weigh more than two hundred (200) pounds. Solid waste containers together with their contents which do not meet the specifications of this paragraph shall not be collected and disposed of.

15. Amend subparagraph (9) of Subsection (B) of Section 235.090 to read, as follows:

There shall be no City solid waste service on the first day of January (New Years Day), the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the fourth Thursday in November (Thanksgiving Day), the twenty-fifth of December (Christmas Day), and other holidays determined and publicly announced by the Director.

16. Amend subparagraph (12) of Subsection (B) of Section 235.090 to read, as follows:

*Collection for physically disabled.*

a. Any occupant of residential property who, due to a physical disability, is unable to transport a standard City solid waste container to the curblin may request a special City solid waste container and/or non-curbside collection at a service charge as may be determined by the Director from time to time. A request for this service must be submitted in writing to the Director. This request must include certification of the applicant's physical disability.

b. Solid waste to be collected must be in a City solid waste container or other container approved by the Director and shall be located in an accessible location as designated by the Director which shall be at ground level or on an open platform not more than four (4) feet above the ground level and so placed that they may be reached from the ground by the collector. City solid waste containers shall not be located within a building or structure. Collection will be made from only one (1) location on the premises.

17. Amend Subsection (C) of Section 235.090 to read, as follows:

*State Solid Waste Tonnage Fee Charges.* In addition to service charges authorized herein, customers shall be billed a separate charge to defer the cost to the City resulting from any tonnage fees imposed by the State of Missouri pursuant to Section 260.330, RSMo., as amended, or such other fees as may be imposed by the State against the City for providing the services set forth in this Chapter. Such charges shall be shown separately from the service charge on each customer's bill. The amount of such charges shall be determined by the Director based on the actual cost of such charges to the City which may be passed through to persons who generated the solid waste as provided by the Missouri Solid Waste Management Law. All amounts collected from such charges shall be set aside by the City and held for the purpose of paying such charges pursuant to the Missouri Solid Waste Management Law.

18. Amend Subsection (D)(3) of Section 235.090 to read, as follows:

City solid waste service and the service charge shall be terminated upon presentation of satisfactory proof to the Director that any dwelling unit is unoccupied, and shall be commenced upon renewed occupancy thereof. A charge of twenty-five dollars (\$25.00) may be imposed for terminating and/or renewing City solid waste service to the same customer.

## CHAPTER 240, PARKS AND RECREATION

1. Amend Section 240.050, as follows:

a. Amend paragraph (4) of subsection (A) to read, as follows:

No fishing shall be permitted as determined by the City Administrator or his/her designee during certain times. At such times when fishing is not permitted, the lake shall be conspicuously posted with "No Fishing" signs.

b. Add a new paragraph 6 to subsection (A) to read, as follows:

It shall be unlawful to fish in any designated City of St. Peters lake without first paying to the City any applicable fees.

2. Amend Section 240.060, as follows

a. Amend subsection (A) to read, as follows:

It shall be unlawful for any person or persons to be within the boundaries of any City park between the hours of sunset or 9:00 P.M. whichever is earlier and sunrise except by permission of the City Administrator or his/her designee. Such permission shall be in writing in the form of a park use permit, said permit to be presented upon request. Overnight camping is allowed subject to such regulations as may be promulgated by the Parks and Recreation Services Group Managers from time to time. Such regulations shall be conspicuously displayed at the park subject to such regulations.

b. Amend subsection (B) to read, as follows:

Those parks that are equipped with game fields or lighted activity areas and have park use permits for nighttime functions are exempted from the provisions of subsection (A) of this Section.

c. Amend subsection (D) to read, as follows:

Restriction On Use Of Parks. It shall be unlawful for any person to bring into or upon the parks or have in his/her possession while therein or thereupon any type of glass beverage container, including, but not limited to, glass bottles, glass jars, drinking glasses; provided that this provision shall not apply to baby bottles, baby food jars or glass lined vacuum bottles. Glass containers are permitted on campsites in 370 Lakeside Park.

d. Amend the title of subsection (E) to read, as follows:

*“Restriction On Use Of Parks During Special/Single Occasion Events Permitted By The City’s Parks And Recreation Departments”*

3. Amend Section 240.090 to read, as follows:

a. Amend subsection (A) to read, as follows:

Areas may be assigned or reassigned by the Parks and Recreation Services Group Managers, or their designee, to accommodate the maximum number of persons at a given time and to ensure that the appropriate number of City staff are available.

b. Amend subsection (I) to read, as follows:

Marketing events and programs as approved by the City Administrator or his/her designee may be conducted periodically by the Parks and Recreation Services Group Managers to provide incentives for use of the recreational facility and participation in the recreational programs.

4. Amend Section 240.100 to read, as follows:

The City may charge fees for certain activities, or the use of certain park areas, facilities or equipment. Such fees will be regularly reviewed by Parks and Recreation Departments and changes will be submitted in writing to the City Administrator. The Board of Aldermen shall be made aware of all fees and any amendments annually by the City Administrator.

## **CHAPTER 310, ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS**

- B. Amend Subsection (B)(2)(b) of Section 310A.070, to read as follows:

Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the City or the Department of Transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this Subsection only when such vehicles or equipment are located in a work zone, as defined in Section 304.580, RSMo., as amended, highway workers, as defined in Section 304.580, RSMo., as amended, are present, and such work zone is designated by a sign or signs.

## **CHAPTER 385, LICENSING REGULATIONS**

### **Article I, Driver's License**

- A. Amend Section 385.010 to read as follows:

A. 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.

B. Except upon conviction as a first offense, no court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until such person has served a minimum of forty-eight (48) consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten (10) days involving at least forty (40) hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service.

## **CHAPTER 375, GENERAL REGULATIONS**

- B. Amend Chapter 375 by adding a new Section 375.075, to read as follows:

**Section 375.075** Autocycle – Protective Headgear not required – valid driver's license required to operate.

1. Notwithstanding subsection A of Section 375.070 of this Code, a person operating or riding in an autocycle shall not be required to wear protective headgear.

2. No person shall operate an autocycle on any highway or street in this City unless the person has a valid driver's license. The operator of an autocycle, however, shall not be required to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340, RSMo., as amended.

## **CHAPTER 390, PARADES, PROCESSIONS, DEMONSTRATIONS, ETC.**

1. Amend the title of Article I to read as follows:

Article I, Parades and Processions

2. Amend Section 390.010 by deleting the definition of the term “Meeting”.

3. Amend Section 390.020 to read, as follows:

No procession or parade shall occupy, march or proceed along any street, sidewalk or any other public place except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth in this Article which may apply.

4. Amend Section 390.030 to read, as follows:

A written application shall be made to the Chief of Police by any person desiring to have a parade or procession, setting forth the time, place and route of the parade or procession. The Chief of Police shall have authority to designate the route of the parade or procession and the portion of the streets or other public places to be used in such a way as to avoid as much as possible the obstruction or impediment of public travel or public business. The Chief of Police may refuse to issue a permit for a parade or procession, unless application therefor is filed with him/her at least four (4) weeks before the time thereof. In the absence of the Chief of Police, the ranking officer of the Police Department present shall act in his/her name and stead.

### **SCHEDULE III, PARKING RESTRICTIONS**

1. Amend Table III-A, Prohibited Parking at all Times, by adding, the following:

Arrowhead Industrial Boulevard, north and south sides: At All Times

\*Starting from a point one hundred sixteen (116) feet westwardly from intersection with Gerber Industrial Drive eastwardly to intersection with Salt River Road.

Boone Hills Drive, north and south sides: At All Times

\*From intersection with Gold Run Drive for a distance of two hundred fifteen (215) feet westwardly.

\*From intersection with Gold Run Drive for a distance of two hundred fifty feet (250) feet eastwardly.

\*Starting from a point one hundred fifty (150) feet east of eastern intersection with Misty View Lane eastwardly to intersection with Jungermann Road.

Braewood Circle, on the odd number parcel side: At All Times  
 \*From the most southern intersection with Shady Springs Lane to the northern intersection with Shady Springs Lane.

Broken Oak Court, both sides: At All Times  
 \*Left side of court from 57 Broken Oak Court to 56 Broken Oak Court, around island.

Claydell Drive, west side and south side: At All Times  
 \*Starting at the southern right-of-way boundary of 1651 Claydell Drive to the western right-of-way boundary of 1651 Claydell Drive.

Coach Court, east side: At All Times  
 \*From intersection with Carson Court northwardly to end of Coach Court.

Connemara Road, west and east sides: At All Times  
 \*From intersection with Mexico Road to a point ninety feet southwardly.

Country Creek Drive: At All Times  
 \*North side: From intersection with Jungermann Road westwardly two hundred (200) feet.  
 \*South side: From a point one hundred fifty-five (155) feet west of intersection with Jungermann Road eastwardly to intersection with Jungermann Road.

Countryside Drive, north and south sides: At All Times  
 \*From its intersection with Mid Rivers Mall Drive to a point ninety (90) feet westwardly.

Crown Drive, north side: At All Times  
 \*From its intersection with Starwood Drive to a point one hundred thirty-five (135) feet eastwardly.

Ehlmann Road: At All Times  
 \*North side: Starting at the western right-of-way boundary of #4190 Ehlmann Road westwardly to intersection with Executive Centre Parkway.  
 \*South side: From its intersection with Executive Centre Parkway to intersection with Turnberry Place.

Eisenhower Drive, north side: At All Times

\*From its intersection with Birdie Hills Road westwardly to intersection with Nixon Drive.

Ellington Oaks Court, east and west sides: At All Times

\*From its intersection with Ellington Oaks Drive to a point twenty-five (25) feet northwardly.

Four Winds Drive, south side: At All Times

\*From its intersection with Spanish Trail eastwardly to intersection with El Caballo Drive.

Gemini Drive, east and west sides: At All Times

\*From its intersection with Willott Road southwardly to intersections with Universal Drive.

Harvestowne Industrial Drive, east and west sides: At All Times

\*From a point two hundred sixty (260) feet south of intersection with Towne Court northwardly to intersection with South St. Peters Parkway.

Heather Valley Circle, north side: At All Times

\*Starting at the southern right-of-way boundary of #7 Heather Valley Circle to the northern right-of-way boundary of #7 Heather Valley Circle.

Holly Springs Trail, south and north sides: At All Times

\*From its intersection with Spencer Road to a point three hundred (300) feet eastwardly.

Indacom Drive, east and west sides: At All Times

\*From its intersection with Boone Hills Drive to intersection with Sagemont Drive.

Kelly Leaf Drive, south side: At All Times

\*Starting at the southern right-of-way boundary of #18 Kelly Leaf Drive eastwardly to the eastern right-of-way boundary of #34 Kelly Leaf Drive.

Kimberly Lane, west and east sides: At All Times

\*From its intersection with Willott Road southwardly to intersection with Tudor Square.

\*From its intersection with Willott Road northwardly to intersection with Ann Drive.

Kimberly Lane, east side: At All Times  
 \*Starting at the southern right-of-way boundary of #1 Kimberly Lane northwardly to intersection with Mexico Road.

Klondike Crossing, north side: At All Times  
 \*North side: From its intersection with First Executive Avenue westwardly to intersection with Mexico Road.  
 \*West Side: From its intersection with Mexico Road to the eastern right-of-way boundary with #121 Klondike Crossing.

Knoll Terrace, east side: At All Times  
 \*Starting at the southern right-of-way boundary of 3251 Meadow Trail Drive to the northern right-of-way boundary of 3251 Meadow Trail Drive.

Laurelwood Drive, south and north sides: At All Times  
 \*From its intersection with Salt Lick Road to a point one hundred eighty (180) feet eastwardly.

Lippizan Road, south side: At All Times  
 \*From its intersection with Carriage Way East eastwardly for fifty (50) feet.

Meadow Ridge Drive: At All Times  
 \*West side: Starting at the southern right-of-way boundary of #9 Meadow Ridge Drive northwardly to intersection with Raintree Court.  
 \*East side: From its intersection with Raintree Drive northwardly to the southern right-of-way boundary of #14 Meadow Ridge Drive.

Misty Valley Drive, east and west sides: At All Times  
 \*From its most western intersection with Boone Hills Drive southwardly to its intersection with Lantana Lane.

Newport Drive, east and west sides: At All Times  
 \*From its intersection with Ellington Oaks Drive to a point twenty-five (25) feet northwardly.

North Willow Grove Court, west side: At All Times  
 \*From its intersection with Hollow Tree Drive to a point two hundred eighty (280) feet northwardly, end of court.

Old Buggy Court, north side: At All Times

\*From its intersection with Surrey Lane eastwardly to a point two hundred ninety-five (295) feet, end of court.

Penny Lane, even number parcel side: At All Times

\*From its intersection with Queens Court Place eastwardly to intersection with Queens Court Place, circle the entire subdivision.

Parkway Drive, east side: At All Times

\*From its intersection with I-70 Service Road North northwardly to intersection with Ehlmann Road.

River Moss Drive, east side: At All Times

\*Starting at the southern right-of-way boundary of #604 River Moss Drive southwardly to intersection with Boone Hills Drive.

Rosebud Way, east side: At All Time

\*From its intersection with Line Street to a point two hundred fifty-five (255) feet northwardly, end of River Moss Drive.

Shadowcreek Drive: At All Times

\*South side: Starting at the western right-of-way boundary of #2 Shadowcreek Drive eastwardly to intersection with Spencer Road.

\* North side: From its intersection with Spencer Road westwardly to the western right-of-way boundary of #1 Shadowcreek Drive.

Shady Springs Lane, west and east sides: At All Times

\*From its intersection with Ellington Oaks Drive to a point one hundred fifty-eight (158) feet northwardly from the northern most intersection with Braewood Circle.

Spanish Trail: At All Times

\*North side: From its intersection with Salt Lick Road westwardly to the western right-of-way boundary of #101 Crickett Court.

\*South side: Staring at the western right-of-way boundary of #2 Spanish Trail eastwardly to intersection with Salt Lick Road.

Spencer Road: At All Times

\*East side: Starting at the northern right-of-way boundary of #1004 Spencer Road northwardly to intersection with Willott Road.

\*West side: From its intersection with Willott Road southwardly to the northern right-of-way boundary of #1005 Spencer Road.

- Spring Wood Drive: At All Times  
 \*East side: Starting at the northern right-of-way boundary of #5 Spring Wood Drive northwardly to the southern right-of-way boundary of #1410 Spring Wood Drive.
- South Church Street, west and east sides: At All Times  
 \*From its intersection with Estes Park Drive to a point one eighty-five (185) feet northwardly.
- South Willow Grove Court, west side: At All Times  
 \*From its intersection with Hollow Tree Drive to a point four hundred (400) feet southwardly, end of court.
- Starwood Drive, east and west sides: At All Times  
 \*From its intersection with Mcmenamy Road to a point of one hundred ten (110) feet southwardly, end of road.
- Strayhorn Drive: At All Times  
 \*East side: Starting at the southern right-of-way boundary of #301 Newport Drive northwardly to the northern right-of-way boundary of #301 Newport Drive.  
 \*South side: From the western most intersection with Newport Drive eastwardly to the eastern right-of-way boundary of #400 Newport Drive.  
 \*East side: From its intersection with Ellington Oaks Drive to a point twenty-five (25) feet northwardly.
- Sugarwood Drive, east and west sides: At All Times  
 \*From its intersection with Harvester Road northwardly to intersection with Sugar Bend Court.
- Surrey Lane, west side: At All Times  
 \*Starting at the northern right-of-way boundary of #1461 Surrey Lane southwardly to the southern right-of-way boundary of #1461 Surrey Lane.
- Towne Court, north and south sides: At All Times  
 \*From its intersection with Harvestowne Industrial Drive to a point six hundred seventy (670) westwardly, end of court.
- Turner Boulevard, north side: At All Times  
 \*From its intersection with I-70 Service Road North to a point one thousand seven hundred eighty-five (1,785) feet eastwardly, end of boulevard.

West Way Drive, east side: At All Times

\*From its intersection with Cloverleaf Drive North northwardly to intersection with Veterans Memorial Parkway.

Whispering Ridge Lane, east side: At All Times

\*Starting at the northern right-of-way boundary of #1200 Farm Valley Drive northwardly to the southern right-of-way boundary of #1 Forrel Tree Court.

Willott Square Alley A, north and south sides: At All Times

\*From its intersection with Willott Square Drive westwardly to intersection with Willott Square Drive.

Willott Square Alley B, north and south sides: At All Times

\*From its intersection with Willott Square Drive westwardly to intersection with Willott Square Drive.

Windstream Court, both sides: At All Times

\*Starting at the southern right-of-way boundary of #11 Windstream Court southwardly to the southern right-of-way boundary of #4 Windstream Court.

2. Amend Table III-C, No Parking at Certain Times, by adding the following:

<b>Name of Street, Road or Drive</b>	<b>Limited Parking at Certain Times</b>
Fawn Lake Drive, east side: Starting at the northern right-of-way boundary of #16 Fawn Lake Drive northwardly to intersection with Mexico Road.	One hour parking only between 8:00 A.M. - 3:00 P.M. except weekends & holidays
Gold Run Drive, east and west sides: From its intersection with Dogwood Lane to intersection with Boone Hills Drive	No parking shall be allowed between the hours of 8:00 A.M. to 9:00 A.M. and 3:00 P.M. to 4:00 P.M., except on weekends
Orchard Hills Drive, west side: Starting at the northern right-of-way boundary of #52 Orchard Hills Drive southwardly to intersection with Bartley Street.	No parking shall be allowed between the hours of 9:00 A.M. to 5:00 P.M.

## **TITLE IV, LAND USE**

### **CHAPTER 400, PLANNING**

Amend Section 400.040, to read as follows:

The Planning Commission shall have and perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Commission as outlined in such Chapter. The Commission created pursuant to this Article shall be known as the Planning and Zoning Commission, and any reference in this Chapter to the “Planning Commission” or “Commission” shall mean the Planning and Zoning Commission.

### **CHAPTER 410, FLOODPLAIN MANAGEMENT**

1. Delete Section 410.050, and replace with “Reserved”

2. Amend Section 410.120, to read as follows:

Section 410.120 Designation Of Floodplain Manager.

The City Engineer, his or her designee, or such other person as may be designated by the City Administrator from time to time, is hereby designated as the Floodplain Manager under this Chapter.

3. Replace all references to “Floodplain Administrator” with “Flood Plain Manager”

4. Amend subsection (A)(9) of Section 410.130, to read as follows:

When floodproofing techniques are utilized for a particular non-residential structure, the Flood Plain Manager, or his/her designee, shall require certification from a registered professional engineer or architect.

5. Amend Section 410.220 to read as follows:

Any person aggrieved by the decision of the Board of Appeals or any taxpayer may appeal such decision to the St. Charles County Circuit Court as provided in Chapter 536, RSMo.

## **TITLE V, BUILDING AND CONSTRUCTION**

### **CHAPTER 500, GENERAL PROVISIONS**

1. Amend Section 500.020, to read as follows:

Except as otherwise provided in this Code, the Building Commissioner shall be responsible for the issuance of all permits required pursuant to Chapters 504 to 527 of this Code in accordance with the provisions of this Code and other City ordinances. In addition, he/she shall be responsible for the enforcement of the Building Code and any other ordinance of the City concerning buildings and shall have such other duties and responsibilities as may be assigned to him/her from time to time.

2. Amend Section 500.030 to read, as follows:

Notwithstanding any other provision of this Title V to the contrary, no fees shall be required for any permit requested under Chapters 504 to 527 when the applicant for such a permit is a fire protection district established pursuant to Chapter 321, RSMo., as amended.

3. Amend Appendix A to Title V, as follows:

- a. Section 11: delete and replace with the following: *“For blasting permit fee. Seventy-five dollars (\$75.00).”*
- b. Section 12: delete and replace with the following: *“Fees for grading permits. Two percent (2%) of the total cost of grading, sediment and erosion control and revegetation.”*
- c. Section 17: delete and replace with the following: *“Fees for outdoor advertising signs, billboards and structures. The fees for an outdoor advertising sign, billboard or structure shall be five hundred dollars (\$500.00).”*

### **CHAPTER 525, PROPERTY MAINTENANCE CODE**

1. The intent is to retain the language as stated in the code. Delete the phrase “no change” as noted.
2. Subsection (A)(3) to Section 525.040 should be deleted and replaced with “Delete”.

## **TITLE VI, BUSINESS OCCUPATIONS**

### **CHAPTER 600, ALCOHOLIC BEVERAGES**

#### **Article I, In General**

F. Amend Section 600.200 to read as follows:

It shall be unlawful for any person under the age of twenty-one (21) years to enter the premises of any licensee holding an intoxicating liquor or malt liquor license for sale by the drink under this Chapter unless accompanied by either a parent or legal guardian; provided however, that nothing contained in this Section shall be construed as preventing the entrance of anyone under the age of twenty-one (21) years into such premises as permitted by Section 600.190 hereof or a restaurant bar.

#### **Article II, License Regulations**

H. Amend subsection (A) of Section 600.580 by replacing the phrase “wine, beer and malt liquor” with “intoxicating liquor”, throughout.

### **CHAPTER 605, BUSINESS LICENSES AND BUSINESS REGULATIONS**

#### **Article I, General Provisions**

Amend Section 605.013, to read as follows:

Section 605.013 Purpose and Scope of Fees.

A. The purpose of this Section is to provide a document covering all license fees, administrative fees and investigation fees or processing fees connected with the issuance or renewal of licenses for any business licensed by the City. The fees provided herein shall apply in place of any earlier provision in any other ordinance. In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the City Clerk. The fees and charges for businesses, trades, professions, vocations or occupations not listed in this Chapter, if any, shall be as stated in the specific ordinances or parts of ordinances relating to those businesses or operations.

1. *Type of fees.* The following are the types of fees that are covered by this Section:

a. A license fee paid by the operator of the business for the issuance of the license.

2. *Fees established.* Until otherwise provided by ordinance, the following annual fees shall be charged for the businesses and operations specified.

<b>License Type</b>	<b>License Fee</b>
Amusement/arcade center (605.220)	\$200 plus \$30 per mechanical or amusement device fee
Circus/carnival (605.728)	\$10 per concession per week plus surety bond; \$1,000 to \$5,000 to be determined by the Building Commissioner
General business (605.030)	\$50
Itinerant vendor (605.185) <i>General:</i> First 1 to 4 consecutive days Each additional 4-day period thereafter during the calendar year <i>C-4 license:</i> 1 to 4 consecutive days 5 to 30 consecutive days or more consecutive days in a calendar year but less than 181 consecutive days	<i>General:</i> \$50 \$200 <i>C-4 license:</i> \$50 \$100
Multi-vendor operator (605.186) Temporary event: 1 to 4 consecutive days  Temporary event: 1 to 7 consecutive days in C-4 Zoning District  Annual	\$10 per vendor for each event  \$10 per vendor for each event  \$2,000 per month/\$24,000 annually for up to 200 vendor stalls per month Each additional 100 vendor stalls thereafter per month shall cost an additional \$1,000 per month
Mechanical or electronic amusement device (605.105)	\$20 per each device on premises
Massage operator/practitioner Massage business (605.330)	\$25 practitioner \$100 annual
Outdoor advertising signs and billboards (605.920)	2% of annual gross income/outdoor sign and billboard

Outdoor music festival (605.770)	\$200 plus \$500 surety bond
Pawnbroker/general business (605.820)	\$500
Investigation fee for a new applicant	\$500
Investigation fee for a repeat applicant	\$250
Peddler/solicitor (605.145)	\$50
First 1 to 4 consecutive days	\$200
Each additional 4-day period thereafter during the calendar year	
Tattoo establishment/body piercing establishment (615.010)	\$75 annual
Tattooist/body piercer/brander and combined practitioner	\$25 annual
Taxicab operator (605.400)	\$100 plus \$15 per vehicle
Tow truck operator (605.565)	\$50 plus \$25 per vehicle

## Article XII, Pawnbrokers

Amend Subsection (A)(1) of Section 605.845 to read, as follows:

Register. Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him/her, which register shall show the date of loans or purchases and the names and addresses of all persons who have left any description of property on deposit as a collateral security or as a delivery on sale thereof. Opposite such name and date shall be written in plain hand the pledgor's description including the person's age and motor vehicle operator's or chauffeur's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor, a full description of all such property purchased or received on deposit as collateral security and an identification of the pledged goods, including the manufacturer's identifying insignia or serial number, if applicable, the amount of cash advanced or credit extended to the pledgor, the amount of the pawn service charge, the total amount which must be paid to redeem the pledged goods on the maturity date and the maturity date of the pawn transaction, and the picture number.

## Article XIV, Dealers in Precious Metals, Gems and Coins

Amend Subsection (B)(6) of Section 605.915 to read, as follows:

*Prohibited purchases.* No purchases shall be made from anyone under age eighteen (18) unless upon the written authority of the parent, guardian, or person in loco parentis authorizing the sale, and such authorization shall be attached and maintained with the record of transaction described in this Section. No dealer shall make a purchase from

anyone when doubt of ownership exists. If doubt of ownership exists, the dealer shall have the responsibility to require proof of ownership.

## **CHAPTER 620, MISCELLANEOUS BUSINESS REGULATIONS**

### **Article II, Newsracks**

Amend Article II of Chapter 620 by deleting it in its entirety.

**CHAPTER 635, VIDEO SERVICE PROVIDER REGULATIONS INCLUDING USE OF PUBLIC RIGHT-OF-WAY**

**Article III, Installation, Operation and Maintenance of Network**

D. Amend Subsection (A) of Section 635.200, to read as follows:

A. In managing the public right-of-way and in imposing fees pursuant to this Chapter, the City shall not:

1. Unlawfully discriminate among public utility right-of-way users;
2. Grant a preference to any public utility right-of-way user;
3. Create or erect any unreasonable requirement for entry to the public right-of-way by public utility right-of-way users;
4. Require a telecommunications company to obtain a franchise or require a public utility right-of-way user to pay for the use of the public right-of-way, except as provided in this Chapter; or
5. Enter into a contract or any other agreement for providing for an exclusive use, occupancy or access to any public right-of-way.
6. Require any public utility that has legally been granted access to the City's right-of-way to enter into an agreement or obtain a permit for general access to or the right to remain in the right-of-way of the City.

## **TITLE VII, UTILITIES**

### **CHAPTER 710, SEWERS**

1. Amend the definition of the term “Normal Domestic Waste Water” in Section 710.010, as follows:

Wastewater that has a BOD concentration of not more than two hundred twenty (220) mg/l, a suspended solids concentration of not more than two hundred twenty-five (225) mg/l, a COD concentration of not more than six hundred eighty-eight (688) mg/l.

2. Amend Section 710.040 to read, as follows:

The owner of any house, building or property used for human occupancy, employment, recreation or other purpose, situated within the City and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the City shall, at his/her expense, install suitable sanitation facilities therein and shall connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within ninety (90) days after the date of official notice to do so; provided, that such public sewer is within one hundred (100) feet of the property line.

3. Amend subsection (E) of Section 710.050 to read, as follows:

No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Manager.