CITY CODE

For

CITY OF HAMILTON, MISSOURI

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(Includes Ordinances current through December, 2017)

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Chapter 10 -- The Code

10.010. Contents of Code. This Code will contain all ordinances of a general and permanent nature of the City of Hamilton, Missouri and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order, and similar subjects.
1. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this Code, nor be deemed
a part hereof.
2. Ordinances which are of a general and permanent nature shall be prepared for insertion in this Code and be deemed a part hereof.

10.020. Citation or Code. This Code may be known and cited as the "Hamilton City Code" and cited "HCC".

10.030. Official copy. The official copy of this Code, bearing the signature of the Mayor and attestation of the Clerk as to its adoption shall be kept on file in the office of the Clerk. A copy of this Code shall be kept in the Clerk's office available for public inspection.

10.040. Altering Code. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person violating this section shall be punished as provided in Chapter 13 of this Code.

10.050. Numbering. Each section number of this Code shall consist of two parts separated by a period; the figure before the period referring to the chapter number, and the figure after the period referring to the position of the section in the chapter. The latter figure shall consist of three digits.

10.060. Amendments to Code. All amendments to this Code, duly enacted, shall be prepared by the Clerk for insertion in this Code and inserted herein.

Chapter 11 – Definitions

11.010. Definitions. In the construction of this Code and of all other ordinances of the City, the following definitions shall apply unless otherwise expressly provided, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:
"Board of Aldermen" or "Board" shall mean the Board of Aldermen of the City.
"City" shall mean the City of Hamilton, Missouri and the corporate boundary lines thereof.
"Clerk" shall mean the City Clerk of the City.
"County" shall mean the County of Caldwell, Missouri.
"Day" shall mean a 24 hour time period beginning at 12 o'clock midnight.
"Following" shall mean next after.
"May" is permissive.
"Mayor" shall mean the Mayor of the City.
"Month" shall mean a calendar month.
"Oath" shall include an affirmation and shall be equivalent to the words "affirm" and "affirmed" "swear" and "sworn."
"Occupant" shall mean and include each person inhabiting or occupying real property or any improvement thereon.
"Ordinance" shall mean duly enacted ordinance of the City.
"Owner" shall mean and include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety.
"Person" shall mean and include any individual, corporation, firm, partnership, association, organization and any other entity acting as a unit, and shall include an agent, personal representative, administrator, trustee, receiver or other representative acting in another's behalf. Whenever the word "person" is used in any section of this Code prescribing a penalty, it shall include all partners of a partnership and shall include all officers, directors and shareholders of a corporation.
"Preceding" shall mean next before.
"Property" shall include real, tangible and intangible property of every nature and kind whatsoever.
"Publish" shall mean cause to be printed in a newspaper of general circulation published in the City or, if there is no such newspaper published within the City, then printed in a newspaper of general circulation within the City.
"Real property" shall mean and include all lands, tenements and hereditaments.
"Shall" is mandatory.
"Sidewalk" shall mean that portion of a street between the curb line or pavement edge and the adjacent property line which is for the use of pedestrians.
"Signature" shall include any mark or symbol executed or adopted by a person with present intention to authenticate a writing.
"State" shall mean the State of Missouri.
"Street" shall mean and include any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare or right-of-way.
"Tangible personal property" shall mean and include goods, chattels and all corporeal personal property.

"Writing" and "written" shall mean and include all printing, lithographing and other modes of representing words and letters.
"Year" shall mean a calendar year, and shall be equivalent to the words "year of our Lord."

Chapter 12 -- Construction of Ordinances

12.010. Construction, generally.
All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of Aldermen may be fully carried out. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to the technical import.

12.020. Headings.
The headings of the chapters and sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

12.030. Continuation of prior Ordinances.
The provisions of this Code which are in substance the same as those of Ordinances existing at the time of enactment of this Code, shall be considered as a continuation thereof and not as new enactments.

12.040. Repeal of Ordinances not to affect liabilities.
Whenever any Ordinance or part of an Ordinance shall be repealed or modified, either expressly or by implication, by a subsequent Ordinance or part of an Ordinance thus repealed or modified shall continue in force until the subsequent Ordinance repealing or modifying the prior Ordinance shall go into effect unless otherwise expressly provided, but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any Ordinance previous to its repeal or modification shall be affected, released, impaired or discharged unless otherwise expressly provided.

12.050. Repeal not to revive former Ordinance.
When an Ordinance repealing a former Ordinance or part of an Ordinance shall itself be repealed, such repeal shall not revive such former Ordinance or part of an Ordinance unless expressly so provided and such former Ordinance or part of an Ordinance is set forth in full.

12.060. Severability.
The chapters, sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, section, or chapter of this Code shall be declared unconstitutional or otherwise invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections, and chapters of this Code since the same would have been enacted by the Board of Aldermen without the inclusion in this Code of such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

12.070. Tense.
Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall extend to and include the past and future tenses.

12.080. Notice.
Whenever notice is required under this Code or other City ordinance, the same shall be in writing and served upon the person to be notified in the following manner:
1. By delivery to the person personally or by leaving the same at his dwelling house or usual place of abode with some person of his family over the age of fifteen years; or
2. By certified or registered mail to such person at his last known address; or
3. By delivery to the person's agent authorized by appointment or required by law to receive notice; or
4. If the person's whereabouts are unknown, then by posting in some conspicuous place on the affected premises at least five (5) days before the act or action for which the notice is given is to take place.

12.090. Same, exceptions.
The provisions of the preceding Section shall not apply when a separate method of giving notice is prescribed.

12.100. Computation of time.
In computing any period of time prescribed or allowed by this Code or by any 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 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 Saturdays, Sundays and legal holidays shall be excluded in the computation.

12.110. Gender.
When any subject matter, party or person is described or referred to by words importing the masculine gender, the feminine and neutral genders are included.

12.120. Number.
When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be deemed to be included.

Chapter 13 – Penalties

13.010. General Penalty.
Whenever under this Code or any existing or future ordinance of the City any act is declared to be unlawful and no exclusive penalty is provided for violation thereof, upon conviction of such violation the violator shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the City or County jail not exceeding ninety days or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a statute of the state the statutory penalty, and no other, shall be imposed for such offense, except that imprisonment may be in the City jail instead of the County jail, except for Minor Traffic Violations that shall be punished as follows:

1. Minor Traffic Violations. The punishment of a "minor traffic violation", as defined by Section 75.10 of the Hamilton City Code, shall be subject to the following:
a. The maximum fine and court costs that can be imposed for the violation of any minor traffic violation shall be $300.00.
b. Minor traffic violations shall not be punishable by imprisonment, unless the violation (i) involved alcohol or controlled substances, (ii) endangered the health or welfare of others, or (iii) involved eluding or giving false information to a law enforcement officer.
c. A person convicted of a minor traffic violation shall not be placed in confinement for failure to pay a fine unless such nonpayment violates the terms of the person's probation.
d. Court costs shall be assessed against such person unless the court finds that the defendant is indigent.
e. No court costs shall be assessed if the case is dismissed.

[Amended by Ordinance No. 1582; adopted October 14, 2015]

13.020. Every day a violation.
Every day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

13.030 INCARCERATION COST.
Whenever under this Code an individual is sentenced to a term of incarceration, the cost of incarceration is the amount of forty (40) dollars per day or in an amount equal to the amount that is charged to the City of Hamilton by the jail. Failure to satisfy these costs within ninety (90) calendar days of release from jail shall cause the individual to be in contempt of Court and subject to a fine not exceeding five hundred dollars and/or a term on incarceration from one day to ninety days. [Ordinance No. 1192, adopted May 7, 2007.]

TITLES II through X are reserved for future use. Please see existing Ordinances for matters not presently contained in this Code.

Chapter 20 -- City Organization

Subchapter A – General

20.010. Incorporation, classification and powers.
The City of Hamilton is incorporated and classified as a 4th Class city under state law. The City shall have power to enact all ordinances not repugnant to the Constitution and laws of this State, and in general shall have the power to perform any and all acts authorized by State law to promote and protect the general health, welfare and safety of all inhabitants of the City. In all cases where State law requires or authorizes an act or procedure and there is no City ordinance or Code provision governing such activity or procedure, then the provisions of such State law shall govern same.

20.015. Corporate Seal.
The seal of the City shall be the word "Seal" inside of and surrounded by a scroll of circular impression having inscribed therein the words, "City of Hamilton, Missouri, Caldwell County." The seal shall be circular and about two inches in diameter. The seal shall be safely kept in the office of the Clerk, who shall take reasonable precautions to prevent its unauthorized use.

20.020. Categories of Ordinances. The Ordinances of the City shall be divided into three major categories, namely Administrative, Contractual and Penal. Within this categorization there may be subcategories as determined by the City Clerk, the purpose of which shall be to aid in the organization, storage and ready retrieval of City law. As stated in Section *10.010,* all ordinances of a general and permanent nature shall be kept in this Code. All other ordinances, such as those relating to employee salaries, specific contracts and franchises, specific elections, acquisition and disposition of specific property, and similar matters, shall be kept separate from the Code under such system of categorization as may be developed by the Clerk.

20.030 Regular Meetings; Special Meetings.
Regular meetings of the Board of Alderman shall be held at 5:30 p.m. at City Hall, 200 South Davis Street, Hamilton, Missouri, on the second Wednesday of each month, unless such Wednesday is a legal holiday, in which case such meeting shall be held on the third Wednesday of the month unless a different date is selected by the Board. Special meetings may be held at the call of the Mayor or person acting as Mayor or by majority vote of a quorum of the Board of Alderman at a regular or special meeting. Upon a call for a special meeting all reasonable means shall be employed to insure that the Mayor and all Aldermen receive not less than 24 hours advance actual notice thereof. All meetings shall be held subject to the requirements of Chapter 102, HCC, and the Missouri Sunshine Law, Chapter 610 RSMo.
[Ordinance No. 1545; Adopted January 5, 2015.]

20.040. Procedure at Meetings; Abstentions.

All meetings of the Board of Aldermen shall be conducted in an efficient, businesslike and orderly manner. The Mayor or person acting as Mayor shall preside at all meetings and shall have control of the conduct thereof and order of calling matters on the agenda. Parliamentary procedural rules as set forth in Robert's Rules of Order may be invoked to govern procedure at meetings if deemed necessary to maintain order. In cases where a motion, resolution or ordinance is presented for discussion or vote and an Alderman or the Mayor intends to abstain from participation in such discussion or vote, the person desiring to abstain shall, at the first opportunity, state the fact of his intention to abstain and all known reasons in support thereof, whereupon all non-abstaining Aldermen shall consider and vote upon the sufficiency of such reasons and the person intending to abstain shall be governed by such vote. In passing upon abstention questions two principles shall be adhered to: (1) it *is* a public official's duty to vote, notwithstanding potential adverse public opinion, to fulfill his duty to represent his constituents' interests, and (2) no public official shall be compelled to cast a vote on a question or matter clearly raising a conflict between his personal or financial interests and the public interest, or when prohibited by law.

Subchapter B -- Officers and Employees

Section 20.100. Officers enumerated. The officers of the City shall consist of five (5) elective officers, namely a mayor and two (2) aldermen from each of the City's two (2) wards, and three (3) appointive officers. The appointive officers are as follows:

1. City Clerk;
2. Police Chief (shall be twenty-one (21) years of age or older; and
3. Water Department Superintendent.

The Board may create such other offices from time to time as deemed necessary for the welfare of the City.
[Adopted by Ordinance No. 1229, adopted April 7, 2008.]

20.110. Term of appointive officers.
All persons acting as appointive officers shall serve at the pleasure of the Mayor and the Board.

20.120. Officers to be voters and residents; exceptions, appointed officers.
All officers elected to offices or appointed to fill a vacancy in any elective office of the City shall be voters under the laws and constitution of Missouri and the Ordinances of the City, except that appointed officers need not be voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All officers except appointed officers shall be residents of the City.

[Ordinance 1035]

20.130. Oath of office; bond generally.
Every officer of the City and his assistants shall, before entering upon the duties of office, take and subscribe to an oath or affirmation before some person authorized to administer

oaths, that he possesses all qualifications prescribed for his office by law; that he will support the Constitution of the United States and of this State and the provisions of all laws of this State and the City, and faithfully demean himself while in office, which oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by this Code or other law or ordinance, shall, within fifteen days after his appointment or election, and before entering upon the discharge of the duties of office, give bond to the City in such sum and with such sureties as may be prescribed, conditioned upon faithful performance of his duties and that he will pay over all money belonging to the City and fully account for the same, as provided by law, that may come into his hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as required, his office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted by the City, or by any person in the name of the City, to the use of such person, to recover such damages as allowed by law.

20.140. Commission to be delivered.
Upon filing of the oath of office and approval of bond, when bond is required, the City Clerk shall deliver to the person elected or appointed a commission signed by the Mayor, and under the seal of the City, duly countersigned by the Clerk, authorizing the person therein named to discharge the duties of the office therein named for the term for which he was appointed or elected.

20.150. Compensation.
The Board of Aldermen shall have the power to fix the compensation of all officers and employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he was elected or appointed. City officers and employees shall receive such compensation for their services as the Board of Aldermen shall from time to time provide.

20.160. Administration of oaths.
The following officers are hereby empowered and authorized to administer oaths or affirmations in the following cases:
1. The Mayor, to witnesses or other persons concerned with any subject under consideration by the Board of Aldermen.
2. The Municipal Judge and Municipal Court Clerk, to witnesses, jurors, or other persons relating to any trial or other proceedings within the jurisdiction of the Municipal Court.
3. The City Clerk, to any person certifying to any demand or claim against the City concerning the correctness of the same, and in any other matters as provided by law.

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

Subchapter C – Aldermen

20.200. Qualifications; Term of Office.
No person shall be an Alderman who is not twenty-one years of age, a citizen of the United States, and an inhabitant and resident of the City for at least one year next before his election and a resident of the ward from which he is elected. All Aldermen shall hold their office for a term of two years.
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20.210. Oath.
Before entering upon the discharge of the duties of his office, each Alderman shall take and subscribe an oath or affirmation before the City Clerk that he possesses all the qualifications prescribed for office by the laws of the State and the City*;* that he will support the Constitutions of the United States and of this State, and this Code and other ordinances of this City, and that he will faithfully demean himself in office.

Subchapter D – Mayor

20.300. Qualifications; Term.
The chief executive officer of the City shall be the Mayor, who shall be elected by the qualified voters of the City and shall hold his office for two years and until his successor shall be elected and qualified. No person shall be Mayor unless he be at least twenty-five years of age, a citizen of the United States, and a resident of the City at the time of and for at least one year next preceding his election.

20.310. Standing committees appointed.
The Mayor shall, at the first meeting of the Board of Aldermen after each Municipal election, name the member of such standing committees as he deems necessary, which shall consist of two or more members of the Board of Aldermen.

20.320. Proclamations, meetings, elections.
The Mayor shall have the power to issue proclamations, call meetings and call regular and special elections in such a manner as this Code or other law may provide.

20.330. Mayor may sit in Board, Voting, General duties.
The Mayor shall have a seat and preside over the Board of Aldermen, but shall not vote on any question except in case of a tie, nor shall he preside or vote in cases when he is an interested party. He shall exercise a general supervision over all the officers and affairs of the City, and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with. The Mayor, with the advice and consent of the Board, shall have the power to appoint all police officers of the City and shall have authority to give such orders to the Police Chief and police officers as in his judgment the public good may require.

20.340. Bills must be signed, Mayor's veto.

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him 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 not withstanding?" 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 Clerk, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board provided, that should he neglect or refuse to sign any ordinance and return the same with his objections, in writing, at the next regular meeting of the Board, the same shall become a law without his signature.

20.350. Power to enforce laws.
The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he is hereby authorized to call on every inhabitant of the City over eighteen years of age and under fifty, to aid in enforcing the laws.

20.360. Sign commissions and warrants.
The Mayor shall sign the commissions and appointments of all City officers elected or appointed in the City, and shall approve all official bonds unless otherwise prescribed by ordinance. He shall sign all orders, drafts and warrants drawn on the City Treasury for money, and cause the City Clerk to attest the same and to affix thereto the seal of the City, and to keep an accurate record thereof in a book to be provided for such purpose.

20.370. Communications to Board.
The Mayor shall, from time to time, communicate to the Board of Aldermen such measures as may, in his opinion, tend to the improvement of the finances, the police, health, security, ornament, comfort and general prosperity of the City.

20.380. May remit fine, grant pardon.
Mayor shall have power to remit fines and forfeitures, and to grant reprieves and pardons for offenses arising under the ordinances of the City, but the Mayor shall not be authorized to remit any costs which may have accrued to any officer of the City by reason of any prosecution under the laws or ordinances of the City.

Subchapter E -- City Clerk

20.400. Election; term. The Board of Aldermen, at the first regular meeting after each Municipal election, shall elect a qualified person as City Clerk, who shall hold office for one year and until a successor is appointed and qualified.

20.410. Duties generally.
The City Clerk, in addition to other duties which are or may be required by this Code or other law, shall:
1. Attend all meetings of the Board of Aldermen,
2. Have the custody of the books, records, papers and documents belonging to the City, keep all ordinances, including this Code, in the City Clerk's Office, and keep this Code current by inserting all amendments and removing all repealed portions,
3. Prepare all certificates of election and appointments of the City officers, and deliver the same to the persons elected or appointed,
4. Keep a journal of the proceedings of the Board, which may be known as "minutes" and keep an index of the records of the proceedings of the Board,
5. Countersign all City bonds, warrants, drafts and orders upon the treasury for money, and affix thereto the seal of the City and keep a record thereof, showing the number, date and amount thereof, the name of the person to whom and on what account issued, and when redeemed,
6. Record the certificates, oaths and bonds of all the City officers,
7. Prepare blank licenses for all purposes for which licenses are required to be issued and, when required, cause the same to be issued, signing his name and affixing the seal of the City thereto, and shall keep an account with the Collector for such licenses and the amount of the license tax thereon,
8. Furnish without delay to any person, when called upon during business hours to do so, copies of any records, books, or papers which are in his custody, which may be certified as authentic under his hand and the City Seal, and collect any fees set by ordinance therefor, and
9. Perform the duties prescribed by this Code and by other law for the City Collector whenever there is no acting City Collector.

20.415. Bond.
Within fifteen days of appointment (by election of the Board) as City Clerk, and before entering upon the duties of office the Clerk-elect shall execute to the City a bond in the sum of Six Thousand Dollars ($6,000) conditioned as required by this Code.

20.420. Assistant City Clerk.
The Board of Aldermen may, from time to time, elect a qualified person as Assistant City Clerk who shall hold such office at the pleasure of the Board. Such Assistant City Clerk shall have all of the qualifications set forth under Section 20.120 of this Code; provided, that such person need not be a resident or registered voter of the City. The Assistant City Clerk shall perform all duties signed by the City Clerk and shall, in cases of absence of the City Clerk for any reason, perform the duties of City Clerk until a new City Clerk is appointed and qualified.

Subchapter F -- City Collector

20.500. Appointment, Term and Qualifications.

The office of City Collector shall be an elective position, and a City Collector shall be elected by the qualified voters of the City at each Municipal General Election held in even numbered years. The person elected City Collector shall hold office for a term of two years and until a successor shall be elected and qualified. No person shall be eligible to hold the office of City Collector who is not twenty-one (21) years of age, a citizen of the United States, and a qualified voter and resident of the City at the time of and for at least one year next preceding election to such office.
[Ordinance 988, adopted February 5, 1996.]

20.510. Duties generally. The Collector shall, not less frequently than annually, and at such other times as may be designated by the Board, make a detailed report stating the various monies collected during the year, and the amount uncollected and the names of all persons from whom he failed to collect and the causes therefor. The annual report shall be made at the first regular meeting of the Board in March of each year and shall cover the preceding calendar year.

20.515. Bond.
Within fifteen days after his appointment and before entering upon the discharge of the duties of office, the Collector-designate shall execute to the City a bond in the sum of Three Thousand Dollars ($3,000), conditioned as required by this Code.

Subchapter G -- City Treasurer

20.600. Appointment, term.
The Mayor, with the advice and consent of the Board of Aldermen, at the first regular meeting of the Board after the Municipal election at which a Mayor shall appoint a suitable person as City Treasurer who shall hold office for two (2) years and until a successor is appointed and qualified.

20.610. Duties generally. The Treasurer shall receive and safely keep all money of the City which may come into his hands, and shall disburse the money only upon warrants properly drawn, and which are signed by the Mayor and attested by the City Clerk. He shall keep, in a set of books provided for that purpose, a full and accurate account of all money received and disbursed by him on behalf of the City specifying the date of receipt or disbursement, from whom received, to whom disbursed and on what account received and disbursed. He shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto. He shall keep a register of all warrants paid into the treasury, describing such warrants by their date, number, name of payee and amount, specifying the time of receipt thereof, from who received and on what account. He shall issue duplicate receipts for all sums of money which may be paid into the treasury, specifying in such receipts the date of payment and upon what account paid. One of these receipts shall be given to the person making the payment and the other he shall file with the City Clerk who shall thereupon credit the person named in the receipt with the amount of his payment and charge the treasurer with the same. On the last week of each month he shall furnish the City Clerk with a written statement showing the balance in the treasury at the beginning of the month, the amount

received during the month and on what account received, the amounts disbursed during the month and on what account disbursed, and the balance remaining to the credit of each fund and constituting the general balance in the treasury at the close of business on the date when such statement is made as aforesaid. He shall receive and safely keep all warrants, bonds and obligations of the City entrusted to his care and shall dispose of the same only upon proper authority from the Board, or as provided by this Code or other law. He shall provide to the City Collector a copy of the extended taxes by August 1, charging the collector with the amounts of taxes due as shown by tax records; and shall perform such other duties as may be required of him. He shall prepare semi-annually a statement of the receipts and expenditures of the City, and cause the same to be published in a newspaper published in the City.

20.615. Bond.
Within fifteen days after appointment, and before entering upon the discharge of the duties of office, the City Treasurer-designate shall execute to the City a bond in the sum of Fifteen Thousand Dollars ($15,000), conditioned as required by this Code.

20.620. Annual report.
The City Treasurer shall report to the Board at its first regular meeting in March of each year the amount of receipts and disbursements of the treasury during the preceding calendar year, the balance remaining to the credit of each fund and constituting the general balance in the treasury on the first day of the preceding July, the amount of bonds maturing in the current calendar year for the redemption of which provision must be made, and the amount of money required to pay the interest falling due on the indebtedness of the City during such year.

Subchapter H -- City Attorney

20.700. Appointment, term.
The Mayor, with the advice and consent of the Board, at the first meeting after that Municipal election at which a Mayor was elected, shall appoint a suitable person as City Attorney who shall hold office for two (2) years, and until a successor is appointed and qualified.

20.710. Qualifications.
No person shall be appointed to the office of City Attorney unless he be a licensed and practicing attorney at law in this State. If the City Attorney is formally associated with other attorneys who would also qualify as City Attorneys, then such qualified employees, partners and shareholders of or with the same law firm as the City Attorney shall be the City Attorney's assistants.

20.710.1 Assistant.
The City attorney upon approval of the City Council may request that an attorney licensed to practice law in this State serve as his or her Assistant City Attorney and Assistant City Prosecutor. Said Assistant shall assist the City Attorney and/or City Prosecutor and if not an associate, employee, partner, shareholder, or member of the City Attorney, shall be qualified

to serve as Assistant. Further, said Assistant shall be subject to same duties described for the City Attorney and/or City Attorney within 20.700, 20.720, and 20.730.

[Ordinance 1185]

20.720. Duties generally.
The City Attorney shall, in addition to his other duties which are or may be required by this Code or other law, prepare all charges or complaints against persons accused of violations of this Code or other Ordinances of the City and to prosecute same when warranted, and, when ordered by the Mayor to do so, to prosecute or defend all suits and actions to which the City is a party or in which the City is interested. The City Attorney shall take, and he is hereby authorized and empowered to take, all steps of a procedural nature on behalf of the City in all cases where the same may be beneficial to the City's interests. The City Attorney shall give his opinion on legal matters to all City officials when requested. The City Attorney shall represent the interests of the City as an entity over the personal interests of any of its officers or employees and he shall fully and frankly disclose to the Mayor and Board all information related to him by any individual which may affect the City's best interests.

20.730. Report to Board.
The City Attorney shall not attend meetings of the Board of Aldermen unless requested by the Mayor or the President of the Board of Aldermen. The Mayor and any member of the Board may at any time call upon the City Attorney for an oral or written opinion to decide any question of law, but not to decide upon any parliamentary rules, to resolve any dispute over the propriety of proposed legislative action, or to decide any legal question relating to a matter of personal interest to the caller or to retention of the caller's office. The City Attorney shall upon request report to the Board the condition of any matters pending or unsettled in the Municipal Court, or any other proceedings pending in any other Court of which he may have charge.

20.740. Temporary absence.
In case of temporary absence, sickness or other inability of the City Attorney to act for the City, he shall inform the Mayor thereof and the Mayor shall appoint some other attorney to represent the City in such cases. Should the City Attorney fail for any reason to so inform the Mayor and the interests of the City need the immediate services of an attorney, then the Mayor may appoint some other attorney to attend to such interests, who shall receive the compensation allowed to the City Attorney for like services.

20.750. Compensation.
The City Attorney shall receive such compensation as is agreed under written contract with the City. If the City Attorney is formally associated with another attorney under Section 20.710, then the compensation shall be paid to the proprietorship, partnership or corporation constituting such formal association and not to the individual City Attorney.

Chapter 22 -- Finances and Budget

22.010. Fiscal year.
The fiscal year of the City shall begin July 1 and end the following June 30.

22.020. Financial statements published when.
The Board of Aldermen shall, in January and July of each year, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the past six (6) months, which account and statement shall be published in the City.

22.100. Budget required.
Prior to the commencement of each fiscal year, a budget for the City shall be prepared for, presented to and approved by the Board of Aldermen.

22.110. Budget contents.
The annual budget shall contain a complete financial plan for the next fiscal year. The following shall be included in the budget:
1. A budget message to describe the important features of the budget and to point out any major changes from the previous year.
2. An estimate of revenues which are expected to be received during the year from all sources with a comparative statement of the revenues for the previous two years, all shown by year, fund and source.
3. An estimate of proposed expenditures during the year, with a comparative statement of expenditures for the previous two years, all shown by year, fund and object.
4. The amount of money required to pay any interest, amortization, or redemption charges payable during the year.
5. A general summary of the total proposed budget.

22.120. Budget Officer.
The Budget Officer shall be the City Administrator or such other person as the Mayor may designate. The Budget Officer shall prepare the budget after reviewing expenditure requests and revenue estimates with other City officers. The Budget Officer shall submit the completed budget and supporting schedules and exhibits to the Mayor, who shall present same to the Board. [Ordinance No. 2009-1273, adopted March 2, 2009.]

22.130. Mayor to supervise.
The Budget Officer shall prepare the budget under the direction of the Mayor, who shall approve same prior to its submission to the Board.

22.140. Expenditures limited.
Total expenditures in the budget shall not exceed total anticipated revenues plus any surplus or less any deficit from the previous year.

22.150. Debt limited.

Total short-term City debt shall not exceed anticipated revenues for any budget year without approval of the City voters as required by law.

22.160. Budget calendar.
The Budget Officer shall:
1. In January of each year, collect the data necessary and make preliminary revenue and expenditure estimates for the existing and coming fiscal years and not expenditures and revenues for the previous two fiscal years.
2. In February of each year, request from each City Officer a statement of expenditures requested for the coming fiscal year.
3. In March of each year, review all Officers requests and make final revenue estimates for the coming fiscal year, and will confer with department heads to discuss these requests.
4. In April of each year, present a completed proposed budget to the Mayor.
5. In May of each year, confer with the Mayor and other officers as the Mayor may designate for final preparation of the budget.
6. At the regular meeting in June, submit the budget to the Board.

22.170. Budget procedures.
To the extent it conforms to law the budget shall be prepared in accordance with the latest edition of A Guide to Budgeting for Missouri Municipalities published by the Missouri Municipal League.

22.200. City depository.
The Board of Aldermen shall, at its regular April meeting of each year, select a depository for the City's funds for such length of time as deemed appropriate. The City Clerk shall, prior to said April meeting, solicit and receive sealed bids from banks and trust companies of the City, giving the rate of interest which the bidder will pay on monthly balances, which bids shall be opened by the Clerk during said meeting, and the highest and best bidder shall be selected by the Board as such depository, subject to such bidder's execution of a contract with the City as provided in §22.220 and deposit of bonds as required therein.

22.210. Funds to be deposited.
All City funds shall be deposited by the City Treasurer in said depository, and said depository shall at the end of each month send to the Treasurer a statement showing the amount of accrued interest, which statement shall be filed with the Clerk and the amount charged to Treasurer's account.

22.220. Form of contract.
A written contract shall be entered into between the City and the City depository setting forth the terms upon which it is to act as such depository. The Mayor is authorized and directed to make and execute such contract for the City, subject to the rights and duties of the parties imposed by State law, including those under Chapters 95 and 110, RSMo., and subject to any terms and conditions imposed by the Board in connection with the solicitation for bids from prospective depositories. The contract shall always provide that the depository shall safely keep, account for, and pay over to the City Treasurer or other designated officer of the City

at such times and in such amounts as may be required or demanded of it; that said depository will faithfully perform all duties and obligations developing by law upon it as such depository, and pay upon presentation all checks or orders drawn upon it by the proper City officers whenever sufficient funds shall be in its possession out of which to pay the same; that all funds and monies coming into its possession as such depository shall be faithfully kept and accounted for according to law; that to secure the City with full compliance on the part of said Bank with all of the terms and provisions of said contract and of its duties and obligations as such depository, the depository shall have and keep on deposit with an acceptable trustee, named in the contract, at all times while it is the City depository, bonds of the United States of America, or of the State of Missouri or of any city, county or political subdivision thereof, to an amount, in present market value, equal to the amount of moneys or funds on deposit with said Bank as such depository, less that amount, if any, which shall be insured for the benefit of the City by the Federal Deposit Insurance Corporation; that if said depository shall at any time refuse or be unable from any cause to comply with any of the terms or provisions of said contract, or of its duties and obligations as such depository as provided by law, the trustee shall at the written request of the City, be authorized and directed to sell such of the said bonds, so held by it as such trustee, as may be necessary to equal, after paying the expenses of selling the same, the amount on deposit at such depository, and pay the same to the City; that all bonds on deposit with said trustee in excess of such amount on deposit shall be the sole property of said depository; that, as the amount on deposit with said depository will vary from time to time, bonds held by the trustee in excess of the amount herein required to be kept on deposit with the trustee, the depository may at any such time request the Mayor to execute such instrument as shall be necessary to release such of said bonds as shall be in excess of the amount required to protect the City's funds on deposit, and said trustee shall on receipt of said instrument executed by the Mayor release such excess bonds to the depository; provided, that this provision shall not relieve the depository of its duty to have and keep on deposit with said trustee bonds in the amount herein required; that the depository shall pay all charges and expenses incurred in the purchase or sale of said bonds and all charges and fees of said trustee for acting as such; that until default, if any, the depository shall be entitled to all interest payable on said bonds, and after default all such interest shall be kept with said bonds until the amount necessary to make good the obligations of the depository to the City has been determined, whereupon any excess interest shall be paid to the depository; and that in consideration of the provisions of said contract, the depository will act as such City depository and handle the funds of the City on the terms herein set forth.

Chapter 23 -- Personnel Manual

23.010. Probationary Period.

Each new employee shall be a "probationary" employee for the first six (6) months of employment and may be dismissed any time for any reason or no reason during this period. An employee so dismissed should be notified seven (7) calendar days prior to the effective date of dismissal, but such notice is not mandatory and may be dispensed with where the interests of the City so require.

23.015. Hiring Procedures for City of Hamilton, Missouri.

A. General Requirements.

All recruitment, selection and promotion procedures of the City of Hamilton, Missouri, shall comply with Federal, State and local law governing employment practices.

B. Recruitment

1. Requisition: Recruitment shall be planned to assure open competition and shall be conducted by the City Clerk. When a vacancy is to be filled, the recommending department head shall submit a Request to the Board of Aldermen. This requisition shall state the job title and other information as the Board may require.

2. Posting: The Clerk shall post notice of the vacancy in places where such notices would obtain public attention and attract qualified persons. The posting shall include the job title, essential functions of the position, the minimum qualifications for the position, and the place for applying.

3. Application Forms: Applications for employment must be processed through the City Clerk. Applications shall be made on forms prescribed by the City Clerk and shall be filed with the City Clerk. Applications shall be signed by the applicant to certify the truth of the statements contained therein.

The City Clerk will require proof of age, education, experience and other information as may be appropriate to the position for which the applicant applies. Applications for employment must be processed through the City Clerk prior to any action by the Board.

4. Disqualification: The Board may disqualify any applicant whose application indicates the following:

a. The applicant is physically or mentally unable to perform the essential functions of the position;

b. The applicant has been convicted of a felony and has not received a pardon or cannot obtain a statement from a probation officer attesting rehabilitation and the conviction relates to the qualifications or requirements of the position;

c. The applicant has made any false statements or omissions of material fact on the application.

d. The applicant has failed to submit the application correctly;

e. The applicant does not possess the minimum qualifications for the position as indicated in the job description;
f. The applicant was a previous City employee who was dismissed for cause.
g. The applicant will be disqualified for an appointment which violates the nepotism policy. If a position vacancy occurs in a department where a job applicant has relative(s) by consanguinal or affinity relationship, the case shall be reviewed for possible conflicts by the City Clerk, and a recommendation made to the Board.

If an applicant is disqualified, the individual shall be given notice of the disqualification and the reasons for the disqualification. If any applicant feels he or she has been discriminated against in regards to race, ethnicity, religion, color, sex, age, or national origin, the applicant may appeal the disqualification to the Board within ten (10) working days after receipt of the disqualification notice.

In the event the applicant believes he or she was discriminated against due to a disability, the applicant may file an appeal with the Board, within ten (10) working days after notification of disqualification.

C. Selection
Selection procedures used to determine the relative fitness and ability of applicants will be job related and maximize validity, reliability and objectivity.

1. Application Evaluation: The City Clerk, or designee, shall review and evaluate all applications to insure compliance with application guidelines as set forth in paragraph 3 of Section B above. The application evaluation will determine if the job applicant meets the minimum qualifications of the job. Applicants meeting the qualifications for the position will proceed through the selection process until the final eligible candidates are selected for review by the Board.

2. Testing/Examinations: The City Clerk shall insure that all tests and examinations, including physical examinations (with or without drug screenings), given to applicants, whether assembled or unassembled, are job related, and open to all qualified applicants. All tests, examinations and evaluations shall be under the direction and control of the City Clerk. The Board shall determine minimum passing scores for all tests and examinations. These scores shall be consistent, reasonable and shall not be established to exclude any applicant from competing for a position. The City Clerk will, in as far as possible, insure that each qualified applicant has a minimum of three (3) working days notice of the date, time, and place of all assembled examinations, or tests. The City Clerk will, in as far as possible, insure that public safety employees will be given a two (2) week notice for all promotional examinations. The notice will state the date, time, and place of assembled examinations, or tests.

Employees will be allowed to take a make-up examination when applying for a promotional position if the employee is absent on approved leave during the time of the test and has received advanced authorization in writing from the City Clerk, or if the employee is unable

to be relieved from duty due to an emergency as documented by the employee's department director.

Each qualified applicant taking a written examination shall be notified of his or her score. Individual test scores shall be made available only to the applicant, the Board, and the Mayor.

All written tests and examinations will be confidential and the City Clerk shall take appropriate steps to insure that tests and examinations are not compromised. If the City Clerk has knowledge, or suspects any test or examination material has been compromised he or she will immediately destroy that material and cease using the material for any selection procedure.

Special eligibility for candidates with disabilities: In some instances, established testing procedures may not be appropriate for candidates with disabilities. The eligibility of these candidates shall be determined by scored procedures which best measure the candidates' ability to perform the essential functions of the position. Reasonable accommodation for testing will be considered when requested by the applicant forty-eight (48) hours before the scheduled test.

3. Eligibility Lists: The City Clerk may create an eligibility list of all candidates who have successfully passed all tests, examinations or evaluations. Candidates' names will be placed on this list from first to last according to total score with the highest scoring candidate first. When more than one test, examination or evaluation is used, the City Clerk will assign a weight to each testing/evaluation procedure. Weights to a particular test, examination or evaluation, will be based on the relative importance of each skill related to the essential functions of the position and will not be assigned to exclude or give advantage to an applicant or candidate. In case of a tied total score, the names of the candidates with tied scores will be placed on the list in the order of the score received on that part of the selection procedure assigned the highest weight.

If no assembled test is given, the Department Head shall evaluate candidates according to related experience, work history, and education.

After the eligibility list has been established, the City Clerk shall certify the list. This certification shall insure that all candidates on the list meet minimum qualifications for the position; that all candidates are evaluated by their ability to perform the essential functions of the position; and that the list was established in accordance with the requirements of the these policies and procedures.

Each eligibility list shall become effective on the date certified by the City Clerk and shall remain in effect for a period of up to one (1) year from the date of certification. The duration of a certified eligibility list may be extended once, for a period not to exceed six (6) months, by the City Clerk.

The City Clerk will remove the name of any candidate from an eligibility list:
a. If it is discovered that the eligible candidate was subject to disqualification as an applicant;
b. If an eligible candidate requests that his/her name be removed;
c. If an eligible candidate cannot be contacted or fails to respond to a request from the recommending authority for an employment interview. Eligible candidates must notify the City Clerk, in writing, of any change of address; or
d. If an eligible candidate, following appointment to a position in the municipal service, fails to report to work as scheduled, it will be considered that the candidate has refused the appointment.

A candidate who has been removed from an eligibility list for failing to appear for an employment interview may request the City Clerk, in writing, to restore his/her name to the list. The request must be made within ninety (90) days from the date of removal, and must show good cause for failing to appear.

The City Clerk and department head may evaluate only the top candidates, if the recruitment is for a specific position and no eligibility list will be maintained. Only the candidates whose resume/application reflects the highest level of related education and experience will be ranked.

4. Appointments - All appointments shall be made as follows:
a. Regular Full-time
(1) The department head will interview at least three (3) candidates for each vacancy, if available.
(2) After receiving the candidate applications, the department head shall conduct an employment interview with all candidates. The department head can then make a recommendation for hire to the Mayor and Board, from the candidates interviewed or reject the list of candidates. Additional candidates will be referred, if requested and available.
(3) Upon receipt of the department head's recommendation, the City Clerk shall forward the recommendation to the Mayor and Board.
(4) The Board may approve or disapprove the department head's recommendation. No offer of employment can be made until approved by the Board. If not approved, the Board may request additional recommendations.

b. Regular Part-time Appointments - Appointments to regular part-time positions shall follow the same procedure set forth for regular full-time positions.

c. Public Safety Appointments - Candidates appointed to public safety positions shall meet all of the requirements of these Personnel Policies and Procedures, and the requirements of applicable City, State and Federal laws.

d. Temporary Appointments
(1) Temporary appointments need not follow the formal selection procedures established for permanent positions. The department head shall then make recommendations to the Board for approval. The Board may then approve or disapprove the department head's

recommendation. Temporary appointments may be budgeted for particular projects or to perform the duties of a position where the regular employee is on extended leave.
(2) If a position in this category becomes regular, the procedure, as provided for in this Article, for filling a position will be followed. The incumbent may apply for the regular position; however, such appointment will not be automatic.
(3) Temporary appointments shall only be made under the direction of the Mayor for the good of the service.
(4) Credit shall be allowed for service as a temporary appointment toward meeting the requirement of a regular appointment. Uninterrupted service between a temporary appointment and a regular appointment shall be credited toward benefits. Temporary appointment service shall not apply to a probationary period.
(5) A temporary appointment shall not exceed six (6) months, and may end at any time. The employee shall be given as much prior notification regarding their end of assignment, as is practicable.

5. Emergency Appointments: To meet the immediate requirements of an emergency which threatens public safety or property, the Mayor may appoint persons needed for the duration of the emergency, without regard to these Personnel Policies and Procedures.

6. Acting Capacity Appointments: The Mayor shall have the authority to make an acting capacity appointment for a period not to exceed six (6) months. Appointments shall be made from qualified individuals who are familiar with the work of the department in which the acting capacity appointment is to be made.

D. Probation
The probationary period is a working test during which an employee, appointed or promoted, demonstrates his or her ability to meet the required standards of the position to which he or she has been appointed or promoted. All classified employees appointed or promoted to regular full-time or regular part-time positions shall serve a probationary period.

1. Duration:
a. General Service Employees - The probationary period for employees, whether originally appointed or promoted, shall be for six (6) months. If a general service employee on probation is transferred during his or her initial probationary period, he or she shall serve six (6) months probation for that position beginning with the effective date of the transfer.
b. Public Safety Employees –
(1) The probationary period for newly appointed police will be a minimum of six (6) months.

2. Extension of the Probationary Period:
a. A department head may recommend an extension of the probationary period up to an additional six months, if he or she feels the employee is capable of meeting the performance standards within a specified time. The recommendation shall be reviewed by and approved by the Mayor. A performance appraisal and action plan for improvement must include the recommendation to extend the probationary period.

b. If the probationary employee is absent more than thirty (30) calendar days during the probationary period, this time shall not be considered toward completion of the probationary period. The probationary period shall be extended for the same period of the absence to allow for a full six months performance evaluation.

3. Probationary Performance Appraisals:
a. General Service Employees - Two performance appraisals shall be submitted during the probationary period; one at the end of the third (3rd) month, and one at the completion of the six (6) months probationary period.
b. Public Safety Employees - Three (3) performance appraisals shall be submitted during the initial probationary period; the first at the end of six (6) months' employment; the second at the end of nine (9) months' employment; and the third two weeks prior to completion of the twelve (12) months' period. Performance appraisals for promoted Public Safety employees shall be the same as for general service employees.

4. Regular Status: Only upon recommendation of the department head, with the approval of the Mayor, shall an employee be granted regular status in the City service. Regular status will not be granted until the employee has successfully completed the probationary period as reflected by the performance appraisal report.

5. Release During Initial Probationary Period: At any time prior to granting regular status, an initial probationary employee may be separated from employment with or without cause. Such action cannot be appealed or grieved, except if the employee feels that the separation is due to discrimination.

6. Promotional Probation: Upon successful completion of the required probationary period following a promotion, the employee shall be granted regular status. Regular status shall be approved only after the City Clerk has received a performance appraisal report. If during the required probationary period the employee shows an inadequate performance and subsequent lack of improvement, the department director may serve written notice that he or she intends to deny regular status. Upon the recommendation of the department head and the approval of the Mayor, the denial shall become effective on the date recommended by the department head. The employee shall be notified as soon as practicable. The employee shall have the right to appeal an adverse decision to the Board.

An employee who fails to qualify for regular appointment during a promotional probationary period, or who voluntarily decides not to promote, shall be reinstated to the position from which the employee was promoted. Reinstatement will be made only if the probationary employee is not discharged for cause in the manner prescribed in these Personnel Policies and Procedures. If the position has been filled, he or she shall be put at the top of the eligibility list for that class. If there are no vacancies in that class the employee may be moved to layoff status.

E. Employee Performance Appraisals

Performance appraisals shall serve the dual purpose of providing feedback to employees regarding their performance and ensuring that all employees meet acceptable levels of performance. The annual appraisal of regular employees shall consider individual ability and competence, acknowledge the employee's accomplishments, and designate areas for improvement.

1. Frequency: Performance appraisals shall be scheduled in the following manner unless specifically provided for otherwise:

Employment Status	**Duration**
New/probationary	3 months
Promotional/probationary	6 months
Regular	Each 12 months thereafter

2. Procedures

a. The performance appraisal shall be completed on performance appraisal forms provided by the City Clerk. The employee's supervisor shall be responsible for administering this appraisal which shall be signed by the department head.

b. The employee shall sign the original to acknowledge that the performance appraisal was discussed with the employee. The employee shall receive a copy of the performance appraisal and the original shall be sent to the City Clerk and be maintained in their personnel file.

c. The supervisor shall discuss progress or work areas needing improvement, personal development and achievements with the employee. Any disagreement may be recorded, in writing, to be filed at the same time in the personnel file and shall be retained with the performance appraisal.

d. Pay increases, if authorized, shall be effective on the employee’s annual review date and shown on the properly executed action form. To insure pay increases are handled timely performance appraisals shall be completed ten (10) business days prior to the employee’s anniversary date. Performance increases will not be authorized without an approved performance appraisal report.

e. Pay increases will be recommended by the department head based upon performance. The Mayor and Board must authorize all pay increases.

3. Appeal of the Performance Appraisal

The employee may appeal the performance appraisal to the Mayor. This will be the only remedy available to the employee.

F. Promotions

Procedures for selecting candidates for promotion shall be identical to the procedures for selection as stated in Section C of this Article.

If an eligibility list for a position includes both City and non-city applicants, preference shall be given to qualified City employees who have applied. This is to promote upward mobility in the classified service.

G. Nepotism

Nepotism in Hiring Decisions: All hiring decisions shall comply with Nepotism provisions of the City Code.

1. Nepotism Discouraged. The City discourages nepotism by prohibiting:
a. any City official or employee from participating in the hiring of a relative; and
b. an employee from working under the supervision of a relative.

2. Supervision by Relatives: No employee shall be employed, promoted, transferred or reinstated in or to any position and shift where the employee will supervise directly or be supervised directly by any relative.

3. Marriage: Upon marriage, where a situation of nepotism is created under section 2 above, the employee with the least seniority with the City will be terminated unless other solutions are made. For purposes of this paragraph 3 only, “relative” means any person related by affinity or consanguinity within the second degree. Other methods for resolution may include:
a. The employee with the most seniority submits his or her resignation;
b. One of the affected employees is qualified, and willing to accept placement in another department or area, and such placement would eliminate the violation of paragraph 3, above. A vacancy must exist, and the employee successfully competes for the vacant position within the limits of the City's merit system; or
c. The employee voluntarily resigns.

4. Effective Date: The provisions of this section shall not be retroactive and shall not apply to any employment, promotion, transfer or reinstatement which occurred prior to March 3, 2008. This section applies to all employees, including part-time, seasonal and temporary employees.
[Adopted by Ordinance No. 1225, adopted March 24, 2008.]

23.020. Minimum Age.
The minimum age for full time employees shall be eighteen years of age.

23.030. Resident.
- REPEALED – [Ordinance 1216, adopted November 5, 2007.]

23.040. Relatives in City Service (Nepotism).

No person related by consanguinity (blood) or affinity (marriage) to an existing City employee or officer shall be employed under the same supervisor or where the supervisor or officer is the relative.

23.050. Outside employment.
No full time employee shall accept outside employment without prior written consent of Board of Aldermen.

23.060. Conduct, work habits, attitude.
Each City employee shall maintain high standards of conduct, cooperation, efficiency and economy in their work for the City.

23.070. Grievance policy.
Any employee may present any grievance related to his employment to the Mayor and Board of Aldermen for consideration.

23.080. Overtime.
1. Classification of Employees. The Employees of the City of Hamilton are classified as follows:
a. Non-Exempt Employees – those employees that the City of Hamilton is required to pay overtime for hours worked in excess of 40 hours per work week under the Fair Labor Standards Act ("FLSA"). This includes most employees except for public officials and department heads.
b. Exempt Employees - those employees that the City of Hamilton is not required to pay overtime for hours worked in excess of 40 hours per work week under the Fair Labor Standards Act. This includes public officials, and department heads, and includes those employees whose duties and compensation meet the requirements to be an exempt executive, administrative, professional or computer employee as defined in federal law.

2. Non-Exempt Employee's Overtime. Non-Exempt Employees with work hours in excess of 40 hours per workweek will receive compensatory leave (also called "comp time") if overtime pay under FLSA would otherwise be due to the employee for such overtime work. Compensatory Leave is earned in lieu of cash payment. Compensatory Leave is earned at the rate of time and one-half hours for every overtime hour worked as defined in the FLSA.

3. Exempt Employee's Overtime. Exempt Employees are not eligible to earn compensatory leave.

4. Supervisor Approval. No overtime shall be worked by any Employee without prior approval of his or her supervisor.

5. Accumulation of Compensatory Leave. Employees and their supervisors are to minimize the accumulation of comp time. Non-Exempt employees, other than police, are limited to the accumulation of 240 hours of comp time [Comp time is granted at a rate of one

and one-half hours for each overtime hour worked. Thus, the 240 hour limit represents 160 hours of actual overtime worked], and police are limited to the accumulation of only 480 hours of comp time. All overtime earned in excess of these limits will be paid.

6. Use of Compensatory Leave. Supervisors are to ensure that employee leave slips are marked with the appropriate leave category, according to the employee's leave balances. The City may require employees to take all or part of accrued comp time at any time.

7. Termination of Employment. Upon termination of employment for any reason, unused compensatory leave earned by non-exempt employees shall be paid at the employee's regular pay rate as of the date the compensatory leave was earned.

8. Participation in Compensatory Leave Program. Non-exempt employees will automatically participate in the comp time program in lieu of receiving overtime wages. The agreement between the employee and the City concerning the use of compensatory time off is a condition of employment or continued employment. This policy constitutes an agreement or understanding in advance that these employees will be given comp time off for overtime work. On request an employee will sign an agreement consenting to the Comp time program.

9. Workweek. The City's Workweek is a 7 day period and begins on Monday at 12:01 a.m. Paid holidays, sick leave, and other types of leave are not considered as time worked for the purpose of accruing comp time. [Ordinance No. 1256, adopted September 8, 2008]

10. Unauthorized Overtime Prohibited. Working unauthorized overtime may be cause for disciplinary action.

11. Comp Time Not Hours Worked. Compensatory time will not be counted as hours worked for purposes of computing overtime.

12. Compliance with FLSA. If any employee believes that he is not being paid properly under the FLSA, the City has created the following complaint procedure:

A. As soon as an employee finds a possible error in his or her pay, (including an improper deduction) contact his or her supervisor to inform them of the nature of the possible error.

B. If the employee does not receive a satisfactory response within 14 days, then the employee shall contact the City Clerk and provide him the information as to the possible error in the pay.

C. All FLSA complaints should be clearly marked "FLSA Complaint" to assure proper handling.

If the City determines that an error was made in the employee's pay, it will promptly:

A. Reimburse the employee for the error; and

B. Commit to fully comply with FLSA requirements in the future by providing training to the supervisor involved who approved the improper deduction or other error and taking such

other action (up to supervision or termination of the supervisor involved) as is needed to assure future FLSA compliance.
[Adopted by Ordinance No. 1222, adopted March 24, 2008].

23.090. Holidays. Legal holidays to be observed shall be:
New Years Day
Martin Luther King, Jr. Day
Presidents Day
Memorial Day
Independence Day
Labor Day
Veteran's Day (November 11)
Thanksgiving Day and subsequent Friday
Christmas Day
Any full time employee required to work on a legal holiday shall receive compensatory time off in an amount of hours equal to the amount of hours worked on such holiday.

23.100. Vacation. Vacation. Full time employees shall earn paid vacation at the following rate:

After one (1) full consecutive year of employment: Two (2) weeks each year.

After five (5) full consecutive years of employment: Three (3) weeks each year.

All paid vacation time should be used during the "anniversary year" following the year in which earned. An employee may accumulate up to 3 weeks of paid vacation. Any paid vacation time in excess of 3 weeks must be used within the employee's current anniversary year or will be forfeited, provided however that the Board of Alderman may grant permission to extend the period of time for up to 6 months within which paid vacation time may be used. In the event of termination of employment, any unused paid vacation time will pay for at the regular rate of pay of the employee at the time the vacation time was earned. An employee's "anniversary year" is the full year following the date employment commenced with the City.

An employee whose employment with the City is terminated and who then returns to City employment shall be treated as a "new" employee for purposes of vacation time eligibility.
[Ordinance No. 1220, adopted January 7, 2008.]

23.110. Sick leave.
All full-time employees shall earn sick leave with full pay at the rate of one day per calendar month and may accumulate same to a maximum of thirty (30) days. Sick leave shall accrue from the date of commencement of employment, but shall not be taken until completion of the six month probationary period except with permission of the Board. Sick leave may never be taken in advance of earning. An employee may be eligible for sick leave for the following reasons:
1. Personal illness or physical incapacity.

2. Quarantine ordered in writing by a physician.
3. Death of an employee's parent, grandparent, sibling, child or grandchild to a maximum of three (3) days.
4. Illness of an employee's dependent or household member requiring care by the employee.
An employee who is unable to report for work because of the above reasons shall report the reason for his absence to his supervisor within two (2) hours from the time he is expected to report for work. Sick leave with pay shall not be allowed unless such report has been made. Sick leave with pay in excess of three (3) working days shall be allowed only after a written statement by a physician certifying that the employee's condition prevented him from appearing for work. An employee whose City employment is ending shall not use sick leave in the last two calendar weeks of employment, and unused sick leave will not be compensated for in any way at the time an employee's employment ends. [Ordinance No. 2009-1274, adopted March 2, 2009.]

23.120. Work schedule.
All employees of the City shall work eight hours a day and forty (40) hours a week, except City Hall employees who shall work from 8:00 a.m. to 5 p.m. with one hour for lunch. The City Clerk/Collector shall work 40 hours in a week. The City Court Clerk/Utility Billing Clerk shall work 35 hours in a week.
[Ordinance Number 1184, adopted February 5, 2007.]

23.130. Use vehicles and equipment.
No City owned or leased vehicles or equipment shall be used for personal purposes, nor shall any such vehicles or equipment be transported to or kept at an employee's home or any place other than City property or City work sites. No person or property other than City employees and City property shall be transported on or ride, or operate any City vehicle or equipment without specific written authorization. Use of non-City vehicles or equipment is prohibited without specific written authorization; when so authorized, the use of non-City vehicles shall be paid for by the City at the rate of $.25 per mile upon satisfactory written proof of a claim for reimbursement.

23.140. Day off for street sweeper.
The City employee operating the City street sweeper shall have the day immediately following such operation off.

23.150. Breaks.
The supervisors of the various City departments shall have discretion in determining the times and duration of all breaks for the employees under their supervision. All breaks by all employees shall be taken only at the water plant, street barn, city hall or job site.

23.160. Pay raises.
No employee is entitled to any raise in pay. Pay raises shall be given in the discretion of the Board of Aldermen and may be given for exceptional quality or quantity of service performed for the City and for such other reasons as the Board deems appropriate.

23.170. Penalties.
It shall be unlawful for any person to violate any provision of this Chapter 23 or cause or aid and abet any such violation, and any person convicted of a violation hereunder shall be punished as provided in Chapter 13 of this Code for each such violation.

23.180. Dismissal.
Any employee may be terminated or dismissed from employment without cause by the Board of Aldermen.

23.190. Alcohol and Controlled Substance Use, Abuse and Testing Policy.

Section 1: Policy.
A. It is the policy of the City of Hamilton. Missouri, to provide safe, dependable and economical services to its citizens and to provide safe, healthy, satisfying working conditions for its employees and to comply with the requirements of Federal law and regulations related to the Omnibus Transportation Employee Testing Act of 1991.

B. To meet these goals, it is the policy of the City to ensure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a work environment free from the adverse effects of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependence, adversely affect their ability to perform assigned duties.

Section 2: Purpose.
The purpose of the Act and this policy is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles; to assure covered employee's fitness for duty; and to protect City employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable Federal regulations governing work place alcohol and controlled substance abuse programs which are mandated under the above noted Act. This Act mandates urine drug testing and breathalyzer alcohol tests for safety sensitive positions and prevents performance of safety sensitive functions when there is a positive test result. Federal law has also established standards for collection and testing of urine and breath specimens, the reporting of certain drug related offenses, protective measures; the preservation of confidentiality and for certain reporting requirements.

Section 3: Applicability.
This policy applies to all employees who perform safety sensitive functions defined in the Omnibus Transportation Employee Testing Act, its implementing regulations, including persons who are required to possess a commercial drivers license (CDL) for the operation of a commercial vehicle as defined and regulated under State law.

Section 4: Definitions.
For the purposes of this Chapter the following terms shall be deemed to have the meaning indicated below:

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.
Alcohol Concentration: The concentration of alcohol in a person's breath expressed as in terms of grams of alcohol per two hundred ten (210) liters of breath as indicated by an evidential breath test.
Alcohol Use: The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
Commercial Drivers License (CDL): A license issued pursuant to State law which authorizes an individual to operate a commercial motor vehicle.
Commercial Motor Vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property and defined as a commercial motor vehicle by State law (302.700 RSMo.) and the Act:

1. Has a gross combination weight rating of twenty six thousand and one (26,001) or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand (10,000) pounds; or
2. Has a gross vehicle weight rating of twenty six thousand one (26,001) or more pounds; or
3. Is designed to transport sixteen (16) or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

Confirmation Test: A second (2nd) test conducted after an initial alcohol or drug test to confirm the presence of alcohol or drug metabolites in an employee's system. Confirmation tests for alcohol will be conducted using an approved evidential breath testing device and for drugs by testing urine by means of gas chromatography and mass spectrometry (GC/MS).
Controlled Substance: The drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated for testing in 49 CRF 40 including: opiates (heroin), amphetamines, cocaine, marijuana (THC Metabolite) and phencyclidine (PCP).
Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
Safety Sensitive Function: All time that a commercial motor vehicle driver is performing, ready to perform, or immediately available to perform the following tasks:

1. Waiting to be dispatched, unless the driver has been relieved from duty;
2. Inspecting, servicing, or conditioning any commercial vehicle at any time;
3. Driving time;
4. Remaining in or upon any commercial motor vehicle, while not driving, except time spent resting in a sleeper berth;

5. Loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded;

6. Performing the driver requirements relating to accidents;

7. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening Test (Initial Test): The initial drug or alcohol test to determine whether an employee has controlled substances or prohibited concentration of alcohol in their system. Screening test for alcohol are by breath test, and, for controlled substances, a urine test by immunoassay, enzyme process or other method approved by 49 CRF 40.

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Section 5: Policy Administrator.

A. The Administrative Assistant, or his designee, shall be the controlled substance and alcohol policy administrator for the City. Any inquiries concerning this policy, its application, administration or its interpretation shall be made to the Policy Administrator.

B. The Policy Administrator shall maintain a current list of the city positions that are governed by this policy. This list shall be available for inspection by any individual who is applying for a position with the City, any current City employee, or the public. Current City employees shall be notified if they are subject to this policy.

C. The Policy Administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under Federal regulations. (Part 40 CRF) The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

Section 6: Alcohol and Controlled Substances Prohibitions.

A. An employee is prohibited from performing any safety sensitive functions and from engaging in any work related functions:

1. While consuming alcohol;
2. While having an alcohol concentration of 0.02 or greater;
3. Within four (4) hours after consuming alcohol; and/or
4. After refusing to submit to an alcohol test.

An employee is prohibited from consuming alcohol within eight (8) hours after an accident for which the employee is subject to post accident testing as specified in this policy.

B. An employee is prohibited from the unauthorized use and/or possession of a controlled substance at any time, whether on or off duty. In the event an employee is authorized to use a controlled substance by medical prescription, it is the employee's duty to

inform the prescribing doctor that they perform safety sensitive functions while at work and to obtain from that doctor a release to perform such work while taking or using the prescribed substance. The employee is prohibited from using the prescribed substances other than in the amount and manner prescribed. Violation of these requirements may be cause for disciplinary action up to and including termination.

C. An employee is prohibited from the unauthorized possession of alcohol while on duty.

D. An employee who violated any of these provisions or tests positive for drugs or alcohol will be subject to disciplinary action up to and including termination of employment.

E. *Notification of Employer by Employee of Violation/Conviction.* Any employee whose job performance requires the possession of a valid CDL must notify the Policy Administrator of any conviction for a violation of any State or local law relating to motor vehicle traffic control (other than parking violations) within thirty (30) days of the conviction. In addition, such an employee who loses the CDL for a violation of or as a consequence of the law or any administrative action shall notify the Policy Administrator immediately of the loss of the CDL and shall be subject to disciplinary action up to and including termination.

F. Any employee convicted of illegal conduct related to controlled substances or alcohol shall report such a conviction to the Policy Administrator. Convictions resulting from such illegal conduct may result in disciplinary action, and failure to report such conviction shall result in disciplinary action up to and including termination.

Section 7: Controlled Substance and Alcohol Testing Provisions.

A. Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment testing, random testing, reasonable suspicion testing, post-accident testing, return to work testing, and follow-up testing.

B. *Pre-Employment Testing.* Pre-employment urine drug testing and alcohol testing if mandated by Federal regulations shall be required of all applicants for positions covered by this policy as a condition of the application procedure. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety functions for the first time. The failure of a controlled substance or alcohol test disqualifies an applicant from appointment to City employment.

C. *Reasonable Suspicion Testing.*

1. Reasonable suspicion urine and/or breath alcohol testing, shall be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance use. The determination that reasonable suspicion exists must be based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech and body odors of the employee. The observations for controlled substances may include indications of the chronic and withdrawal effects of controlled substances.

Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonable conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the controlled substance or alcohol. The observing supervisor or manager is required to complete the appropriate required documentation within twenty-four (24) hours of the observed behavior or before the results of a controlled substance test are released, whichever is sooner.

2. Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case no later than before eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing. The City will document the reason for not promptly conducting the required tests.

D. *Post Accident Testing*

1. Federal Highway Administration regulations require alcohol and controlled substance testing following an accident for any employee who was performing safety sensitive functions if the accident involved a fatality or for any employee who receives a citation for a moving traffic violation. The City also may require testing for all employees whose performance may have contributed to the accident, as well as the employee(s) who was(were) involved in the accident when injury to a person requires transport to a medical treatment facility, or disabling damage to one (1) or more vehicles requires towing from the accident site to occur.

2. Post accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case, later than before eight (8) hours after the accident for breath alcohol testing and thirty-two (32) hours for controlled substance testing. An employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first. The City will document the reasons for not promptly conducting the required tests.

3. Any employee who leaves the scene of an accident without appropriate authorization prior to submission to controlled substance and alcohol testing shall be considered to have refused the tests and the employee's employment may be terminated for such action. This does not require the delay of medical attention or other assistance necessary in responding to the accident.

E. *Random Testing.* Random testing shall be conducted on employees performing safety sensitive functions. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method and provided that no less than twenty-five percent (25%) of all safety sensitive positions are tested for alcohol each calendar year and no less than fifty percent (50%) of all safety sensitive positions are tested for controlled substances each calendar year. Testing shall be

conducted whenever and as ordered by appropriate supervisory personnel, but no less frequently than required by Federal law and regulations.

F. *Return to Duty Testing.* Return to duty urine drug and/or breath alcohol testing shall be required for an employee who has previously tested positive for either category of substance or who admitted alcohol or substance abuse and received treatment for such abuse. The employee must test negative and be evaluated and released to work by a SAP.

G. *Follow-Up Testing.* Follow up testing of any employee allowed to return to work will be required. The employee will be required to submit to frequent unannounced random urine drug and/or breath alcohol testing for at least six (6) times in the following twelve (12) months after returning to work. Follow-up testing may be continued for a period of up to sixty (60) months from the employee's return to work date.

H. *Confirmatory Testing*. Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample, and the test analysis may be conducted at a different qualified laboratory than where the original test was conducted. All costs for employee requested testing shall be paid by the employee unless the second (2nd) test invalidates the original test. An employee's request for a retest must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test results. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

I. *Consequences of Testing Positive*. An employee testing positive will be removed from duty immediately. The City is not required to return employees who have tested positive or otherwise violated this policy to a safety sensitive position or to retain them as employees. Moreover, an employee cannot be required to safety sensitive duties until he or she has been evaluated by a substance abuse professional, has complied with recommended rehabilitation, and has received a negative result on a return to duty test.

J. *Failure to Test*. Any employee who:

1. Fails to report immediately to the test site and/or
2. Fails to submit to the required testing, including all required testing procedures; and/or
3. Fails to provide an adequate sample of urine for controlled substance testing or breath for alcohol testing without medical justification; and/or
4. Provides an altered sample of urine is considered to have refused to test and shall be subject to disciplinary action up to and including termination. An employee who states at the time of the test that he/she is physically unable to provide an adequate urine or breath sample shall be evaluated by a licensed physician selected by the City.

K. *Testing Procedures and Results*.

1. Alcohol testing. Alcohol tests are conducted on evidential breath testing devices that measure the concentration of alcohol in breath. An initial screening test will be conducted. Any result that is less than 0.02 alcohol concentration is considered negative. If the alcohol concentration is 0.02 or greater, a second (2nd) confirmatory test must be conducted. Any employee who tests with an alcohol concentration of 0.02 or greater shall be removed from safety sensitive duties for at least twenty-four (24) hours. If the alcohol concentration is 0.04 or greater, the test is considered positive.

2. *Controlled Substance Testing.*

a. Controlled substance testing is conducted for the controlled substances as defined in this policy. Individuals tested under this policy must provide a urine specimen that will be tested at a reputable laboratory. Urine specimens will be collected, and chain of custody methods will be followed, to assure that the security, integrity and identification of each specimen is protected. The actual testing for controlled substances is a two (2) stage process. An initial screening test is conducted. If the screening test is positive for one (1) or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GS/MS) analysis.

b. Any employee who tests positive on the confirmatory test shall be interviewed by the City's Medical Review Officer (MRO). The MRO will attempt to determine if there is an alternative medical explanation for the test result. The employee will be notified of the results, whether positive or negative. As discussed above, an employee may require a confirmation test of a positive result.

3. *Results.* Any employee who is found to have engaged in prohibited alcohol or controlled substance abuse conduct under this policy shall be immediately removed from work related activity and the employee shall not be permitted to resume work, if at all, until the employee is

a. Evaluated by a SAP, and
b. Complies with the rehabilitation contract if such is required, and
c. Has tested negative in a return to duty test.

Section 8: Employee Assessment.

Assessment by a SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the City. An employee violating this policy or other applicable drug and alcohol rules may be subject to disciplinary action up to and including termination, and further, an employee who is engaging in an illegal activity shall be subject to prosecution under applicable criminal law.

Section 9: Rehabilitation.

A. Any employee who voluntarily presents himself/herself to appropriate City officials for the treatment and/or rehabilitation for a controlled substance or alcohol related problem prior to investigation or detection of the employee shall be permitted to retain their employment with the City and seek rehabilitation under a rehabilitation contract with the

City. Any employee who does not voluntarily come forward with a problem before testing positive or otherwise violating this policy will be subject to discipline up to and including discharge. Nonetheless, if such an employee is determined to be in need of assistance for a controlled substance or alcohol related problem under this policy by the SAP, he or she may be reinstated, at the City's discretion, after completion of a rehabilitation plan acceptable to the City, provided the employee agrees to adhere to the terms of the rehabilitation contract with the City. Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the City.

B. *Rehabilitation Contract*. If the City decides to permit reinstatement after rehabilitation, it will require the employee to sign a rehabilitation contract. The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. The employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the SAP or by a rehabilitation professional accepted by the City; and
2. The employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy; and
3. The employee provides a release of all medical records for use and review by the City relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and
4. The employee agrees to unannounced random testing for City determined periods of time subsequent to the employee's return to work consistent with this policy; and
5. The employee agrees to submit to return to work testing demonstrating that the employee is negative under controlled substances and/or alcohol tests standards; and
6. The employee agrees that any future controlled substance or alcohol violations shall be considered as a resignation of the employee from City service without recourse.

Section 10: Education and Training.

A. The City shall provide all employees with a copy of this policy and shall display and distribute materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City shall also provide information to employees regarding available treatment and rehabilitation.

Section 11: Confidentiality of Records.

Except as provided by applicable Federal regulations regarding disclosure of records, all records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the MRO and the SAP, when and as applicable. Employee alcohol and drug testing results and records are maintained for up to five (5) years. These records may be released only to others with the written consent of the employee, to the Department of Transportation or State agencies, or to a decision-maker in legal proceedings involving the testing. Employees may request in writing copies of any records pertaining to their use of alcohol or drugs or testing results. Applicants may request

the results of pre-employment tests within sixty (60) days of learning the disposition of the employment application.

Section 12: Reference.
The following reference materials may be consulted for guidance in administering this policy:

1. Omnibus Transportation Employee Testing Act of 1991;
2. 49 CFR 40 (Testing Procedures); and
3. 49 CFR 382 (Testing of CDL drivers).

[Adopted by Ordinance Number 1144, October 7, 2002.]

Chapter 25 -- Procurement, Conflict of Interest

25.010. Purchasing agent designated; Unlawful to purchase except through agent.
The City Clerk, Water Superintendent and Street Superintendent are hereby designated as purchasing agents for the City and when authorized, shall procure bids for supplies and services needed by the City in accordance with the procedures prescribed by this Chapter or required by law. It shall be unlawful for any City officer or employee to purchase or contract for any supplies or services other than through a purchasing agent, and any purchase or contract made contrary to the provisions hereof shall not be approved by the City and the City shall not be bound thereby, except as otherwise provided herein.

25.020. Duties, generally.
In exercising their purchasing authority each purchasing agent shall:

1. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City;
2. Discourage uniform bidding and obtain as full and open competition as possible on all purchases;
3. Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations, and private businesses and organizations;
4. Prepare and maintain a vendors' catalog file which shall be filed according to materials and shall contain descriptions of vendors' commodities, prices, and discounts;
5. Explore the possibilities of buying "in bulk" so as to take full advantage of quantity purchase discounts;
6. Act so as to procure for the City all federal and state tax exemptions to which it is entitled; and
7. Keep a record of vendors who default on their bid quotations and disqualify them from receiving any City business for a stated period of time. Each purchasing agent may, on his own authority, subject to final acceptance by the Board of Aldermen, contract for supplies not to exceed $100 total cost per order.

25.030. Conflicts of interest prohibited.
- REPEALED [by Ordinance No. 912, adopted September, 1991]

25.040. Gifts and rebates.
- REPEALED [by Ordinance No. 912, adopted September 9, 1991.]

25.100 Scope of article; rules and procedures.
(a) This article delegates authority to the Mayor and City Administrator to contract for the purchase of supplies, materials, equipment and services. It does not impose procedural limitations on the Board of Aldermen or otherwise limit the power of the Board of Aldermen to contract for the purchase of supplies, materials, equipment and services. The article also establishes bidding procedures for the purchase of supplies, materials, equipment and services excluding professional services for engineering, surveying, and architecture.

25.105. Authority of Mayor or City Administrator to contract.

(a) Subject to the provisions of this article, the Mayor or City Administrator is authorized to contract for the purchase of supplies, materials, equipment and services for which appropriated funds are available.

(b) Subject to the bidding provisions of this article, when appropriated funds are available, the Mayor or City Administrator is authorized to contract for any project that fits into any of the following categories:

(1) Ordinary maintenance of public improvements,

(2) Construction of water distribution mains sixteen (16) inches or less in diameter;

(3) Construction of water utility capital improvement projects costing twenty-five thousand dollars ($25,000.00) or less;

(4) Construction of sanitary sewer utility public improvement projects costing twenty-five thousand dollars ($25,000.00), or less;

(5) Construction of stormwater utility public improvement projects costing twenty-five thousand dollars ($25,000.00), or less, and

(6) Construction of sidewalk curb cut, repair or replacement projects costing twenty-five thousand dollars ($25,000.00), or less.

Public improvement projects falling within any of these categories may be contracted for under this subsection. If a project with a cost limitation is bid under this subsection and the bid of the lowest and best, responsive and responsible bidder is for more than the authorized amount, the contract may be entered into only with the specific authorization of the Board of Aldermen

The total amount of all change orders executed in connection with any contract for capital or public improvements authorized by this article shall not exceed fifteen (15) per cent of the contract price without the written approval of the Mayor or City Administrator.

25.110. Bids and requests for proposals required; exceptions.

(a) Except as otherwise provided in this article, all contracts purchases of supplies, materials, equipment and services which have not been specifically authorized by the Board of Aldermen shall be entered into only after a competitive bidding process or a request for proposals process.

(b) The Mayor or City Administrator may enter into contracts for emergency purchases without following a competitive bidding process or a request for proposals process. "Emergency purchases" are purchases necessitated by nonrecurring emergency situations posing a substantial danger to the health, safety and welfare of the citizens or of a risk of substantial financial loss to the city unless the required supplies, materials, equipment or services are obtained as expeditiously as possible. The department head requesting an emergency purchase shall certify that the purchase is an emergency within the meaning of this section by a memorandum which sets forth the nature of the emergency. The decision of the Mayor shall be final as to whether an emergency exists.

(c) The Mayor or City Administrator may enter into contracts with sole source suppliers and governmental entities without following a competitive bidding process or a request for proposals process. "Sole source suppliers" are suppliers of supplies, materials, equipment or services which are unique or which are not available from more than one (1) competitive source in the normal course of business. The purchasing agent shall certify in writing that each purchase from a sole source supplier under this subsection meets the requirements of this subsection.

(d) The Mayor or City Administrator may enter into contracts for professional and other services without following a competitive bidding process or a request for proposals process when factors such as prior experience, skills, education, local knowledge or unique knowledge are considerations in selecting the contractor. The Mayor or City Administrator may waive attorney conflicts of interest if the Mayor or City Administrator determines that the waiver is in the city's interest. This subsection shall not apply to contracts for auditing services for the annual fiscal audit or to contracts for architectural, engineering and land surveying services.
(e) The Mayor or City Administrator is encouraged to pursue informal bidding and requests for proposals in the above categories of exceptions whenever time and business conditions permit.

25.115. No contract to exceed 1 year without Board Approval.
The Mayor or City Administrator have no authority to contract for the purchase of any supplies, materials, equipment or services for a term exceeding 1year without the prior approval of the Board of Aldermen.

25.120. Procurement of architectural, engineering and land surveying services.
The Board of Aldermen may, by ordinance, establish special procedures and guidelines for procurement of architectural, engineering and land surveying services.

25.125. Sale of surplus material.
(a) A department head having charge of any surplus, obsolete or unused supplies, materials or equipment may request the Mayor or City Administrator to dispose of the property. The Mayor or City Administrator is authorized to sell the property in any form of open market competition to the highest bidder. The Mayor or City Administrator may set a minimum sale price and may reject any bid that, in the purchasing agent's judgment, is not a fair sale price.
(b) The Mayor or City Administrator, with the approval of the Mayor, is authorized to sell any surplus, obsolete or unused supplies, materials or equipment to any governmental entity without open market competition.

25.140. Bidding process; contracts for fifteen thousand dollars or more.
(a) Except as otherwise provided in this article, the Mayor or City Administrator shall not contract for the purchase of any supplies, materials, equipment or services costing fifteen thousand dollars ($15,000.00) or more unless the bidding process of this section has been followed.
(b) The Mayor or City Administrator shall advertise for sealed bids in a newspaper of general circulation in the city at least five (5) days before the time set for opening bids. All bids must be sealed and addressed to the Mayor or City Administrator and must be received by 2:00 p.m. on the day specified in the advertisement for bids. The bids shall be opened by the Mayor or City Administrator at City Hall between 2:00 p.m. and 5:00 p.m. on the day the bids are due, if practicable. If not practicable, then the bids shall be opened on the earliest day thereafter that the Mayor or City Administrator is able to open the bids. The Mayor or City Administrator may require bidders to deposit a cashier's check or a certified check drawn on a solvent financial institution or a surety bond in an amount not less than five (5) per cent of the bid. The deposit shall be forfeited to the city if the successful bidder fails or refuses to execute the contract.
(c) The Mayor or City Administrator t may use an electronic bidding system if the system is secure and allows the bids to be opened only at the time designated for bid opening.

(d) The Mayor or City Administrator, after consulting with all affected departments and subject to the provisions of subsection (e), may reject any or all bids, may award the contract to the bidder that is, in the judgment of the Mayor or City Administrator, the lowest and best, responsive and responsible bidder, or may split the award between two (2) or more bidders if, in the judgment of the Mayor or City Administrator, it is in the best interest of the city to split the award.

25.145. Bidding process; contracts for two thousand five hundred dollars or more but less than fifteen thousand dollars.

(a) Except as otherwise provided in this article, the Mayor or City Administrator shall not contract for the purchase of any supplies, materials, equipment or services costing two thousand five hundred dollars ($2,500.00) or more but less than fifteen thousand dollars ($15,000.00) unless the bidding process of this section or the bidding process of section 25.140 has been followed.

(b) The Mayor or City Administrator shall solicit by telephone, written notice or otherwise at least three (3) bids, if three (3) independent vendors are available.

(c) Bids shall be awarded or rejected as set forth in this article.

(d) The Mayor or City Administrator shall keep a record of all solicitations made under this section.

25.150. Contracts for less than two thousand five hundred dollars.

The Mayor or City Administrator may contract for the purchase of any supplies, materials, equipment or services costing less than two thousand five hundred dollars ($2,500.00) by following the provisions of section 25.145 or by making open market purchases from vendors with proven ability to furnish supplies, materials, equipment and services at the lowest and best price.

25.160. Plans, specifications and descriptions to be kept

When calling for bids, the Mayor or City Administrator shall keep on file the plans, specifications or descriptions of the article or service to be purchased. These plans, specifications or descriptions shall be available for public inspection. The Mayor or City Administrator may require a deposit for the return of plans or specifications taken from the office. The deposit shall not exceed the reasonable cost of preparing the plans or specifications.

25.165. Requests for proposals.

The Mayor or City Administrator may authorize a request for proposals process instead of a bidding process whenever the purchase of supplies, materials, equipment or services may be facilitated by such a process.

25.170. Cooperative purchasing.

The purchasing agent is authorized to participate in cooperative purchasing programs with the United States or any agency of the United States; with the State of Missouri or any agency, municipality or political subdivision of the State of Missouri; with other states or any agency, municipality or political subdivision of any other state; or with any association of municipalities or political subdivisions; provided, that the cooperative purchasing program follows a competitive bidding process.

25.180. Professional Services.

Policies and procedures for selecting professional service firms of Architectural, Engineering and Land Surveying Firms are hereby established as follows:

The following describes policies and procedures to be used by City in selecting professional service firms. Professional service firms for architectural, engineering and land surveying firms shall be referred to as “firms”.

A. CONTRACTS AND FEES

It shall be the policy of City to negotiate contracts with firms for services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable fees.

B. QUALIFICATIONS OF FIRMS

It shall be the policy of City to encourage firms engaged in the lawful practice of their professions to annually submit statements of their qualifications and performance record. Whenever a proposed project requires the services of a firm, the City shall evaluate current statements of qualifications and performance records of firms on file together with those that may be submitted by other firms regarding the proposed project. The City shall use the following criteria in evaluating the qualifications of each firm:

1. The specialized experience and technical competence of the firm with respect to the type of services required.
2. The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project.
3. The past record of performance of the firm with respect to such factors as control costs, quality of work, and ability to meet schedules.
4. The firm's proximity to and familiarity with the area in which the project is located.

C. CITY FILES FOR FIRMS

1. The City Administrator shall compile and maintain a file of firms that are potential consultants for doing projects for City.
2. When a project is proposed, the City Administrator shall prepare a list of firms from the file for the proposed project. Selection of the firms shall be based upon preliminary review comparing the nature of the job with the experience of the firms and other significant factors.
3. The firms selected shall be sent a description of the project and a questionnaire designed to obtain more detailed information related to the firm's qualifications for the specific project. Selected firms from those responding to the questionnaire may be interviewed by the Board of Aldermen.

D. NEGOTIATION FOR CONTRACT

1. The Board will select from the file for each project, three firms that are highly qualified to fulfill the proposed assignment in the best interest of the City. The firms shall be placed in ranked order.
2. If deemed necessary by the Board, the firm ranked first will be asked to submit information or make a presentation demonstrating its methods and experience related to the project, which principals shall be assigned to the project, the consultants to be used, a schedule of document

preparation, estimating procedures, services to be rendered during construction, and any other information helpful in determining how well the particular firm is qualified to do the job.
3. The Board shall then reach a decision as to whether or not to proceed with fee negotiations with the selected firm. If the parties reach an agreement, a contract shall be prepared and the other firms shall be promptly advised.
4. If the first-ranking firm's proposal is not satisfactory, negotiations shall be initiated with the second-ranking firm. Again, if the negotiations are unsatisfactory, the selection committee shall negotiate with the third-ranking firm. If these negotiations prove unsatisfactory, the project shall be restudied and the City's expectations shall be reexamined before beginning the process again. If the process begins again, the Board shall compile a list of qualified firms and proceed in the same manner.
[Added by Ordinance No. 1326; adopted January 7, 2010]

25.200. Contracts and conveyances.
All contracts and conveyances of the City shall be signed by the Mayor, attested by the Clerk and have the City Seal affixed before the City shall be bound thereby.

25.300. Definitions applicable to §25.3l0 through §25.350.
For purposes of §25.310 through 25.350, inclusive, the following definitions shall apply:
"Employee" means and includes all Employees, Officers and other persons who perform labor or services of any nature for the City, whether full- or part-time, and regardless of whether designated "probationary" or "temporary" or "acting" or "reserve" or similarly, and without regard to amount of compensation.
"Officer" means those Employees enumerated as Officers of the City under §20.100, HCC.
"Reporting Officer" means all Employees elected by popular vote of the qualified voters of the City (currently the Mayor, four Aldermen, Police Chief and Collector), the City Clerk, and the City Attorney.
"Substantial or private interest" means direct or indirect ownership, or receipt in one or more transactions, by an Employee or Employee's spouse or dependent child, or any combination of such persons, of:

a. Ten percent (10%) or more of any business entity; or
b. An interest having a value of Ten Thousand Dollars ($10,000.00) or more; or
c. A salary, gratuity or other compensation or remuneration of Five Thousand Dollars ($5,000.00) or more within any calendar year.

25.310. Conflicts of interest prohibited.
1. No Employee as such shall transact any business with any seller of goods or services of which he is an officer, agent or member or in which he owns a substantial or private interest, nor shall any Employee make any personal investments in any such seller which will create a conflict between his private interest and the public interest, nor shall any Employee or any seller in which the Employee owns a substantial or private interest, sell any goods or services to any business licensed or regulated by the City.
2. No Employee shall enter into any business transaction with any person having a matter pending or to be pending upon which the Employee will render a decision or pass a

judgment. If any Employee *is* already engaged in a business transaction at the time such a matter arises, he shall immediately disclose the fact of such engagement and thereafter be disqualified from rendering any decision or passing any judgment upon same.

25.320. Gifts and rebates.
No Employee shall accept, directly or indirectly, any rebate, gift, money, or thing of value whatsoever from any present or potential seller of goods or services to the City, except where given for the use and benefit of the City.

25.330. Additional requirements respecting conflicts of interest.
All Employees of the City must, in addition to the provisions of this Chapter 25, comply with §105.454, RSMo, respecting conflicts of interest and must comply with all other state laws governing conduct by Employees and Officers of political subdivisions as same pertain to Employees of the City. All Officers who have a substantial or private interest in any bill, ordinance or order proposed or pending before the Board of Aldermen must disclose that interest in detail to the City Clerk or, in the case of the City Clerk having such substantial or private interest, shall report same to the Mayor, and such disclosure shall be made prior to the taking of any vote or other action upon such proposed or pending matter and shall be recorded in the minutes of the meeting or proceeding at which disclosed.

25.340. Disclosure reports required.
Each elected official shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of $500, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and

b. The date and the identities of the parties to each transaction known to the person with a total value in excess of $500, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

c. The Mayor also shall disclose by May 1 for the previous calendar year the following information:

1) The name and address of each of the employers of such person from whom income of $1,000 or more was received during the year covered by the statement;

2) The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership

units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

3) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

[Amended by Ordinance No. 1308; adopted 9/2/2009]

25.350 Filing of Reports.

The reports, in the attached format, shall be filed with the city clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year;

a. Each person appointed to office shall file the statement within 30 days of such appointment or employment;

b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided, that any member of the board of aldermen may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

[Amended by Ordinance No. 1308; adopted September 2, 2009]

Chapter 27 – Elections

27.005 Construction; Penalties.
This Chapter shall be construed in harmony with State law; if any provision conflicts with State law, then State law shall govern, and if this Chapter does not answer a question of election law, then State law shall govern. Violations of this Chapter shall be punishable under Chapter 13 of this Code.

27.010. General election.
A general election for the elective officers of the City, also known as "General Municipal Election Day," shall be held on the first Tuesday after the first Monday in April of each year.

1. On General Municipal Election Day in odd numbered years an election shall be held for Mayor, and one Alderman from each ward.
2. On General Municipal Election Day in even numbered years an election shall be held for one Alderman from each ward, and Collector.

[Ordinance No. 1027, adopted September 8, 1997.]

27.015 Notice of election.
Before the thirteenth Tuesday prior to a general election the City Clerk shall publish notice of such election to include the opening filing date and time, the offices to be filled, the place for filing, and the closing filing date and time.

27.020. Filing of candidates.
Any person seeking election to an elective City office at any general election shall file a written application with the City Clerk no earlier that 8:00 a.m. on the thirteenth Tuesday prior to the election and not later than 5:00 p.m. on the ninth Tuesday prior to the election. All applications shall contain the date and time of filing, and candidates' names shall appear on the ballot in the order of filing.

27.030. Qualifications; Challenges.
Any person who is not qualified for office shall not be entitled to have his name printed on the ballot. The qualifications of a candidate for office shall be determined by the Board of Aldermen after a hearing upon challenge by the Board's own motion or by written affidavit by some person, which affidavit shall state the factual basis for the claimed disqualification.

27.040. Conduct of election.
City elections shall be held only pursuant to Ordinance authorizing same, and the terms of such ordinance shall govern conduct of the election. The County Clerk shall be the designated election authority and shall conduct all City elections except elections which the Board of Aldermen by Ordinance designate as to be conducted by the City, in which case the City Clerk shall be the designated election authority.

If the County Clerk conducts the election then the City Clerk shall notify the County Clerk prior to 5:00 p.m. on the eighth Tuesday prior to such election, which notice shall be in

writing, shall specify that the City is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published, a sample ballot and location of the polling places.

If the City conducts the election then the Clerk shall give the County Clerk such timely notice of same as required by State law.

27.050. Voters, Qualifications.
All residents of the City who are qualified and properly registered as voters in accordance with law shall be entitled to vote at City elections. In order to vote at a City election a person must be registered no later than 5:00 p.m. on the fourth Wednesday prior to the election.

27.060. Designation of polling places and judges, election costs.
The election authority shall designate the polling places and shall appoint all election judges. The City shall pay all lawful election costs required by the election authority and attributable to the election.

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

27.080. Special election dates.
Special City elections shall be held only on the first Tuesday after the first Monday in February, June, August, or November.

27.090. Certification of election results.
As soon as practicable after each City election, the election authority shall verify the vote count and certify the results of the election. Not later than the second Tuesday after the election, the verification authority shall issue a statement announcing the results of each election and shall certify the results to the City Clerk. The Clerk shall issue to each person elected a certificate of election.

27.100. Voting Wards.
The City shall have two (2) wards for voting purposes as follows:

1. First Ward, being all of the City lying east of State Highway 13, except the area north of Rich Hill Street and except the Block bounded by East 8th Street on the north, East 7th Street on the south, North Brunswick Street on the east, and State Highway 13 on the West; and
2. Second Ward, being all of the City lying west of State Highway 13, and that area east of State Highway 13 north of Rich Hill Street and except the Block bounded by East 8th Street on the north, East 7th Street on the south, North Brunswick Street on the east, and State Highway 13 on the West.

A map of the City showing such ward boundaries is on file in the office of the City Clerk and is made a part hereof by reference.

[Amended by Ordinance No. 1411; Adopted May 7, 2012]

Chapter 28 – Policies and Procedures

28.010. Public Notice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Hamilton, Missouri will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Hamilton does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The City of Hamilton will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Hamilton's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City of Hamilton will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City of Hamilton offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Hamilton, should contact the office of the City Administrator, 200 S. Davis, Hamilton, Missouri as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Hamilton to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of Hamilton is not accessible to persons with disabilities should be directed to City Administrator, 200 S. Davis, Hamilton, Missouri.

The City of Hamilton will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.
[Added by Ordinance No. 1357; adopted September 7, 2010.]

28.011. Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Hamilton, Missouri. The City of Hamilton's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

City Administrator
ADA Coordinator and City Administrator
200 South Davis
Hamilton, Missouri

Within 15 calendar days after receipt of the complaint, the City Administrator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the City Administrator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Hamilton and offer options for substantive resolution of the complaint.

If the response by the City Administrator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Mayor or his/her designee.

Within 15 calendar days after receipt of the appeal, the Mayor or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the City Administrator or his/her designee, appeals to the Mayor or his/her designee, and responses from these two offices will be retained by the City of Hamilton for at least three years.

[Ordinance No. 1357, adopted September 7, 2010.]

28.020. Fair Housing for the City of Hamilton, Missouri, Defines Discrimination Housing Practices, Creates a Fair Housing Committee, and Sets Punishments for Violations.

SECTION 1. Declaration of Policy

The City Council of the City of Hamilton hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent, or obtain real property without regard to race, color, religion, sex, handicap, familial status, or national origin. This ordinance shall be deemed an exercise of the police powers of the City of Hamilton for the protection of the public welfare, prosperity, health, and peace of the people of Hamilton, Missouri.

SECTION 2. Definitions

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein unless the context otherwise indicates.

a. Person shall include any individual, firm, partnership, or corporation.

b. Aggrieved Person shall include any person who is attempting to provide housing for himself and/or his family in the City of Hamilton, Missouri.

c. Discriminate shall mean distinctions in treatment because of race, color, religion, sex, handicap, familial status, or national origin of any person.

SECTION 3. Discriminatory Practices

It shall be a discriminatory practice and a violation of the ordinance for any person to:

a. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status, or national origin of any person.

b. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status, or national origin.

c. Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

d. Represent to any person because of race, color, religion, sex, handicap, familial status, or national origin, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

e. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood or a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

f. Discriminate in the sale or rental of housing on the basis of a handicap of that buyer or renter; a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that buyer or renter. The design and construction of new multi-family dwellings containing four (4) or more units is required to meet certain adaptability and accessibility requirements in accordance with Section 804 of the 1988 Fair Housing Amendments Act.

g. Discriminate in the sale or rental of housing on the basis of familial status or because a family has children, exempting certain types of buildings that house older persons (e.g. Section 202 housing) in accordance with Section 807 of the 1988 Fair Housing Amendments Act.

SECTION 4. Discrimination in the Financing of a House

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate

against any person in the fixing of the amount or conditions of such loan, because of the race, color, religion, sex, handicap, familial status, or national origin of such person, or of any person therein associated in connection with such financing.

SECTION 5. Administration

a. There is hereby created a Fair Housing Committee whose membership shall consist of five members, who shall be appointed by the Mayor of the City with the approval of the City Council.

b. Every complaint of a violation of this ordinance shall be referred to a Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.

c. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by conference and conciliation, then and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether to prosecute in Municipal Court on said complaint shall be left to the City Attorney.

d. Nothing in this ordinance shall be construed in such manner as to limit administrative enforcement mechanisms and recourse against alleged discriminatory housing practices through the U.S. Department of Housing and Urban Development, as specified under Section 810 of the Fair Housing Act as amended effective March 12, 1989, or through the Missouri Commission on Human Rights, as specified in applicable state statutes.

SECTION 6. Enforcement

a. Any person convicted in Municipal Court of a violation of this ordinance shall be punished by a fine of (not more than) $1,000, or by confinement in the City jail for (not more than) 2 days, or both such fine and imprisonment.

b. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

SECTION 7. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of these standards shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 8. Savings Clause

This ordinance shall not affect violations of any other ordinance, code, or regulation of the City of Hamilton existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

[Added by Ordinance No. 1459, Adopted May 6, 2013]

Chapter 35 -- Economic Development

35.010. Department Created, Purposes. [Repealed by Ordinance No. 1255, adopted September 8, 2008]

35.020. Board, Organization.
The affairs of the Department shall be governed by a board of seven (7) directors to be known as "The Hamilton Second Century Board" consisting of six (6) registered voters of the City who do not hold positions in City government and one (1) acting City Alderman. The six voter-members shall be appointed by the Mayor with the advice and consent of the Board of Aldermen and shall serve terms of three (3) years beginning at the regular May meeting of the Board of Aldermen at which appointed and approved, subject to acceptance of the appointment, and ending when a successor is appointed and approved and accepts such appointment; provided, the first Board appointed shall be assigned terms in such manner that two (2) are appointed for one (1) year, two (2) are appointed for two (2) years, and two (2) are appointed for three
(3) years. The Alderman member shall be elected by the Board of Aldermen at its regular May meeting and shall serve a term of one (1) year and until his successor is elected. The directors shall immediately after their appointment meet and organize by the election of one of their number as president and by the election of such other officers as they may deem necessary, to include a secretary who shall make and keep a true written record of all Second Century Board proceedings. Said directors shall make and adopt such bylaws, rules and regulations for their guidance and for promotion of their purposes as may be expedient, but not inconsistent with state or federal law or City ordinance, and may from time to time enact, repeal and amend same.

35.030. Removal, Vacancies, Compensation.
The Mayor may, by and with the consent of the Board of Aldermen, remove any director for misconduct or neglect of duty. Vacancies in the board of directors occasioned by removal; resignation or otherwise shall be reported to the Board of Aldermen and be filled in like manner as original appointments, with the appointee to serve for the unexpired term of his predecessor. No member of the board of directors shall receive compensation as such.

35.040. Powers and duties.
The directors of the Second Century Board shall have exclusive control of the expenditures of all money collected to the credit of the Department and of the supervision, improvement, care and custody of Department personnel and property. All money received for the Department shall be kept separate and apart from other moneys of the City and drawn upon by the proper officers of the City upon the properly authenticated vouchers of the Second Century Board. The directors shall have power to purchase or otherwise secure office space for the conduct of Department business, and to appoint one suitable person as a Department employee to conduct the day-to-day business of the Department and to fix such person's compensation, and to remove such appointee; and shall in general carry out the spirit and intent of this Chapter in promoting, encouraging and facilitating economic development and community betterment in the City.

35.050. Annual report.
The board of directors shall make and present, at the regular meeting of the Board of Aldermen in June of each year, an annual report stating the condition of the Department on the first day of May of that year, the various sums of money received from the City and other sources, and how much money has been expended and for what purposes, with such other statistics, information and suggestions as they may deem appropriate. All portions of such report as relate to the receipt and expenditure of money shall be verified by affidavit.

35.060. Expenditures, contracts limited; donations.
The board of directors shall not expend moneys in excess of the amount of money then available to the credit of the Department in the fund held for it by the City. All proposed agreements and contracts between the Department and third persons which require or reasonably could require commitments by the Department to expend money in excess of the funds then available to the Department shall not be valid obligations of the Department or of the City unless and until ratified or approved by the Board of Aldermen. Any person desiring to make donations of money, personal property or real estate for the benefit of the Department shall have the right to do so; all money so donated shall be deposited to the Department's fund held by the City, and title to all personal property and real estate so donated shall be held as follows: "City of Hamilton, Missouri, in trust for the Hamilton Department of Economic Development and Community Betterment," and the board of directors shall, upon acceptance, hold and control the same as special trustees according to the terms, if any; of the donation. Subject to appropriate supervision, the Department may make use of volunteers in aid of promoting and carrying out its purposes."]

Chapter 40 -- Building Codes, Permits and Enforcement

40.005. Penalties.

It shall be unlawful for any person to violate any provision of this Chapter 40 and any person convicted of a violation shall be punished as provided in Chapter 13 of this Code for each violation.

40.010. Building and related codes.

1. The International Residential Code, 2006 edition, including Appendix Chapters A, B, C, D, E, G, H, I, J, M, and N (see International Residential Code Section R102.5, 2006 edition), as published by the International Code Council, was adopted as the Residential Code of the City of Hamilton by Ordinance No. 1233, adopted April 7, 2008, and is incorporated herein by reference and shall be the minimum building standards for the City.
2. The International Building Code, 2006 edition, including Appendix Chapters H, I, J, and K (See International Building Code Section 101.2.1, 2006 edition), as published by the International Code Council, was adopted as the Building Code of the City of Hamilton by Ordinance No. 1234, adopted April 7, 2008, and is incorporated herein by reference and shall be the minimum building standards for the City.
3. The International Fire Code, 2006 edition, including Appendix Chapters B, C, D, E, F, and G (see International Fire Code Section 101.2.1, 2006 edition), as published by the International Code Council, was adopted as the Fire Code of the City of Hamilton by Ordinance No. 1237, adopted April 7, 2008, and is incorporated herein by reference and shall be the minimum fire standards for the City.
4. The International Mechanical Code, 2006 edition, including Appendix Chapter A (see International Mechanical Code Section 101.2.1, 2006 edition), as published by the International Code Council, was adopted as the Mechanical Code of the City of Hamilton by Ordinance No. 1231, adopted April 7, 2008, and is incorporated herein by reference and shall be the minimum mechanical standards for the City.
5. The International Energy Conservation Code, 2006 edition, as published by the International Code Council, was adopted as the Energy Conservation Code of the City of Hamilton by Ordinance No. 1232, adopted April 7, 2008, and is incorporated herein by reference and shall be the minimum energy conservation standards for the City.
6. The 2005 National Electrical Code, as published by the National Fire Protection Association, Inc., was adopted as the Electrical Code of the City of Hamilton by Ordinance No. 1235, adopted April 7, 2008, and is incorporated herein by reference and shall be the minimum electrical standards for the City.
7. The International Existing Building Code, 2006 edition, including Appendix Chapters A and B (see International Existing Building Code Section 101.7. 2006 edition), as published by the International Code Council, was adopted as the Existing Building Code of the City of Hamilton by Ordinance No. 1236, adopted April 7, 2008, and is incorporated herein by reference and shall be the minimum existing building standards for the City.
8. The International Fuel Gas Code, 2006 edition, including Appendix Chapters A, B, C, and D (see International Fuel Gas Code Section 101.3, 2006 edition), as published by the International Code Council, was adopted as the Fuel Gas Code of the City of Hamilton by

Ordinance No. 1238, adopted April 7, 2008, and is incorporated herein by reference and shall be the minimum fuel gas standards for the City.
9. The International Plumbing Code, 2006 edition, including Appendix Chapters E and F, as published by the International Code Council, was adopted as the Plumbing Code for the City of Hamilton by Ordinance No. 1239, adopted April 7, 2008, and is incorporated herein by reference and shall be the minimum plumbing standards for the City.
10. An application for permit for a single family dwelling or residence or multi-unit dwelling of four or fewer units shall be accompanied by a Residential Fire Sprinkler Option Form signed by the builder and the purchaser affirming that a fire sprinkler system was offered to the purchaser prior to entering into the purchase contract in conformance with Section 903.1 of this code. If there is no purchaser at the time of the permit application submittal, then said signed form shall be submitted as soon as there is a purchaser and prior to the issuance of a certificate of occupancy for the new residence. The provisions of this Section shall expire on December 31, 2011.
[Added by Ordinance No. 1327; adopted January 7, 2010]

11. General. Notwithstanding the provisions of the Building Code and International Building Code, as amended and adopted by the City of Hamilton, Missouri, a builder of single family dwellings or residences or multi-unit dwellings of four or fewer units shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling, residence, or unit. Notwithstanding any other provision of law to the contrary, no purchaser of such a single family dwelling, residence, or multi-unit dwelling shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or residence being purchased. The provisions of this Section shall expire on December 31, 2011.
[Ordinance No. 1327, Adopted January 7, 2010]

40.020. Application for permit.
No person shall begin any construction unless an application for a building permit shall be filed with the City Clerk and a permit obtained. The application for the permit shall be on a form provided by the City and shall include a simple sketch or drawing indicating the proposed construction with a description of the proposed work and an estimate of the cost of the construction. The Clerk may require such additional information in the application as may be reasonably necessary to insure compliance with and enforcement of this Chapter 40, and shall require the full name, address and
telephone number of each owner of the property upon which the construction will occur and of each contractor performing such work.

40.030. Building Permit Fee. No Building Permit shall be issued until a building permit fee has been received by the City Clerk. The Building Permit Fee shall be in the amount set forth on the attached Schedule of Fees which is incorporated herein. In addition to the building permit fee, for construction costing in excess of $1,000,000, unless waived by the City, the owner shall pay for the actual costs incurred by the City for a third party building plan review and for all third party inspections of the project. The Permit Fees on the Schedule of

Fees shall change annually beginning January 1, 2009, by the same percentage as the change of the cost of living for the prior year based upon the Consumer Price Index-All Urban Consumers as published by the U.S. Department of Labor. The City Clerk shall post the revised Building Permit Schedule in City Hall.
[Ordinance No. 1218, adopted December 3, 2007.]

40.040. Conformance to Law Required.
No permit shall be issued unless the proposed construction meets and will meet the requirements of the City's building codes and zoning, subdivision and other applicable law, ordinances and regulations.

40.050. Form of permit.
The permit shall be in substantially the following form:

CITY OF HAMILTON BUILDING PERMIT

Inspection Card # _

NOTE: This card is to be posted on the site of all construction at all times, until final inspection and approval. To obtain inspections telephone 583-2377 between 8-12 a.m. or 1-5 p.m., Monday through Friday.

Work inspected	**Inspector**	**Date**
1. Foundation forms, footings and excavation work	_____	_____
2. Rough framing, prior to insulation or interior covering .	_____	_____
3. Rough electrical and plumbing work	_____	_____
4. Final inspection	_____	_____

NOTICE: The disposal of demolition waste is regulated by the Department of Natural Resources under Chapter 260, RSMo. Such waste, in types and quantities established by the Department, shall be taken to a demolition landfill or a sanitary landfill for disposal.
[Ordinance No. 908, adopted July 1, 1991.]

40.060. Permit to be posted.
After the permit has been obtained, it shall be posted in a conspicuous location at the construction site until after the final inspection.

40.070. Inspections.
The construction work shall be inspected a minimum of four times as follows: after completion of all foundation and footing work; after completion of rough framing prior to

insulation or interior covering; after completion of electrical and plumbing rough work; and after completion of all construction, including connection of all utilities. It shall be the responsibility of the contractor to notify the City Building Inspector to schedule inspections as desired. All work shall cease until the inspection has been completed and the Building Inspector has given written authorization for
construction work to proceed.

40.080. Defects.
If any building inspection reveal defects in the construction, the Inspector shall notify the contractor of the deficiencies, whereupon the contractor shall make all required corrections, subject to any right to appeal the decision provided in any building code. The Inspector may, in his discretion, require additional inspections of the construction
work or waive any inspection, but no decision to waive any required inspection shall be made without a written statement of the reasons underlying his action and approval of such Waiver by the Board of Aldermen.

40.090. Certificate of occupancy.
When the construction is complete the building permit with signatures of the building inspector indicating the four inspections have been completed shall be used as a certificate of occupancy. No permanent utility service will be commenced at the construction site until a certificate of occupancy is completed.

40.100. Inspector's Duties.
The Building Inspector shall perform all inspections required herein, keep safely all necessary records, promote enforcement of and compliance with the provisions of this Chapter 40, and otherwise perform such duties as may be prescribed by the Board of Aldermen.

40.200. Requirements for occupancy certificate for manufactured homes.
No certificate of occupancy shall be issued for any manufactured home located outside of a mobile home park until the following requirements are satisfied:
1. Such home is securely anchored to the earth in a manner to resist wind-caused overturning and sliding of same and in a manner meeting or exceeding the minimum standards for anchoring prescribed by Missouri Public Service Commission regulations; and
2 . Such home is completely skirted, from the ground to the lowest portion of the exterior walls around the entire perimeter, with a manufactured mobile home type material of steel, plastic or fiberglass, or a manufactured material of wood or steel to match the siding of the mobile home being skirted.
3. At owners option the exterior walls around the entire perimeter may be skirted by a poured footing of concrete and concrete blocks.

The term "manufactured home" means a factory-built structure or structures which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected or set on site, contains three hundred twenty (320) or more square feet, equipped with the necessary service connections and made so as to be readily movable

as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation, the phrase "without a permanent foundation" indicating that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the owner's convenience.
[Ordinance No. 905, adopted September 9, 1991.]

Chapter 40A – Grading, Erosion and Sediment Control

40.205. Purpose/Intent.

The purpose of this Chapter is to protect the health, safety, and property of the Citizens of the City of Hamilton and protect waters of the City and State from pollution resulting from the effects of erosion and sediment deposition from land disturbances. This section establishes uniform requirements for land disturbance activities in order to control the occurrence of erosion and the transportation of sediment to the City Municipal Separate Sewer System (MS4).

40.210. Definitions.

For the purposes of this section, the following words shall have the definitions hereinafter set forth:

Accepted or acceptance: A determination by the Director that the document under review meets the minimum applicable standards.

BMP: Best Management Practices.

Best Management Practice (BMP): Any physical, chemical or managerial practice that reduces soil erosion or reduces the amount of sediment or other pollutants discharging to or potentially discharging to the MS4. These are set forth in Protecting Water Quality: A field guide to erosion, sediment and storm water best management practices for development sites in Missouri and Kansas at http://dnr.mo.gov/env/wpp/wpcp-guide.htm.

City: City of Hamilton, Missouri.

Clearing: Any activity which removes the vegetative surface cover.

Department: City of Hamilton Department of Code Enforcement.

Director. The Administrator of the City of Hamilton, Missouri, or the Administrator's authorized representative.

Discharge: Any substance disposed, deposited, spilled, poured, injected, seeped, leached, pumped, dumped, leaked, or placed by any means such that it can reasonably be expected to enter, intentionally or unintentionally, into waters of the City or waters of the state, or on any area draining directly or indirectly into the MS4.

Erosion: The waring away of land due to the action of gravity, wind, water or other mechanical forces.

Erosion and Sediment Control Plan: A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequences to be used to control erosion and sediment on a development site before, during and after construction.

Grading. Excavation or fill of material, including the resulting conditions thereof.

Grubbing. To dig up by the roots, uproot.

Guideline Manual. A field guide published by MODNR titled; Protecting Water Quality, A field guide to erosion, sediment and storm water best management practices for development sites in Missouri.

Land disturbance permit. The document issued by the city approving the SWPPP and authorizing land disturbance activity in accordance with the SWPPP.

Land disturbance. Any activity that exposes soil including clearing, grubbing, grading, excavating, filling and other related activities.

MEP. Maximum extent practicable.

MODNR. Missouri Department of Natural Resources.

MS4. Municipal Separate Storm Sewer System.

Municipal separate storm sewer system (MS4). Those artificial and natural facilities within the City, whether publicly or privately owned, by which storm water may be conveyed to a watercourse or waters of the state, including but not limited to, any roads with drainage systems, street, catch basins, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, berms, ditches, swales, open fields, parking lots, impervious surfaces used for parking, or storm drains, however, sanitary sewers are not included in the definition of the City's separate storm sewer system.

NOV. Notice of violation.

Pollution. Any alteration of the quality of waters of the City or waters of the state to a degree that they are rendered harmful, detrimental or injurious to humans, natural life, vegetation or property, to the public health, safety and welfare, or otherwise impairs the usefulness or public enjoyment of waters for any lawful and reasonable purpose, including interference with the proper functioning of the MS4.

Responsible party. The property owner or person authorized to act on the property owner's behalf; or any person allowing, causing or contributing to a violation of this Chapter.

Sediment. Mineral or organic matter generated as a result of erosion.

Sediment control. Measures that prevent eroded sediment from leaving a site.

Site. A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Start of Construction. The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of necessary buildings such as garages.

Stop work order. That upon notice from the Director, or the Director's authorized representative, that work on any property that is contrary to the provisions of this chapter or in an unsafe and dangerous manner, or in conflict with the approved construction documents, such work shall be stopped.

Storm water. Any surface or shallow subsurface flow, runoff, or drainage consisting entirely of water from rainstorm or frozen precipitation events.

Storm water pollution prevention plan (SWPPP). A plan developed by a qualified professional engineer or person certified in erosion and sediment control to establish controls to limit erosion and transport of sediment and other pollutants from the site. The plan shall include BMPs in accordance with the City's storm water design criteria, design standards for public improvement and the general conditions and technical specifications for public improvements.

SWPPP. Storm Water Pollution Prevention Plan.

Water quality standards. The standards, required under the Clean Water Act, which Missouri has adopted to control and remedy water pollution (10 CSR 20-7.031). Water quality standards have three parts: water use classifications, water quality criteria, and an antidegradation policy.

Waters of the City. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, sinkholes, springs, wetlands, wells and channels, and other bodies of surface or subsurface waters, natural or artificial, lying within the boundaries of the City.

Waters of the state. Any water, surface or underground, lying within the boundaries of the City over which the State Department of Natural Resources has authority with respect to Clean Water Law.

Watercourse. Any body of water, including, but not limited to, lakes, ponds, rivers and streams.

Waterway. A channel that directs surface runoff to a watercourse or to the public storm water system.

40.215. Scope and Authority.
This section is applicable to all land disturbance activity within the City unless specifically exempted. The provisions in this section shall be administered and enforced by the Director. The Director shall have the authority to develop and implement procedures, forms, policies, design and construction standards and interpretations for administering the provisions of this section.

40.220. Erosion and Sediment Control.
The responsible party shall control site erosion and the release of sediment and other pollutants resulting from land disturbance activities to the maximum extent practicable (MEP) utilizing best management practices (BMPs). The responsible party shall ensure that BMPs are designed, constructed and maintained during land disturbance activities in accordance with the most recent versions of the guideline manual, design standard, standard details and construction specifications.

40.225. When permit is required.
A Land Disturbance Permit is required for all land disturbance activity affecting one acre or greater, cumulatively, throughout the duration of the development. The responsible party shall obtain a land disturbance permit from the Department prior to commencing land disturbance activity. A land disturbance permit is not generally required for land disturbance of less than one acre, cumulatively, throughout the duration of the development. However, a land disturbance permit may be required if the Director determines that there is significant potential for deposition of sediment that is in violation of this section or the land disturbance activity is within close proximity to valuable resource waters. Regardless of land disturbance size, a land disturbance permit is required if the land disturbance is located 50 feet or less from the boundary of a spring, rim of a sinkhole, cave entrance, wetland, watercourse, stream buffer or 100-year flood plan. The Director shall provide written notice of the need for a permit to the responsible party or person conducting the land disturbance activities. The responsible party shall obtain a land disturbance permit from the Department prior to commencing or resuming land disturbance activity.

40.230. Work Exempt from Permit.
(A) A Land Disturbance Permit shall not be required in the following instances, provided that no change in drainage patterns or sedimentation onto adjacent properties will occur:

(1) Grading or tilling of land for farming;
(2) Nurseries;
(3) Gardening or similar agricultural or horticultural use; and
(4) Grading activities in quarries and permitted sanitary landfills.

(B) No land disturbance permit is required for the following activities, provided they are less than one acre of cumulative land disturbance, are not located within 50 feet of the boundary of a spring, rim or a sinkhole, cave entrance, wetland, watercourse, stream buffer or 100-year flood plan and do not cause a violation of Missouri Clean Water Law or water quality standards:

(1) Grading and repair of existing roads or driveways;
(2) Cleaning and routine maintenance of roadside ditches or utilities;
(3) Utility const5ruction where the width of the disturbed area for trench exaction and backfill is twenty feet (20') or less;
(4) Emergency construction required to repair or replace roads, utilities, or other items affecting the general safety and well-being of the public;
(5) Land disturbance for single family residences not part of an overall subdivision plan.

(C) For emergency construction activities which would otherwise be required to obtain a permit and for which remedial construction will take more than 14 calendar days, application for the land disturbance permit must be made within three calendar days from the start of construction.

40.235. Minimum Requirements.
The most recent versions of the guideline manual, design standard, standard details and construction specifications sets forth minimum requirements that must be met in order to obtain a land disturbance permit. These documents also provide guidance and additional resources to facilitate control of soil erosion and pollutants on land that is undergoing development. Grading, erosion control practices, sediment control practices and waterway crossing shall meet the design criteria as outlined in these documents.

40.240. Permit Application and Fees.
An application for a Land Disturbance Permit shall be submitted on the City's land disturbance application form provided by the Department and filed with the Department. Each land disturbance permit application shall be accompanied by a MODNR land disturbance permit, a MODNR state operating permit as well as an erosion and sediment control plan and a SWPPP both prepared by a qualified professional engineer or person certified in erosion and sediment control meeting the provisions of this section, unless the requirement is specifically waived by the Director. The responsible party shall install and maintain BMPs in accordance with the land disturbance permit and SWPPP. The responsible party shall maintain a copy of the city's and MODNR's land disturbance permits, the sediment and erosion control plan and the SWPPP on site. Major amendments of the erosion and sediment control plan shall be submitted to the City and shall be processed and approved, or disapproved, in the same manner as the original plans. Field modifications of a minor nature may be authorized by the City's inspector. The City shall collect a fee for the purpose of recovering administrative costs associated with processing applications, reviewing plans, issuing permits, conducting inspections and enforcing this section. Each applicant shall pay the applicable fee at the time of application. Such fees shall be

established in a schedule periodically adjusted by ordinance from time to time with the initial fees to be $50.00.

42.245. Storm Water Pollution Prevention Plan Requirements.

The responsible party shall submit a SWPPP with the permit application that shall be prepared in accordance with the most recent versions of the guideline manual, design standard, standard details and construction specifications. No land disturbance permit shall be issued prior to review and acceptance of the SWPPP by the Director. The responsible party shall provide and implement revisions to the SWPPP, as necessary, due to conflicts, omissions, changed conditions or damage resulting in a violation of any part of this section to address and correct the condition causing the violation.

40.250. Inspections.

The responsible party shall provide a qualified inspector to conduct inspections on a weekly basis or within 48 hours of a one-half-inch or greater rain event. A copy of each weekly and rain event inspection shall be faxed to the Department as instructed. The log of such inspections shall be maintained on site and available for review by the City upon request. By applying for a grading permit, the applicant consents to the City inspecting the proposed development site and all work on progress.

40.255. Security Requirement.

OPTION 1. Upon approval of the SWPPP and prior to issuance of a land disturbance permit, the City shall require the developer to post a security in the form of a cash bond, cash or equivalent approved by the City of not less than 150 percent of the value of all erosion and sediment control measures which are part of the SWPPP. For land disturbance permits where no other security will be required the only type of security which will be accepted will be a cash bond. For land disturbance permits where other security is established for public improvements, the erosion control security may be added to the security for public improvements. If the bond, letter of credit or other security document is placed in default, or the insurance is terminated or not maintained at a satisfactory level, then no further permits or approvals, including building permits, shall be issued for the developer's property located in the development for which the security was given, until the improvements are completed to the satisfaction of the City. Any portion of the deposit not expended or retained by the City hereunder shall be refunded when soil and drainage conditions are stabilized to the satisfaction of the City and the land disturbance permit is closed.

OPTION 2. No security is required at this time.

40.260. Failure to Comply.

Enforcement of this chapter shall be the responsibility of the Director. The party or parties responsible and liable for actions or non-action in regard to this ordinance, including responsibility for abating violations of this Ordinance, shall be the property owner or person authorized to act on the property owner's behalf; or any person allowing, causing or contributing to a violation of this chapter. If an investigation or inspection results in a

finding of noncompliance with this Ordinance, the Director is authorized to issue a Notice of Violation (NOV) that may, at the discretion of the Director, include a stop work order or a citation. The NOV shall specify the deficiencies, what corrective action is necessary, and a specific timeframe in which the responsible party is to achieve compliance. The written NOV, including a stop work order or citation as applicable, shall be mailed, postage prepaid, or hand delivered to both the permittee and owner. Failure to comply with a notice from the Director shall result in the issuance of a stop work order or citation. Issuance of a stop work order shall result in a suspension of all construction activity on the site, except for work related to remediation of the violation, until the violation is resolved to the City's satisfaction. The stop work order shall also suspend the right of the permittee, applicant, owner, contractor, developer or any related entity to build or construct any structure or public improvement on any portion of the site. It shall be unlawful for any person or responsible party to fail to comply with a stop work order. The Director and the Department, upon issuance of a stop work order, are authorized to suspend the issuance of building permits and occupancy permits for structures on any portion of the site, terminate City utility services to the site, and to suspend all inspections and plan review related to any other work that is taking place on the site, until such time as the violation is resolved to the City's satisfaction. Stop work orders shall specifically state the provisions of this Ordinance or the land disturbance permit being violated. Any person, who shall continue any work in or about the site after having been served with a stop work order, except such work related to remediation of the violation, shall be subject to penalties as specified in Chapter 13. Said stop work order may be lifted upon the presentation and construction of an accepted plan to avoid sediment runoff and the removal of any such sediment as ordered. All stop work orders that are issued by the Director must be posted on the site on which the grading activity is taking place, and in reasonable proximity to a location where the grading activity is taking place. All stop work orders posted in this manner shall be considered validly delivered. It shall be the responsibility of the owner to ensure that no violation of this chapter occurs on his/her property. If the responsible party fails to comply with a NOV, stop work order, or there is no immediate settlement, a summons to court may be issued to the responsible party. The summons to court shall contain all the information required by the City Code and will be enforced and issued through the municipal court. The Director shall have the option of causing a summons to municipal court to be issued immediately upon discovery of a violation, in lieu of a NOV.

Any person who has been served a notice of violation, stop work order, or other order under this chapter or any person who has been denied a land disturbance permit may request in writing an appeal within seven (7) days from the date of the notice to the board of adjustment.

40.265. Penalties for Violation.

Any person who violates the provisions of this chapter shall be subject to the following penalties per day and each and every day shall be deemed a separate offense.

: Penalties shall be an applicable dollar amount per violation per day and/or imprisonment for a period of time per violation per day as set forth in Chapter 13.

: The City may recover all attorneys' fees, court costs, (fines or penalties assessed against the City by the MODNR), and other expenses with enforcement of this Ordinance.

40.270 Remedy to Cause Removal.
The City Attorney may seek any appropriate remedy to cause the removal of such sediment including, but not limited to, an injunction, revocation proceedings for any and all permits, licenses, and termination of utility services.

40.275. Conflicts with other ordinances or laws.
This Ordinance shall not abrogate or annul any existing City, State or Federal Law, Ordinance, rule or regulation. Where any provision of these regulations imposes restrictions different from those imposed by any other regulation, the provision that is more restrictive or imposes a higher standard shall control.

[Added by Ordinance 1618; adopted on August 10, 2016.]

Chapter 40B – Excavation

40.300. Streets and Rights of Way.
No excavation of any street, sidewalk, public right of way or other real property of the City shall occur unless an excavation permit is obtained from the City Clerk after the filing for an application permit on a form approved by the City Clerk. An excavation permit deposit or payment and performance bond is required before the City Clerk will issue an excavation permit allowing the permittee to dig or excavate on, in, through or under any street, sidewalk, public right of way or other real property of the City.

The amount of the deposit is four hundred fifty dollars ($450.00), except when the amount of the deposit is clearly inadequate to cover the cost of restoration then the City Administrator or Mayor may increase the amount of the deposit to an amount considered by the City Administrator or Mayor to be adequate to cover the restoration cost.

The amount of the bond shall be in an amount not less than $5,000.00, except when the amount of the bond is clearly inadequate to cover the cost of restoration then the City Administrator or Mayor may increase the amount of the bond required to an amount considered by the City Administrator or Mayor to be adequate to cover the restoration and other costs. All bonds shall be held for 1 year from the date of the permit.

Each application shall be accompanied by proof of liability insurance from the applicant's contractor (or from the applicant if applicant is the contractor) performing the described work in the minimum amount of three hundred thousand dollars ($300,000.00) per occurrence against all claims for damages arising from the prosecution of the work. The City shall be shown as an additional insured.

The permittee is responsible for cleanup and restoration of the area excavated to the satisfaction of the City.

The City may deduct from the deposit or recover from the bond any expense to the City in restoring the surface of the excavation to its pre-excavation condition plus any costs incurred for cleaning of mud, debris, or other materials from the excavation site.

Failure to complete restoration of the excavation site within 30 calendar days of the permit date (or such longer period as is authorized by the City Administrator or Mayor) will result in forfeiture of the deposit or bond. Any unused part of the deposit shall be returned to the applicant, without interest, after excavation is completely refilled and the excavation site is restored to its pre-excavation condition.
[Added by Ordinance 1639; Adopted May 10, 2017]

Chapter 41 -- Maintenance of Real Property

41.005. Penalties.
It shall be unlawful for any person to violate any provision of this Chapter 41 and any person convicted of a violation hereunder shall be punished as provided in Chapter 13 of this Code for each such violation.

41.010. Refuse prohibited.
It shall be unlawful for any person to throw or place any garbage, refuse or trash upon any property, or to allow such garbage, refuse or trash to remain upon his property for more than 24 hours. This Section shall apply to garbage, refuse or trash placed in fully enclosed trash cans, dumpsters, or similar permanent containers placed temporarily on property for removal of solid wastes. [Ordinance No. 2009-1270, adopted February 2, 2009].

41.020. Decayed or diseased trees prohibited.
It shall be unlawful for the owner of any land to maintain or allow to stand upon such land any tree or tree limb which, due to disease, decay breakage or any other reason, is reasonably likely to injure any person or property by falling or by spread of a contagious disease. In any prosecution under this Section it shall be an affirmative defense for the owner to prove that he has repaired, trimmed or removed such tree to the extent necessary to eliminate the likelihood of injury.

41.030. Removal of snow and ice from sidewalks.
Each person owning or occupying real property shall remove all snow and ice from all sidewalks located upon such property and shall maintain such sidewalks free of snow and ice.

41.040. Abandoned vehicles.
Abandoned vehicles on public and private property shall be dealt with under State law pertaining to same; reference is made to Sections 304.155 and 304.157, RSMo, for definitions, procedures and provisions pertaining to abandoned vehicles.

Chapter 42 -- Demolition of Buildings

42.005. Penalties.
It shall be unlawful for any person to violate any provision of this Chapter 42 and any person convicted of a violation shall be punished as provided in Chapter 13 of this Code for each violation.

42.010. Permit required.
No person shall demolish, tear down or wreck any building or structure within the City without first obtaining a demolition permit therefor, issued by the Building Inspector. Each demolition permit shall cost $10.00 and shall be issued only after payment of the fee and completion of an application therefore giving such information as necessary to enforce the provisions of this Chapter.

42.020. Duration of permit.
Each permit to demolish any building or structure shall expire sixty (60) days from the date of issuance. When a demolition permit has expired, no further demolition work shall be performed.

42.030. Failure to complete work.
Each permitted demolition project shall be completed within sixty (60) days from the date of issuance of the permit therefore. The term "completed" shall mean and include removal of all trash and debris from the demolition site.

Chapter 43 -- Moving of Buildings

43.005. Penalties.
It shall be unlawful for any person to violate any provision of this Chapter 43 and any person convicted of a violation shall be punished as provided in Chapter 13 of this Code for each violation.

43.010. Permit required.
No person shall move or cause to be moved on or across any street any building or structure without first obtaining a permit to do so. The application for such permit shall include the height and size of the building to be moved and the complete route over which same is to be moved. Each applicant shall pay a fee of $10.00 for each such permit. Upon receipt of an application the City Clerk shall cause the application to be put on the agenda for the next regular meeting of the Board of Aldermen.

43.020. Board may regulate moving.
The Board of Aldermen may, by resolution, grant the permit and before doing so shall prescribe such reasonable regulations and restrictions as to the moving of such building over the streets to be traversed as may be deemed for the public good and as shall prevent damage or nuisance. The Street Commissioner shall have the supervision and oversight of the moving. The owner of the building shall pay all expenses, damages and injuries caused by the moving, and prior to receiving a permit may be required to produce satisfactory proof of applicable insurance and to post a cash damage deposit or bond.

CHAPTER 45 – SUBDIVISIONS

45.101. Article I. General Provisions.

1. Purposes of regulations.

(a) The platting of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks, drainage ways and utility easements will determine to a large degree the design, character and conditions in the urban area. The quality of the urban area is of public interest. These regulations and standards for the platting and subdividing of land for urban use are to make provision for adequate light, air, open space, drainage, traffic circulation, utilities and other needs to insure the development and maintenance of a healthy, attractive and efficient community.

(b) These regulations are designed to:

i. Provide neighborhood conservation and prevent the spread of urban blight;

ii. Provide that the cost of improvement which primarily benefit the tract of land being developed be primarily borne by the owners or Developers of the tract.

2. Jurisdiction. These regulations shall apply to all land located in the corporate limits of Hamilton, Missouri.

3. Applicability. The owner of land within this jurisdiction subdividing land into two (2) or more lots, and blocks or tracts or parcels, for the purpose of laying out any subdivision, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations, unless otherwise exempted. Any lawfully existing plats recorded prior to the effective date of these regulations shall remain valid, and any replats or resubdivisions shall conform to these regulations.

(a) Exemptions:

i. A change in the boundary between adjoining lands which does not create an additional or substandard lot.

ii. Land used for street right-of-way, a drainage easement or other public utilities subject to local, state or federal regulation, where no new street or easement of access is involved.

4. Plat Approval and Recording.

(a) No plat of a subdivision of land lying within the City shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Planning and Zoning Commission to the Board of Aldermen and until the Board of Aldermen have approved the plat as provided by law.

(b) No county recorder shall receive for filing or recording any subdivision plat required to be approved by the Board of Aldermen unless the plat has endorsed upon it the approval of the Board of Aldermen under the hand of the City Clerk and the seal of the City.

5. Variances and Exceptions. Whenever strict enforcement of the various provisions of this Chapter would entail unusual, real and substantial difficulties or hardships, the Board of Aldermen may vary or modify them in such a way that the Developer is allowed to plan and develop his property and record a plat of the same without unjust difficulties and expense, but at the same time, the public welfare and interests of the City are fully protected and the general intent and spirit of the Ordinance is preserved. In granting variances and modifications, the Board of Aldermen may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

6. Not to constitute acceptance of dedication to public use. The approval of a plat by the City does not constitute or effect an acceptance by the City or public of the dedication to public use of any street or other ground shown upon the plat.

7. Acceptance of streets; laying utilities in streets.

(a) The City shall not accept, lay out, open, improve, grade, pave or light any street or lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the City unless the street has received the legal status of a public street prior to the adoption of this Chapter or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of Aldermen. The Board of Aldermen may locate and construct or may accept any other street if the ordinance for the location and construction for the acceptance is approved by the Board of Aldermen.

(b) The City shall not accept public infrastructure until the Developer has submitted, in a form acceptable to the City, as-built drawings prepared and sealed by a Missouri licensed engineer which accurately show the location and specifications of such infrastructure. Such drawings must be submitted to the office of the city clerk and clearly stamped "AS-BUILT".

8. Access streets to conform to provisions prior to issuance of building permit. No building permit shall be issued for and no building shall be erected on any lot within the City unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of this Article.

9. Survey Corrections. If areas that have been subdivided and substantially developed are resurveyed to correct apparently erroneous plats, the new plat must be approved by the Board of Aldermen prior to recording. If the land is still not substantially developed, changes resulting from resurveys should be reported through the resubdividing procedure.

10. Enforcement.

(a) No plat of any subdivision shall be entitled to be recorded in the County Recorder’s office or have any validity until it shall have been approved in the manner prescribed in this Chapter.

(b) No building permit shall be issued for any structure that is located upon a lot in an area that has not been platted, unless approved in the manner as provided for in these regulations. This shall not apply to subdivisions or lots of record which were platted prior to the adoption of this Chapter.

11. Violations.

(a) No owner, or agent of the owner, of any land located within the City may transfer, sell, agree to sell, or negotiate to sell land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board of Aldermen and recorded in the County Recorder's office. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this section.

12. Penalties for Violations. Any person violating the provisions of this Ordinance shall forfeit and pay to the City a penalty not to exceed three hundred dollars ($300.00) for each lot transferred or sold prior to approval of such plat. The City may enjoin or vacate the transfer of sale or agreement by legal action and may recover the penalty for such action together with all costs of such suit including reasonable attorney's fees.

13. Public notification of proposed subdivision. Notification of a proposed subdivision will be on the
Commission agenda and Board of Aldermen agenda. The zoning officer shall place a sign, not less than three (3) square feet per face, upon the front yard, or as close as practical thereto, of the subject property. Said sign shall contain the message "zoning action pending"; shall show the telephone number of City offices; and shall be placed not less than ten (10) days prior to the commission meeting. The sign shall remain on the property until such time the proposed subdivision is accepted or rejected. Unauthorized removal, damage, or vandalism to said sign shall not invalidate the notification provision of this Chapter.

45.201. Article II. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

Alley – A minor public easement used primarily for vehicular service access to the back or side of properties otherwise abutting on a street and not intended for general traffic circulation.

Applicant – The Developer or owner of land submitting an application for property to be platted or subdivided. Consent for an application shall be required from the legal owner of the premises.

Block – A tract of land composed of a specified number of lots as set forth in a platted and recorded subdivision, usually specified by an assigned number or letter. Blocks are usually divided into numbered lots.

Building Line – A setback line from the lot line which restricts the buildable area of the lot.

City – The City of Hamilton, Missouri.

City Plan – The plan made and official adopted by the Planning and Zoning Commission which includes a plan for land use and major streets.

Commission – The City of Hamilton, Missouri, Planning and Zoning Commission.

Developer – Any proprietor, individual person, firm, association, syndicate, co-partnership, corporation, trust, condominium Developer or other legal entity that directly or indirectly causes land to be platted or subdivided for itself or for others.

Easement – A grant by the property owner to the public, a utility, or another person or entity for the use of a strip of land for specific purposes.

Grade – The slope of roads, streets or other public ways specified in percentage terms.

Landlocked – A developable tract of land entirely or almost entirely surrounded by lots, development, flood plain or severe topography without a street or public access.

Lot – A parcel of land within a plat indicated on a subdivision as a numbered, lettered or otherwise identified parcel of land to be offered for sale, dedication or development and which may be described by reference to lot, block and plat name designation only, without reference to metes and bounds.

Lot split - The division of a platted lot into not more than two (2) lots, each of which continues to meet minimum frontage and area standards as set forth in the City of Hamilton Zoning Regulations.

Major Street Plan – The Section of an adopted City Plan dealing with streets and the accompanying major street map.

Minor subdivision - Subdivision of land into no more than five (5) contiguous lots in which no substandard-sized lots or new streets are created.

Owner - Any person or persons, firm, corporation, partnership, limited liability company, or any other legal entity having an ownership interest to the land.

Parcel or tract - All of the contiguous land under single ownership whether single or multiple lots, or a single legal description, or several combined legal descriptions.

Pedestrian Way – A right-of-way easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Plat – A map indicating the subdivision or re-subdivision of land. A plat sets forth the division of land by indicating the size and area of each lot and/or block shown on the plat including streets, easements, setback lines, and other features relevant to the subdivision. A plat is intended to be filed for record or has been filed for record and is prepared by a Land Surveyor licensed by the State of Missouri.

Replat (Amended plat) - Any change to a previously-approved and recorded subdivision plat.

Resubdivide – Any change in the division of a tract or block of land that affects any lot line or parcel boundary, including lot splitting or replat, but excluding combining lots.

Right-of-Way – A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, utility line or pipe, water main, sanitary or storm sewer main or for another special use. A right-of-way is separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Street – A right-of-way dedicated to the public use or a private right-of-way serving more than one (1) ownership which provides principal vehicular and pedestrian access to adjacent properties and is intended for general traffic circulation.

Street Classifications

1. Arterial street – a major street, highway or roadway designated as such on the adopted Major Street Plan.
2. Collector street – a street which collects traffic from local streets and is designated as a collector street on the City's Major Street Plan and may include the principal entrance streets of a residential development and streets for circulation within such development.
3. Cul-de-sac – a street having one (1) end open to traffic and being permanently or temporarily terminated by a permanent vehicle turnaround.
4. Frontage roads – a minor street which is parallel and adjacent to an arterial or collector street and provides access to abutting properties.
5. Local street – a minor street which is not designated as an arterial or collector street or state or federal highway.
6. Major street – any arterial or collector street as shown on the adopted City Major Street Plan and all state or federal highways in the City.

Subdivider - Any person dividing or proposing to divide land so as to constitute a subdivision including any agent of the subdivider.

Subdivision – The division or redivision of a parcel of land into two (2) or more lots or other divisions of land which is set forth on a plat and has been filed for record; it includes resubdivision, and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Zoning Ordinance – The Zoning Ordinance of the City of Hamilton, Missouri, which regulates the use of land, density of development, height of structures, building setbacks and open space requirements within various districts of the City.

45.301. Article III. Design Standards.

1. Purpose. The quality of design of the urban area is dependent on the quality of design of the individual plats and subdivisions that compose it. Therefore, the design of each plat shall be prepared in accordance with the objectives established by the adopted City plan for land use,

traffic circulation and utility services. The arrangement of lots and blocks and the street system shall be designed to make the most advantageous use of existing topography and natural physical features including tree masses and large individual trees. Adjacent properties should be considered in the plat design and shall not be landlocked. Streets and sanitary sewers shall be designed and shown on plans signed and sealed by a professional engineer licensed by the State of Missouri.

2. Compliance required. Prior to acceptance by the City of new streets constructed within the corporate limits of the City or in adjacent areas anticipated or proposed to be annexed to the corporate limits of the City, the new streets, when constructed, shall meet certain minimum requirements as set forth in this Chapter.

3. Blocks.

(a) Residential blocks shall not exceed one thousand two hundred (1,200) feet in length except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways or easements through the block may be required near the center of the block by the Board of Aldermen. Such pedestrian ways or easements shall have a minimum width of ten (10) feet. Such pedestrian ways shall be constructed by the Developer of such designs as approved by the Developer.

(b) Blocks for business use should normally not exceed six hundred (600) feet in length.

(c) Width of blocks – in residential plats interior blocks shall have sufficient width of provide for two (2) tiers of lots of appropriate depths. Exceptions will be permitted for exterior blocks that border the plat boundary or blocks adjacent to major streets, railroads or waterways. Blocks intended for commercial or industrial use shall be of such width and depth as may be considered most suitable for the prospective businesses.

(d) When a tract is platted for subdividing into larger than normal lots and blocks, such parcels shall be so arranged as to permit logical platting with provisions for adequate easements for streets and utilities.

4. Streets.

(a) Major Streets. Arterial and collector streets through plats shall conform to the City's major street plan. Wherever a plat abuts or is divided by a major street designated by the City plan, the Developer shall dedicate any lands within such plat that are necessary to provide conformity with the major street plan. Such dedication shall be shown on the plat and the Developer shall receive no compensation for such dedication.

(b) Local Streets. Local streets shall be so designated to provide access to each lot or parcel of land and in a manner that will discourage use by through or non-local traffic.

(c) Cul-de-sacs. Cul-de-sacs shall normally be no longer than seven hundred fifty (750) feet and shall terminate in circular paved space having a minimum radius of thirty-seven and one-half (37 ½) feet to outside pavement or curb.

(d) Right Angle Intersections. Under normal conditions, streets shall be laid to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, the minimum angle shall be seventy (70) degrees.

(e) Frontage Roads. Whenever a plat abuts or contains an existing or proposed major street, railroad or non-residential land use, the Planning and Zoning Commission may require frontage roads, screen plantings, deep lots or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(f) Half-Streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformance with the requirements of this Chapter and where the Board of Aldermen finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other side of the street shall be platted within such tract.

(g) Minimum Dimensions. All streets included in any plat, hereafter dedicated and accepted, shall not be less than the minimum dimension for each classification as follows:

Classification	**Width (feet) R/W**	**Pavement**	**Max Grade of Streets**
Arterial street	60	36	6%
Collector street	50	30	8%
Local streets	50	28	8%
Frontage roads	50	30	8%
Cul-de-sac street	50	30	8%
Turnaround, diameter	90	75	8%

(h) Street Alignment. Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:

i. Horizontal alignment: Radii at the centerline:
   1. Major streets – 300 feet
   2. Local streets – 100 feet

ii. Vertical alignment. All changes in street grade shall be connected by vertical curves of such length as to provide for desirable sight distance.

(i) Tangents between reverse curves. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets in subdivisions meeting the requirements of this Chapter.

(j) Angle of intersection. Streets in subdivisions meeting the requirements of this chapter shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees.

(k) Rounding property lines at intersections. Property lines at street intersections in subdivisions meeting the requirements of this chapter shall be rounded with a radius of twenty (20) feet or of a greater radius where the planning commission may deem it necessary. The Board of Aldermen may permit comparable cutoffs or chords in place of rounded corners.

(l) Street Jogs. Streets with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

(m) Dead-end streets. Dead-end streets, designed to be so permanently (i.e. a cul-de-sac), in subdivisions meeting the requirement of this Chapter shall not be longer than seven hundred fifty (750) feet and shall be constructed with a traffic circle at the closed end of the street, or other similar means for traffic to turn around having an outside roadway diameter of at least seventy-five (75) feet.

(n) Street Names. Streets that are obviously in alignment with existing streets shall bear the same names. No street names in subdivisions meeting the requirements of this Chapter shall be used which will duplicate or be confused with the names of existing streets located in Caldwell County, Missouri. Street names shall be subject to the approval of the Board of Aldermen.

(o) Street Signs. The Developer shall install street name signs in accordance with the specifications of the City requirements as approved by the City Administrator for designated official.

(p) Reserve strips controlling access. Reserve strips controlling access to streets in subdivisions meeting the requirements of this Chapter shall be prohibited except where their control is definitely placed in the City under conditions approved by the City.

(q) Adjoining Street System. Where the plat to be submitted includes only a part of the tract owned or intended for development by the Developer, a tentative plan of a proposed future street system for the unplatted portion shall be prepared and submitted by the Developer. Where it is obvious a street from another development should or could continue across the planned development, the plan shall provide for continuation of this street through the development.

(r) Street Specifications. All streets shall conform in location and alignment to the City's major street plan and shall be graded to their full width, including side slopes to the appropriate grade. Underdrains shall be constructed for storm drainage and unless waived by the Board of Aldermen all streets shall be bordered with a Portland cement curb and gutter having a minimum width of twenty-four (24) inches and a configuration approved by the City. All streets shall be paved with Portland cement concrete or asphaltic concrete as specified by the City's engineer and will include the following minimum pavement construction standards:

i. Subgrade preparation. All fill material shall be thoroughly compacted, prior to placement of any pavement. The top six (6) inches of the subgrade shall

be scarified and compacted the entire width of the road bed and one (1) foot beyond the back of curbs.

ii Portland cement concrete pavement. All construction of concrete pavement shall be done in accordance with Division 500 of the Missouri Standard Specification for Highway Construction. All streets shall be built to the width and depth specified in (c).

iii The following minimum width and depth specifications shall be required for curbs and streets:

	Major Highway	**Arterial Street**	**Collector Streets**	**Residential Streets**	**Industrial Area**	**Business District**
Minimum right-of-way width	70’	60’	50’	50’	60’	80’
Minimum pavement width B-B	30’	36’	30’	28’	38’	48’
Portland cement concrete thickness	10”	8”	7”	6”	8”	8”
Reinforcement	yes	yes	no	no	yes	yes
Asphalt Thickness	10”	8”	7”	6”	8”	8”
Black base	4”	3”	no	no	3”	3”
Maximum curvature	7°	10°	12°	30°	30°	12°
Maximum gradient	4%	6%	8%	8%	5%	5%
Lane width	12’	12’	12’	12’	12’	12’
Parking width	none	1 side 8’	none	none	1 side 10’	12’
Shoulder	10’	8’	4’	4’	none	none
Curb height	6”	6”	6”	4” roll over	6”	6”
Crown	3 ½”	4”	3 ½”	3 ¼”	4 ½”	5 ¾”

(s) Sidewalks. Unless waived by the Board of Aldermen, concrete sidewalks shall be constructed along at least one (1) side of every local street shown on the plat and along both sides of all major streets. The City may require the construction of sidewalks within the proposed subdivision to connect with existing or proposed sidewalks in areas adjacent to the plat where such sidewalks are needed for pedestrian circulation. Sidewalks shall be four (4) feet wide with four (4) inches of concrete and at driveway crossings there shall be a minimum of six (6) inches of concrete. All sidewalks shall conform to current accessibility standards of the Americans with Disabilities Act (ADA). Public sidewalks shall be natural concrete gray tone in color and shall have a uniform, level, broom finish texture. No cobblestone, stamped or other irregular finish shall be permitted other than required by the Americans with Disabilities Act (ADA) 4.29.2 and APPA A4.29.2, Detectable Warnings on Walking Surfaces.

5. Submittal of Plans. Prior to paving any streets, the Developer must submit to the City Administrator (or designated official) for approval a plan showing proposed street grades and any required drainage structures on plans signed and sealed by a professional engineer.

6. Quality of Workmanship. All work must be done in a workmanlike manner and must be approved in writing by the City Administrator (or designated official) prior to acceptance by the Board of Aldermen. Any improvement not found acceptable by the City Administrator (or designated official) shall remain the responsibility of the Developer until all corrections have been made and the Board of Aldermen accepts it. The Developer shall provide to the City acceptable guarantees that the work will be free of defects for a period of 2 years after acceptance by the City.

7. Alleys. Alleys shall be provided in commercial and industrial districts, except that the requirements may be waived where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking area consistent with and adequate for the uses proposed. Dead-end alleys shall be avoided wherever possible.

8. Easements. Permanent utility easements acceptable to the City shall be provided, along streets and in such other areas as necessary to serve the area being developed and for future developments or needs of the City, through each block to logically serve every future lot or parcel. When utility easements cross streets, they shall align for at least fifty (50) feet on either side of the street right-of-way. All utility easements shall be at least fifteen (15) feet wide. Utility easement requirements may be waived by the Board of Aldermen when alleys are provided for the placement of utility services.

9. Drainage Ways. Drainage easements shall be required in addition to other easements where a plat is crossed by a watercourse, pipes, structures, drainage channel, stream or where required by the City Administrator (or designated official) to provide adequate drainage. All storm drainage shall be in accordance with the City's storm drainage management ordinance.

10. Parks. All Developers are urged to consider the dedication of land for park, recreation and public use. When the City Plan indicates a park, playground or school should be located in the area of the proposed plat, the Developer shall duly consider the public needs and reserve such sites until the appropriate public boards have had an opportunity to negotiate terms of purchase, trade, dedication or any combination thereof with the Developer.

11. Lots.

(a) Every lot shall be designed to provide a satisfactory and desirable building site and shall abut on a street and a utility easement.

(b) Residential lots shall front upon local streets or frontage roads rather than major streets whenever possible.

(c) Subdivision or resubdivision of a tract, block or lot shall not be permitted where it would create a lot or parcel or place an existing structure in violation of the requirements of the zoning ordinance.

12. Lighting.

(a) Lighting shall be provided in accordance with standards required by ordinance.
(b) Lighting to enhance public safety shall be provided by the Developer at street intersections, along sidewalks and walkways, at entryways, between buildings and in parking areas as determined by the City.
(c) Height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents and the design of lighting standards shall be of a type appropriate to the development and the City.
(d) Spotlights, if used, shall be placed on light standards pointing toward the building and positioned so as not to blind residents, rather than on buildings and directed outward which creates dark shadows adjacent to the buildings.

45.401. Article IV. Application Procedures.

1. Purpose. This Article is intended to avoid confusion or undue hardships for either the Developer or the City during the planning process. A step-by-step procedure for platting and subdividing land is outlined for the Developer and the City.

2. Procedure for Minor Subdivision. Whenever the owner of a tract or parcel of land within the limits of the City wishes to make a minor subdivision of the same, the owner shall comply with the following requirements:

(a) The owner shall confer with the City Administrator, or designated official, as to the City's requirements, become familiar with all ordinances pertaining to procedure and requirements for subdivision of land, and pay a filing fee of two hundred dollars ($200.00) or as otherwise provided by City ordinance.
(b) The owner shall prepare and submit to the City two (2) copies of a preliminary plat of the proposed minor subdivision. Such preliminary plat shall be drawn to scale of not less than one (1) inch to one hundred (100) feet showing:
i. The location of the entire tract being subdivided;
ii. The boundary, dimensions and area (in acres and square feet exclusive of easements for roads and driveways) of each proposed lot;
iii. The location of any existing structures and its distance from the nearest boundary;
iv. Existing roads and other easements;
v. Provision shall be made for sewer and public utility easements to serve each of such lots and such easements shall be shown on the plat;
vi. The building or setback lines required by the applicable zoning ordinance;
vii. Topographical data may be required when the City, in its discretion, determines that variation in elevations warrants the showing of such data;
viii. Be certified by a registered Land Surveyor;
ix. Existing and proposed utility lines including, but not limited to: sanitary sewer, storm sewer, water, and electric.
(c) The preliminary plat shall be recommended for approval or rejection by the City Administrator, or designated official, within fifteen (15) days of the date received.
(d) After the City Administrator's, or designated official's recommendation of the preliminary plat, the Applicant shall submit to the City a final plat of the minor subdivision consisting of a final map showing all items required on the preliminary plat,

as corrected or changed, and the approval by the City as to the availability of water and sewer service.

(e) The Applicant shall file in the City Clerk's office three (3) copies of the final plat. All plats filed under this Article and the information required thereon shall be certified by a licensed surveyor of the State of Missouri.

(f) The final plat shall be presented to the Commission for its recommendation, and ten to the Board of Aldermen for its approval or rejection, and the action of the Board of Aldermen shall be final.

3. Procedure for Other Subdivisions.

(a) Step 1. The Developer must submit a preliminary plat that complies with all requirements set forth in Article IV.2 above for minor subdivisions as well as the following:

i. A formal irrevocable offer of the owner for dedication to public use of all streets, alleys, parks, public lands, shown thereon, and the granting of all easements required.

ii. A statement on the plat which states that when the City accepts the street right-of-way shown on the plat as property, the City is under no obligation to improve the streets or to accept the streets for public maintenance.

(b) Step 2. The City Administrator, or designated official, will advise the Planning and Zoning Commission of the proposed subdivision.

(c) Step 3. The Planning and Zoning Commission at the next regular meeting occurring seven (7) days or more after the preliminary plat, filing fee, dedication, etc., is filed shall consider the plat. The Commission shall arrive at a decision on the preliminary plat within sixty (60) days of the first (1st) meeting, except the Commission with the consent of the Developer may extend the sixty (60) day period.

i. If approved by the Commission, the plat shall be sent to the Board of Aldermen for tentative approval by the City of the dedication to public use of any street and public ground shown on the plat; or

ii. If approved with conditions, the Developer shall revise the preliminary plat to conform to such conditions, then proceed with Step 5; or

iii. If the Commission cannot reach a decision within the time period, the Developer may proceed to Step 4; or

iv. If rejected, the Commission shall provide a written statement to the Developer stating the grounds for rejection addressing:

1. Plat subdivision requirements;
2. Current zoning requirements;
3. The major street plan, as adopted;
4. The intent of the adopted City plan; and
5. Other pertinent considerations.

(d) Step 4. The Board of Aldermen shall review all preliminary plats approved or rejected by the Commission and may tentatively approve the preliminary plat.

(e) Step 5. The Developer shall proceed with the preparation of the final subdivision plat. Applications for approval of the final plat required by this chapter shall be submitted in writing to the planning commission at least thirty (30) days prior to the meeting at which the final plat is to be considered. The final plat required by this chapter

shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided that such portion conforms to all requirements of this chapter.

(f) Step 6. The Developer shall file the following with City:

i. The original drawing and three (3) copies of the final subdivision plat or proposed subdivision drawing at the one (1) inch equals one hundred (100) foot scale.

ii. The final plat meeting the requirements of this Article shall be drawn in ink on sheets a minimum of eighteen (18) inches wide by twenty-four (24) inches long (or a maximum of twenty-four (24) inches wide by Thirty-six (36) inches long) and shall be at a scale of one hundred (100) feet to one (1) inch or larger or in electronic form is approved by the City. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning commission. The final plat shall show the following:

(1) Survey control points, defined as key survey points, approved by the City, or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred and survey coordinates;

(2) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves;

(3) Name and right-of-way width of each street or other right-of-way;

(4) Location, dimensions and purpose of any easements;

(5) Number to identify each lot or site;

(6) Purpose for which sites, other than residential lots, are dedicated or reserved;

(7) Minimum building setback line on all lots and other sites;

(8) Location and description of monuments;

(9) Certification by the surveyor certifying the accuracy of the survey and plat;

(10) Certification of title showing that the applicant is the landowner;

(11) Statement by the owner dedicating streets, rights-of-way easements and any sites for public uses;

(12) Title, scale, north arrow and date;

(13) A filing fee of fifteen dollars ($15.00) per lot.

(g) Step 7. The Commission shall consider the final subdivision plat at the next regular meeting occurring seven (7) days or more after the filing and arrive at a decision within forty (40) days of the first (1st) meeting. The Commission shall make a recommendation of approval or rejection of the subdivision plat to the Board of Alderman.

(h) Step 8. The Board of Aldermen will review the subdivision plat and the recommendation of the Commission and may give its final approval of the subdivision

plat. The approval of the final subdivision plat shall be shown over the signature of the Mayor and attested to by the City Clerk on the original drawing. After approval, the Developer shall file the plat with the County Recorder's office. The recording fee shall be paid by the Developer and the City shall be provided at least 3 copies of the recorded plat.

45.501. Article V. Other Requirements.

1. Shared private driveways. In "R-1" and "R-2" zoning districts, private driveways shall provide access to no more than two (2) single-family residences or no more than two (2) duplexes. Such shared driveways shall be located between the two (2) adjacent dwellings.

2. Landscaping. The Developer shall grade, seed and plant in an appropriate manner, to reduce erosion, all landscaped strips, parkways, buffer screened areas and open drainage areas dedicated to the public.

3. Sanitary Sewers. The Developer shall install sanitary sewers in the subdivision. Each lot shall be provided with a connection to a public sanitary sewer.

4. Storm Sewers. Adequate storm drainage facilities shall be provided to prevent the collection of surface water on any streets, cul-de-sac ends or in any low spots in the plat and to maintain a natural watercourse. All storm water drainage systems shall be separate and independent of the sanitary sewer system.

5. Sewer Stubs. The Developer shall install sewer stubs to all individual lots before curbing, guttering and paving are completed.

6. Water Lines and Fire Hydrants. The Developer shall install water lines and fire hydrants as shown in the approved preliminary plat. Installation shall be in accordance with the specifications and policies governing water line construction in the City, including water service stubs to the edge of the lots.

7. Other Utility Services. Utility services shall abut or adjoin on each lot platted and be installed prior to the sale of any lot or lots in the subdivision. Said utility service may be installed by boring under the pavement and curb, at the Developer's sole expense, when needed on a case-by-case basis with City Administrator's approval so that tearing up of the pavement will be avoided.

8. Pedestrian Ways. If the approved plans require any pedestrian ways, then the Developer, as part of the development, shall construct such pedestrian ways. The construction should be completed prior to acceptance of any streets in the development. The pedestrian ways will be constructed of asphalt unless the Board approves another material.

8. Inspections. The City is entitled to conduct inspections of construction as deemed necessary.

9. Acceptance of Improvements by City.

a. Upon completion of the project and installation of all improvements to minimum City specifications, the Developer may dedicate the streets, water lines and sewers to the City for its use and public maintenance. The City shall have no maintenance obligation until the City accepts such improvements and agrees to provide public maintenance by ordinance duly adopted. The Developer shall provide to the City acceptable guarantees that the work will be free of defects for a period of 2 years after acceptance by the City.

b. Any dispute arising in specification interpretation or construction methods shall be resolved by a registered professional engineer experienced in the disputed area, who is mutually acceptable to the City and Developer. The decision of the engineer shall be final and binding on both parties and his/her fee shall be paid one-third (1/3) by the City and two-thirds (2/3) by the Developer.

[Added by Ordinance No. 1658, adopted October 11, 2017]

Chapter 50 Alcoholic Beverages

Subchapter A -- General Regulations

50.005. Penalties.
It shall be unlawful for any person to violate any provision of this Chapter 50 and any person convicted of a violation hereunder shall be punished as provided in Chapter 13 of this Code.

50.010. Definitions.
In addition to those definitions in Chapter 11 of this Code, the following words and phrases used in this Chapter 50 shall have the meanings herein ascribed:
"Alcoholic beverage" means intoxicating liquor and nonintoxicating beer.
"Intoxicating liquor" means alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (.5%) of alcohol by volume, except nonintoxicating beer.
"Malt liquor" means any beer manufactured from pure hops or extract of hops and pure barley malt or other grains and yeast and water which is free of all harmful substances contains alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight.
"Nonintoxicating beer" means any beer manufactured from pure hops or extract of hops and pure barley malt or other grains and yeast and water which is free of all harmful substances and has an alcohol content of more than one-half (1/2) of one percent (1%) by volume and of not more than three and two-tenths percent (3.2%) by weight.
"Original package" means any packaging unit containing at least thirty-six (36) ounces of beer as a unit for sale at retail.
"Sale by the drink" means the sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters.

50.020. License required.
It shall be unlawful for any person to sell or expose for sale any alcoholic beverage without possessing a valid license for the kind of alcoholic beverage(s) sold and for the manner in which sold and at the location licensed for such sales.

50.030. Qualifications of Licenses.
No person shall be issued a license under this division unless such person is currently eligible for a license issued by the State of Missouri for the sale of the kind of alcoholic beverage(s) for which a City license is sought, is of good moral character and a qualified legal voter and taxpaying citizens of the state and city; and no person shall be issued 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 of the Constitution of the United States, of the violations or the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs or has employed in his business, as such dealer, any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date aforesaid.

[Amended by Ordinance No. 1579; adopted September 9, 2015]

50.040. Application for License.
The City Clerk shall require all applicants for a license to pay the proper fee in advance and to submit sworn information concerning the applicant's full name, residence address, business location and such other information as is reasonably required to administer this Chapter 50.

50.041. Categories of Licenses; License Fees; Maximum Number of Licenses Available.
The following schedule shall be followed in determining the categories for licenses, the license fee payable by the applicant for a given category of license, and the maximum number of licenses available for each category:

Category	**Fee**	**Number**
Alcohol Carrier License	No fee	Five (5)
Consumption of Intoxicating Liquor	$90.00	Five (5)
Domestic Winery (per 500 gallon)	$7.50	Five (5)
Extended Hours Historic Landmark	$450.00	Five (5)
*Extended Hours	$450.00	Five (5)
Liquor Manufacturer Solicitor	$675.00	Three (3)
Liquor Solicitor	$375.00	Three (3)
Liquor Wholesale Solicitor	$750.00	Three (3)
Microbrewery (per 100 barrels)	$7.50	Five (5)
Missouri Wine by Drink	$450.00	Five (5)
Original Package Liquor	$150.00	Five (5)
Original Package Liquor Caterer/50 Event	$750.00	Three (3)
*Original Package – Tasting	$37.50	Five (5)
Retail Liquor by Drink	$450.00	Five (5)
Retail Liquor by Drink – Boat	$450.00	Five (5)
*Retail Liquor by Drink Caterer (per day)	$15.00	Five (5)
*Retail Liquor by Drink Temp Festival (per day)	$15.00	Five (5)*5% Beer and
Wine Temporary Festival (per day)	$15.00	Five (5)
Retail Liquor by Drink Exempt	$450.00	Five (5)
Retail by Drink Entertainment District	$450.00	Five (5)
Retail Liquor by Drink Picnic (7 days)	$37.50	Five (5)
Retail Liquor by Drink Resort	$450.00	Five (5)
Retail Liquor by Drink Resort Temporary (90 days)	$112.50	Five (5)
*Retail Liquor by Drink Caterer/Unlimited	$1,500.00	Five (5)
*Retail Liquor by Drink Caterer/50 Events	$750.00	Five (5)
Retail Liquor by Drink Seasonal Resort (per month)	$37.50	Five (5)
Retail Liquor by Drink Seasonal Temp. (90 days)	$112.50	Five (5)
Railroad ($1.00 per duplicate)	$150.00	One (1)
Sunday by Drink	$300.00	Five (5)
*Sunday by Drink Convention	$900.00	Five (5)
*Sunday – Original Package Liquor	$300.00	Five (5)
Transportation	$15.00	Five (5)

Vintage Wine Auctioneer	$750.00	Three (3)
Vintage Wine Auctioneer – Municipal	$75.00	Three (3)
Vintage Wine Solicitor	$750.00	Three (3)
Wine Direct Shipper	No fee	Five (5)
22% Manufacturer Solicitor	$300.00	Three (3)
22% Solicitor	$150.00	Three (3)
22% Wholesale Solicitor	$300.00	Three (3)
5% By Drink (includes Sunday Sales)	$75.00	Five (5)
5% Beer by Drink – Wine	$75.00	Five (5)
*5% Beer and Wine Caterer (per day)	$15.00	Five (5)
5% Manufacturer Solicitor	$375.00	Three (3)
Original Package 5% Beer	$75.00	Five (5)
5% Solicitor	$75.00	Five (5)
*5% Sun Drink Wine	$300.00	Five (5)
5% Beer by Drink Wine Picnic (7 days)	$150.00	Five (5)
5% Wholesale Solicitor	$150.00	Five (5)

Any other liquor license permitted by the State of Missouri but not specifically listed above will have a fee equal to 1.5 times the fee set by the State of Missouri for such license, with a maximum number of licenses for such license set at Five (5).

*Secondary License Type = Requires a Primary License to Qualify

In cases where the number of applicants for a category of license exceeds the maximum number of licenses available, the licenses shall be issued to existing licensees, and, thereafter, if any licenses are available, they shall be issued on the basis of a blind drawing of lots in a manner giving each applicant an equal chance of being selected to receive an available license.

[Amended by Ordinance No. 1579; adopted September 9, 2015]

50.042. Approval of Applications: Term of License.

A. All applications for licenses hereunder are to be filed with the City Clerk and shall be on forms to be furnished by the Clerk and signed and sworn to by the applicant.

B. The Board of Aldermen shall approve or disapprove each initial license application. Upon approval of an initial license application by the Board of Aldermen, then the City Clerk shall issue the applicant a liquor license to conduct such business in the City for a term to expire on the next thirtieth day of June following the date of such license so long as the applicant is current on all taxes owed to the City, is in compliance with all city ordinances regarding such business, and has a current business license for such business location.

C. For each subsequent consecutive year following the Board of Aldermen's initial approval of an application, the City Clerk will renew a license application for the same category of license which is made by the same applicant for the same location, provided that such application meets all state and city requirements for renewal of the liquor license, has paid the applicable fee, is current on all taxes owed to the City, is in compliance with all city ordinances regarding such

business, and has a current business license for such business location. In the event, a license should lapse, or there is a change in the applicant or the location of the business, then the application for license must be approved by the Board of Aldermen in accordance with Section B above.

D. No license fee shall be prorated.

[Amended by Ordinance No. 1579; adopted September 9, 2015]

50.043. Licenses nontransferable, exceptions.
No license issued under this Chapter shall be transferable or assignable; provided, that if an individual licensee dies the licensee's personal representative or other successor in interest may apply for transfer of the license and the City Clerk shall transfer same for the remainder of the term of the license if the transferee qualifies for such license.

50.044. Licenses per person.
No person shall receive more than five licenses issued under this Chapter.

[Amended by Ordinance No. 1579; adopted September 9, 2015]

50.050. Sales prohibited in certain localities.
No license shall be granted under this Chapter for any new business to be located within three hundred (300) feet of any then existing 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 such school or church or place of worship.

50.100. Administration of law, license suspension & revocation.
1. Whenever it shall be shown, or whenever the Mayor has knowledge that a licensee hereunder has not at all times kept an orderly place of business, or has violated any of the provisions of this Chapter, then Mayor shall suspend the licensee's license by delivering a written Notice to the business premises and mailing a copy of such notice to the licensee's residence address. The Notice shall specify the reason(s) for the suspension, inform the licensee of his rights in general terms, and specify the date, time and place of the hearing upon the propriety of such suspension.
2. At the time specified by the Mayor in the suspension Notice, a hearing shall be held before the Board of Aldermen who shall hear the matter and determine whether or not to suspend or revoke the license.
3. The final determination of the Board of Aldermen, if adverse to the licensee, shall be in writing and shall describe with particularly all violations found to exist and whether the license shall be suspended or revoked, and the duration of a suspension.

50.110. License automatically revoked; deemed provisional.
Any license issued hereunder shall be automatically suspended or revoked whenever the licensee's State license is finally suspended, revoked or annulled; the effect upon the City license shall conform to the action taken on the State license. All City licenses issued shall be

deemed provisional upon the licensee's successful acquisition of an appropriate State license and if such State license is not acquired then the City license shall be void.

50.120. Suspended licensee not to sell alcoholic beverages.
No licensee who shall have had his license suspended shall sell or give away any alcoholic beverages during the period such order of suspension is in effect. A licensee desiring to keep his business premises open for the sale of food or merchandise during
such period of suspension shall display the order of suspension in a conspicuous place on the premises.

50.130. Licensees' duties.
It shall be the duty of each licensee to:
1. Be responsible for the conduct of their business and directly responsible for any act or conduct of each employee on the premises, and to insure compliance with this Chapter by all employees; and
2. Allow the licensed premises and all portions of the building thereof, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics, and all buildings used in connection with the operations carried on under said license and which are in the licensee's possession or control, and all places where alcoholic beverages are kept or stored, to be inspected by City law enforcement personnel; and
3. Prevent employment of any person to sell or assist in the sale or dispensing of alcoholic beverages without a valid State license to do so; and
4. Prevent the presence on or about the licensed premises of any gambling activity or device of any kind or character whatsoever except as and to the extent licensed and authorized by the State.

Subchapter B -- Intoxicating Liquor

50.200. Time fixed for opening and closing premises.
The consumption of intoxicating liquor shall not be permitted in or about the licensed premises by any person (a) between the hours of 1:30 a.m. and 6:00 a.m. on any weekday; and (b) between the hours of 1:30 a.m. and 9:00 a.m. Sunday; provided a Sunday Sales retail package license shall entitle the license to sell intoxicating liquor between the hours of 9:00 a.m. and midnight on Sundays.
[Ordinance No. 1165, adopted January 5, 2004.]

50.210. Eating places, drinking or consumption of liquor on premises, license required when - hours - regulations - penalties.
It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation to permit the consumption of intoxicating liquor in or about said premises with out possessing a valid license for the sale of same.

50.220. Intoxicating liquor by the drink licenses – number limited.

The maximum number of licenses for the sale of intoxicating liquor at retail by the drink in the City shall not exceed two (2) at any one time, and the City Clerk shall not approve the application of any person for a license to sell intoxicating liquor by the drink unless there be less than two (2) such licenses already issued.

50.230. Restaurant bar license.
Notwithstanding any other provisions of this Chapter to the contrary, any person who is eligible for a State license for a "restaurant bar" under State law may apply for, and the City Clerk shall issue, a license to sell intoxicating liquor between the hours of 11:00 a.m. and midnight on Sunday, by the drink at retail, for consumption on the premises of the restaurant bar described in the application. As used in this Section, the term "restaurant bar" means any establishment having a restaurant or similar facility on the premises at least 50% of the gross income of which is derived from the sale of prepared meals or food consumed on such premises.

50.250. Window display of liquor unlawful.
It shall be unlawful for any person to display in any window any intoxicating liquor or any package, bottle or container bearing the label or brand of any intoxicating liquor.

50.260. Temporary permit for sale by drink may be issued to certain organizations, when, duration.
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 City Clerk. 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 or 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 shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling and dispensing equipment for use by the permit.
[Added by Ordinance No. 1475; adopted August 29, 2013]

Subchapter C -- Nonintoxicating Beer

50.310. Sales of Nonintoxicating beer.
Nonintoxicating beer may be lawfully sold by any holder of a license issued hereunder authorizing such sale, and same may be lawfully transported and consumed in the City.

50.320. Nonintoxicating beer licensee not to sell other alcoholic beverages.
It shall be unlawful for any person having a license under the provisions of this Subchapter C to sell nonintoxicating beer at retail to hold a license to sell any other kind of alcoholic beverage; and no person granted a license to sell nonintoxicating beer shall sell same in or about the premises of a place licensed to sell intoxicating liquor.

50.330. Original package shall not be broken.
It shall be unlawful for any person holding a license authorizing the sale of nonintoxicating beer in the original package to allow such original package to be broken, or to allow any of such nonintoxicating beer to be consumed in or about the licensed premises.

50.340. Sales prohibited between certain hours.
No person having a license to sell nonintoxicating beer shall sell, give away or otherwise dispose of, or suffer the same to be done, in or about the licensed premises, any nonintoxicating beer in any quantity between the hours of one-thirty (1:30) a.m. and six (6:00) a.m.

50.350. Consumption on premises.
A license issued under the provisions of this Subchapter C authorizing the sale of nonintoxicating beer for consumption on the premises described in such permit shall authorize the sale of such nonintoxicating beer by the bottle, by the glass, on draught, and in the original package.

50.360. Unlawful, to keep intoxicating liquor on premises.
It shall be unlawful for any person holding a license under this Subchapter C to sell nonintoxicating beer at retail to keep in or about the premises described in the license any intoxicating liquor.

50.370. Licensee's duty to prevent increase of alcoholic content.
It shall be the duty of every holder of a license to sell nonintoxicating beer to use every precaution to prevent any person on the premises described in such license from pouring into, mixing with, or adding to, such nonintoxicating beer, any alcohol or other liquid, or any alcohol cube or cubes, or other ingredient or ingredients, that will increase, or tend to increase, the alcoholic content of such nonintoxicating beer.

50.375. Unlawful to increase alcoholic content.
It shall be unlawful for any person holding a license under this Subchapter C to pour into, mix with, or add to, any nonintoxicating beer, as in this Subchapter defined any alcohol or other liquid, or any alcohol cube or cubes, or any other ingredient or ingredients, that will

increase, or tend to increase, the alcoholic content of such nonintoxicating beer on the licensed premises or suffer the same to be done or possess any such mixture on said premises.

50.380. Sales in original packages only.

It shall be unlawful for any person to sell or offer for sale any nonintoxicating beer in the original package without a valid license, or to open any original package containing nonintoxicating beer on the premises where purchased, or to drink any nonintoxicating beer purchased in the original package on the premises where purchased, or, in any place of business in this City where goods, wares and merchandise, including articles of food and drink served for consumption at the place of sale, are kept or offered for sale, to drink any nonintoxicating beer purchased in the original package.

Chapter 51 -- Junkyards

51.005. Penalties.
It shall be unlawful for any person to violate any provision of this Chapter 51 and any person convicted of a violation hereunder shall be punished as provided in Chapter 13 of this Code.

51.010. Definitions.
In addition to the definitions in Chapter 11 of this Code, the following words and phrases when used in this Chapter 51 shall have the meanings hereinafter stated:
"Automobile graveyard" means any establishment, area or place maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, inoperable and unlicensed or dismantled motor vehicles or parts thereof.
"Junk" means any old or scrap metal, rope, rags, plastic, paper, rubber, chemicals, trash, debris, waste and other matter of any type no longer used or useable for the purpose for which originally manufactured and includes any and all combinations of the foregoing. "Junk" does not include garbage or any similar matter with no reasonable potential for resale.
"Junkyard" means any establishment, area or place maintained, used or operated for storing, keeping, buying or selling any junk and includes an automobile graveyard. "Junkyard" shall include any parcel of land upon which any junk is kept regardless of whether or not junk is maintained or kept on such property for business or profit-making purposes.

51.020. License required.
It shall be unlawful for any person to own, maintain or operate a junkyard or automobile graveyard without first having obtained a license from the City Clerk in accordance with this Chapter.

51.030. License Application, Fee, Investigation and Issuance.
An applicant for a license under this Chapter shall file with the City Clerk a written application upon forms provided by the City Clerk, and therewith tender the license fee required in Chapter 88. Such application shall include the applicant's name, residence address and telephone number, the exact street address and specific location of the junkyard and such other information as the Clerk may reasonably require. Upon receipt of an application for a license the chief of police shall cause an investigation to be made of the applicant's business responsibility, moral character and place or proposed place of operation and shall report in writing to the Mayor the results of such investigation. If the Mayor finds favorably to issuance of the license, he shall so advise the City Clerk and the Clerk shall within thirty days issue a license to the applicant. If the Mayor finds unfavorably to issuance of the license then he shall advise the applicant in writing of such finding including all of the reasons supporting same and the applicant may then appeal to the Board of Aldermen who shall consider the matter and may by majority vote direct issuance of a license.

51.040. License Not Transferable.
No license issued under this Chapter shall be transferred or assigned or used in any way by any person other than the original applicant.

51.050. Duration. Proration and Refund of Fees.
All licenses issued shall expire on the thirtieth day of June following the issuance thereof. For a partial year license, the fee shall be prorated quarterly. No license fee shall be refunded for any reason.

51.060. General Operating Requirements.
The following general operating requirements shall apply to all licensees:
1. The license shall be plainly displayed on the business premises if the licensee maintains a public place of business and if not shall be kept available for production upon request of any City officer or employee.
2. The junkyard shall at all times be maintained in a sanitary condition.
3. Only the specific location covered by the license shall be used for junk yard purposes and no other location shall be so used.
4. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
5. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four inches.
6. No garbage likely to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse or garbage of any kind be kept on the licensed location unless such refuse is junk as defined herein.
7. No junk shall be allowed to rest upon or protrude over any public property, street, alley, sidewalk or curb or to become scattered or blown off the licensed location.
8. Junk shall be stored in piles not exceeding ten feet in height and shall be arranged so as to permit easy access to all junk for fire fighting purposes.
9. No combustible material of any kind not necessary or beneficial to the licensed location shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.
10. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises and properly disposed of.
11. No junk or other material shall be burned on the premises without advance approval of the chief of the fire department, which approval shall not be unreasonably denied.
12. All junkyards licensed hereunder shall conform to and comply with all requirements of state and federal laws and regulations and all City Ordinances applicable to junkyards and to all activities engaged in at the licensed location.
13. The area on the premises where junk is kept (other than indoors) shall be enclosed, except for openings for entrance and exit, with a solid vertical wall or fence of a minimum height of eight (8) feet measured from ground level. Entrance and exit openings shall not be wider or more numerous than reasonably necessary.

Chapter 63 – Fireworks

63.005. Penalties.
It shall be unlawful for any person to violate any provision of this Chapter 63 and any person convicted of a violation shall be punished as provided in Chapter 13 of this Code for each such violation.

63.010. Sale and Use limited.
No person shall sell any fireworks except during the period beginning on the 20th day of June and continuing through the 10th day of July of the same year and the period beginning on the 20th day of December and continuing through the 2nd day of January of the next year. It shall be unlawful for any person to use any fireworks at
any time other than as follows: from July 1 through 5, inclusive, on December 31 and on January 1, of each year.

63.020. License required.
No fireworks shall be sold without a license therefore, and no license shall be issued until an application therefor made and a license fee of $10.00 has been paid to the City Clerk.

Chapter 64 -- Nuisances

Subchapter A – General

64.005. Penalties.
It shall be unlawful for any person to violate any provision of this Chapter 64 and, in addition to any remedies described in this Chapter, any person convicted of a violation hereunder shall be subject to punishment as provided in Chapter 13 of this Code.

64.010. Definitions.
In addition to those definitions in Chapter 11 of this Code, the following words and phrases when used in this Chapter 64 shall have the meanings hereinafter stated:
"Building" means and includes any man-made home, building or other structure which is used or usable for any permanent or temporary human occupancy for any residential, commercial, business, recreational or other purpose.
"Casualty loss" means fire, explosion and other events the occurrence of which are or could be insured against under a standard form homeowner's insurance policy.
"City Inspector" means the Chief City Inspector and his deputies.
"Dangerous building" means any building:
(a) whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
(b) which, exclusive of the foundation, shows at least 33% damage or deterioration of any supporting member or 50% damage or deterioration of any non-supporting wall, roof, or other discrete major portion.
(c) which has any improperly distributed loads upon any floor or roof or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
(d) which has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, health or welfare.
(e) which is so dilapidated, decayed, unsafe, unsanitary, likely to cause sickness or disease or, if designed for human residence purposes, is so lacking the amenities essential to decent living as to be unfit for human habitation.
(f) having light, air, water, sewer and sanitation facilities which are inadequate to protect the health, safety or general welfare of human occupants.
(g) having inadequate or dangerous facilities for exit in case of fire or panic or having insufficient or dangerous stairways, elevators, fire escapes, or other means of human passage.
(h) having parts which are so attached as to be reasonably likely to fall and injure a person or property.
(i) which is infested with any vermin, rodents, insects, termites, or other pests.
(j) the foundation of which does not support the main support structures of the building.
(k) the steps, stairs, porches, and appurtenances of which are incapable of supporting the load for which they were designed or to which they may reasonably and foreseeably be subjected.

(1) which are uninhabited and permanently or unseasonably open at door, window, wall or roof.
(m) in the process of demolition upon which no substantial work has been performed for a period of thirty (30) days.
(n) under construction upon which no substantial work has been performed for a period of sixty (60) days.
(o) existing in violation of any provision of the Hamilton City Code or other Ordinance of the City and which violation creates or is reasonably likely to create any hazard to human health or life or to property.
"Notice" means, when used with respect to a nuisance abatement proceeding, a document in the form set forth under Section 64.012 below, completed with information pertaining to the particular case requiring such notice.
"Owner" means and includes with respect to real property all owners, occupants, lessees, renters, mortgage holders, agents and all other persons having an interest in such property, including persons requesting notice of foreclosure, as shown by the land records in the office of the Caldwell County Recorder of Deeds not more than forty (40) days prior to commencement of a nuisance abatement proceeding.
"Serve" means, when used with respect to giving notice, delivery either by personal service or by certified mail, return receipt requested, or, if such delivery cannot be made, by publication.
[Amended by Ordinance No. 1513; adopted July 7, 2014]

64.011. Nuisance defined.
"Nuisance" means and includes any activity and/or condition detrimental to the health, safety or welfare of the inhabitants of the City, and the following are specifically declared to be public nuisances:
(a) Dangerous buildings as defined by state law or City ordinances; and
(b) The following conditions existing on real property within the City;
(1) any growth of weeds, non-ornamental shrubs, or grass to a height of twelve (12) inches or more, or any trees or ornamental shrubs that are dead or which endanger the public health, safety, or welfare. Whenever private property abuts a public right-of-way or easement belonging to the City, or any public entity, and there exists in such right-of-way or easement a tree, shrub, lawn, or grassy area between the private property line and the midline of said right-of-way or easement, then such tree, lawn, shrub, or grassy area shall be considered, for purposes of this Article requiring cutting or removal of grass, shrub, weeds, or trees to be a part of the private lot which abuts the right-of-way or easement, and it shall be the duty of those responsible under this Article for the maintenance of the private lot to equally maintain the tree, shrub, lawn, or grassy area within the abutting right-of-way or easement, and all of the provisions of this Article shall apply with equal force and effect to said tree, shrub, lawn or grassy area within the right of way area;
[Amended by Ordinance No. 1602; adopted June 8, 2016]

(2) any sign, board or other object hanging over, standing upon or obstructing free use of any public sidewalk without the consent of the City;
(3) a privy, outhouse, cesspool, catch basin or open sewer;

(4) any dead animal carcass;
(5) any garbage, trash, junk or debris not within fully enclosed trash cans, dumpsters, or similar permanent containers for more than 24 hours;
(6) any standing pool of stagnant water or of any other liquid;
(7) any fence, wall, sign or other improvement or any grass, weed, brushes, brush, trees or other vegetation which interferes with the ability of any vehicle operator to see any traffic control devise or to see other vehicles in a manner permitting safe vehicle operation;
(8) any inoperable vehicle or vehicle part left on the property for more than six (6) days; and
(9) open burning in violation of Subchapter B of this Chapter.

[Ordinance No. 1513; Adopted July 7, 2014.]

64.012. Form of Notice Procedure.
The Notice of declaration of a nuisance shall be as follows, and proceedings pursuant to issuance of notice in a particular nuisance case shall conform to the contents hereof:

NOTICE TO ABATE NUISANCE

To all persons having an interest in the following real property
located in the City of Hamilton, Missouri:
STREET ADDRESS:
LEGAL DESCRIPTION:
YOU ARE HEREBY NOTIFIED that I, the undersigned City Inspector for the City of Hamilton, Missouri, declare that due to the following condition(s) existing at said real property, to-wit:
A nuisance in violation of Section 64.010 of the Hamilton City Code exists, and that such nuisance shall be abated by taking action as follows:
If the action necessary to abate such nuisance is not started on or before , __, 20__, or if the action once started does not proceed continuously without unnecessary delay, or if the action is not completed on or before _____ , __, 20_. , then a hearing will be held at Hamilton City Hall, 200 South Davis, Hamilton, Missouri 64644 on , __, 20__, at o'clock _.m., at which time a hearing will be held upon the matter. You will have an opportunity to be heard at the hearing and may be represented by counsel. After the hearing, if the evidence does not support a finding that a nuisance exists, then no order shall be issued. If the evidence supports a finding that a nuisance exists, an order making specific findings of fact, based upon competent and substantial evidence, shall be issued which shows the existence of a nuisance and orders full performance of such action as is reasonably necessary to abate the nuisance, whereupon the Chief City Inspector shall cause such action to be taken and shall certify the total amount of all costs of taking such action to the City Clerk who shall prepare a special tax bill or assessment for the amount so certified against the property and deliver such bill or assessment to the City Collector who shall collect same.
[Amended by Ordinance No. 1513; adopted July 7, 2014]

64.014. Nuisance Hearing Officer.
The Hamilton City Administrator shall be the hearing officer for matters under this Chapter 64.
[Amended by Ordinance No. 1505; Adopted May 5, 2014.]

64.015. City Inspector; Duties.

There is hereby created the office of City Inspector which shall be supervised by the Chief City Inspector who shall be the City Zoning Enforcement Officer. The Chief City Inspector shall investigate all nuisances, enforce the provisions of this Chapter 64 and perform such other duties relating to nuisances as may be prescribed by the Mayor and Board.

64.020. Enforcement procedure.

(a) The following procedures shall be followed for all nuisances under Section64.011 (a): Upon observation or receipt of a deputy's report of a nuisance or possible nuisance, the Chief City Inspector shall investigate same and, upon finding grounds to declare the existence of a nuisance, shall make a written report and complete a Notice respecting same. The report shall detail all facts relevant to a nuisance ordinance violation prosecution including the dates and particulars of *all* inspections of the nuisance and of all witness interviews, full name, addresses and telephone numbers of all owners and witnesses, and shall include such photographs, measurements, tests and other date necessary to prove the nuisance beyond all reasonable doubt.

The Notice shall:

1. Specifically describe each condition and activity constituting a nuisance,
2. Specify that the property is to be vacated, if such be the case, repaired or removed, or that other action be taken to abate the nuisance; in deciding upon appropriate action respecting a dangerous building, if same can reasonably be repaired then repair shall be specified, and if the condition of same poses a clear and present danger to any occupants then it shall be ordered vacated either permanently or until repairs can be completed, and if same is at least fifty percent (50%) damaged or deteriorated from its value without such damage or deterioration, or if same cannot be repaired, then it shall be removed,
3. State a reasonable time within which each action specified shall commence and a reasonable time within which each such action shall be completed, and
4. Specify a hearing date and time which shall be a regular meeting of the Nuisance Commission and shall be set by the Chief City Inspector after taking into account such factors as the anticipated time to accomplish service of the Notice on the Owners and to complete the actions required by the Notice; PROVIDED, that no Owner shall receive less than twenty-one (21) days' notice of such hearing.

A copy of the Notice shall be served upon each owner of the property.

After service of the Notice, the City Inspector shall inspect the property from time to time as necessary to observe progress on the actions specified in the notice. If all actions specified are completed before the hearing date and time then no further proceedings shall be had respecting such nuisance. If all actions specified in the Notice are not completed before the hearing date and time, the hearing shall be held as described in the Notice. After the hearing, if the evidence supports a finding that a nuisance exists, the Nuisance Commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the existence of a nuisance and orders full performance of such action as is reasonably necessary to abate the nuisance. If the evidence does not support a finding that any nuisance exists, then no order shall issue.

If the Nuisance Commission issues an order whereby action must be taken to abate the nuisance, the Chief City Inspector shall cause such action to be taken and shall certify the total amount of all costs of taking such action to the City Clerk who shall prepare a special tax bill or assessment for the amount so certified against the property and deliver such bill or assessment to the City Collector who shall collect same.
(b) For all nuisances not specified above, enforcement shall be by any City Inspector's directing that the nuisance be abated within a reasonably brief time and, after expiration of such time without accomplishment of the directive, issuance of a uniform complaint and summons to the actor or to that owner of real property having the immediate right to possession. Such complaint shall specify the nuisance, the directive given, and the date and time given.
[Ordinance No. 1513; Adopted July 7, 2014.]

64.030. Lien of Abatement Costs; Payment; Insurance.
1. Except as hereinafter provided, the special tax bill or assessment from the date of issuance shall be a lien against the property until paid.
2. All costs of actions ordered performed by the hearing officer which are directly attributable to a nuisance involving a building caused by or arising out of a casualty loss shall be separately certified by the Chief City Inspector and the resulting special tax bills or assessments shall be deemed a personal debt against the person owning fee title to the property. If there are proceeds of any insurance policy based upon a covered claim payment made for the casualty loss, and if such payment exceeds fifty percent (50%) of the fact value of the policy covering the building, then the insurer shall withhold ten percent (10%) of such payment, or such lesser amount to the extent reduction is necessary to satisfy the rights of any named mortgagee in the policy, and pay same to the City Collector who shall deposit the amount received into an interest bearing account. The City Collector shall release the amount received and accrued interest to the named insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after date received unless the City has instituted legal proceedings pursuant to an order of the hearing officer as herein-above described; if such proceedings have been instituted then that portion of the amount received and interest which exceeds the cost certified by the Chief City Inspector, less salvage value, shall be paid to the named insured. If there are no proceeds of any insurance policy as described above, then the special tax bill or assessment from the date of its issuance shall be a lien against the property until paid.
3. If the hearing officer receives satisfactory proof that an insured has or will remove debris and repair, rebuild or otherwise abate a nuisance or potential nuisance to which Subsection 2 applies, then he shall issue a certificate to the insured within thirty days of receipt of such proof to permit covered claim payment to or for the insured without deduction under Subsection 2.
[Amended by Ordinance No. 1505; Adopted May 5, 2014.]

64.040. Nuisance and Failure to Abate or Continue Work Unlawful.
It shall be unlawful for any person to cause, create, maintain or fail to abate a nuisance. It shall be unlawful for any person upon whom a Notice is served under this Chapter 64 to:
1. Fail to perform all action specified in the Notice within a reasonable time, or

2. Fail to proceed continuously to complete all action specified in the Notice without unnecessary delay.
This Section shall not apply to a person who never had any existing possessory or fee title interest in the property which is the subject of the Notice.

64.050. Emergency measures authorized.
In cases where it reasonably appears there is an immediate danger to the health, safety or welfare of any person, the Nuisance Commission or its designees may take emergency measures to abate any nuisance and specifically to vacate and repair or demolish any dangerous building.

Subchapter B -- Open Burning

64.100. Definitions
The following words, terms and phrases when used in this Subchapter, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:
(1) Burning - The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.
(2) Clearing and grubbing wastes - Trees, shrubs, and other native vegetation cleared from a person's property; the term shall not include demolition wastes, dirt laden roots, nor clearing and grubbing wastes from other property.
(3) Domestic refuse - Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.),
furniture, mattresses or box springs, paint, putrescrible waste, solvents, tires, or treated wood.
(4) Open burning - A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.
(5) Yard waste - Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

64.110. Open Burning prohibited; Exceptions.
No person shall cause or permit upon property owned by such person the open burning of any material, with the exception of the following:
(1) A fire set, when approved by authorized City, State or federal officials and set by or under the supervision thereof:
(a) to prevent or abate a fire hazard, or (b) to instruct or train fire fighting personnel in fire fighting, or (c) to prevent or control disease or pests.
(2) A fire set for the purpose of burning clearing and grubbing waste.
(3) A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the property of the farm operation.
(4) A fire set for the purpose of burning that amount of domestic refuse generated from the property on which set.
(5) A fire set for the purpose of burning that amount of yard waste generated from the property on which set.

(6) A fire set solely for cooking food.
(7) A fire set solely for recreational or ceremonial purposes.
It shall be unlawful for any person to cause or permit upon property owned by such person any open burning under the foregoing exceptions unless, during all times when such open burning is in progress:
(a) the fire site shall be at least twenty (20) feet from all habitable structures and property boundaries, and
(b) there shall be readily available at the site of such open burning water and/or fire extinguishing equipment in sufficient quantities immediately to extinguish and contain the fire to the site, and
(c) existing general weather and atmospheric conditions are such that:
(i) in the professional judgment of the Fire Department Chief, there is no unreasonable risk of spread of fire or inability to dissipate smoke, and
(ii) the smoke, fumes, ashes and odors generated by the open burning shall not unreasonably interfere with neighboring owners use and enjoyment of their properties.

64.120. Enforcement Orders.
(1) The Fire and Police Chiefs and employees of their departments ("authorized enforcers") shall have the power and duty to enforce the provisions of this Subchapter.
(2) The authorized enforcers may issue such orders as are necessary to aid in the enforcement of the provisions of this Subchapter. These orders shall include, but shall not be limited to, orders requiring persons to cease unlawful open burning in violation of any provision of this Subchapter, orders to take corrective action or to abate a public nuisance; orders requiring the testing, sampling, or monitoring of any open burning; or orders requiring production of information.
(3) The authorized enforcer may, in its order, require compliance with such conditions as are necessary to prevent unlawful open burning or to ensure compliance with the requirements of this Subchapter.
(4) The authority of an authorized enforcer to issue an order under this section is in addition to any remedy or penalty which may be imposed pursuant to this Subchapter; failure to comply with any such order shall be unlawful.

64.130. Restitution authorized.
The Municipal Court Judge may, in addition to any punishment authorized under §64.005 and court costs imposed upon a conviction or plea of guilty to a violation of this Subchapter, order the defendant to pay restitution to the City in a sum not to exceed the actual cost incurred by the City in controlling and extinguishing such defendant's unlawful open burning, including, without limitation, Fire Department time expended at $300.00 per hour and Police Department personnel time at $20.00 per hour per officer, which rates shall be conclusively deemed to be the actual cost of these services.

64.140. Public Nuisance.
Each violation of any provision of this Subchapter, and of any order issued by an authorized enforcer, shall constitute a nuisance as defined by this Chapter and may be abated in

conformance to procedures established under this Chapter 64, and the costs of abatement may be recovered by the City in conformance thereto.

Chapter 65 -- Emergency Snow Procedures

65.01. Purpose.
The Board of Alderman find that parking and operation of vehicles on certain streets covered by a heavy accumulation of snow or ice is a matter affecting the health, safety and welfare, of the citizens of the city because parked vehicles impede snow removal operations and cause serious traffic congestion.

65.02. Parking prohibition-Declaration; duration.
(a) Whenever the mayor or city administrator finds on the basis of falling snow, sleet or freezing rain that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the mayor or city administrator shall put into effect a parking prohibition on parts of or all snow emergency routes and necessary by declaring it in a manner prescribed in this section.
(b) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the mayor or city administrator in accordance with this section. While the prohibition is in effect, no person shall park or allow to remain any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by provision of law.

65.03. Same-Public announcement; commencement.
The mayor or city administrator shall cause each declaration made by him pursuant to this section to be publicly announced by means of broadcast or telecast from a station with normal operating range covering the City and he may cause such declaration to be further announce in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the mayor or city administrator, including the time it became or will become effective, and shall specify the streets or areas affected. A parking prohibition or traffic emergency declared by the mayor or city administrator shall not go into effect until at least three (3) hours after the first announcement in accordance with this section.

65.04. Same-Termination.
Whenever the mayor or city administrator shall find that some or all of the conditions which give rise to a parking prohibition or traffic emergency in effect pursuant to this section no longer exist, he may declare the prohibition or emergency terminated, in whole or part, in a manner proscribed by this section effectively upon announcement.

65.05. Signs to be posted.
On each street designed by this section as a snow emergency route, the mayor or city administrator shall cause to be posted special signs at intervals not exceeding five hundred (500) feet with the wording: “Snow Emergency Route.” These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway.

65.06. Removal of illegally parked vehicles; owner to bear cost.
(a) Members of the police department are hereby authorized to remove or have removed a vehicle from a street when the vehicle is parked on part of a snow emergency route on which a parking prohibition is in effect or when the vehicle is parked in violation of any parking

ordinance or provision of law and is interfering or about to interfere with snow removal operations.

(b) The removal, impounding and return of obstructing vehicles on the snow emergency routes shall be at the owner's expense.

65.07. Routes designated.

The following streets are hereby established as emergency snow routes within the city:
a. North and South Davis (Hwy 13) to City limits (MODOT does North and South bound traffic lanes) (Access to Businesses).
b.West Berry (Business 36) to City Limits (MODOT does East and West bound traffic lanes).
c. East Berry (Business 36).
d. East Putnam to North Ewing.
e. North Ewing to East Eighth.
f. East Eighth to North Davis (Hwy 13).
g. Memorial to North Ardinger.
h. North Ardinger to West Berry (Business 36).
i. East McGaughy to North Burress.
j. North Burress to East Bird.
k. East Bird to North Davis (Hwy 13).
l. West Bird to North Ardinger (Access to Post Office).
m. Cross Street to Old South Davis.
n. Old South Davis to Irwin.
o. Irwin to South Colby.
p. Old South Davis to South Davis.

[Added by Ordinance No. 1330; adopted February 1, 2010]

Chapter 66 -- Yard Sales

66.010 Definitions.
The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

GARAGE SALES: Includes all sales entitled *"garage sale", "lawn sale", "attic sale", "rummage sale", "flea market sale"* or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of such sale.

GOODS: Any goods, warehouse merchandise or other property capable of being the object of a sale regulated under this Chapter.

PERSON: Includes individuals, partnerships, entities, voluntary associations and corporations.

66.020. Permit Required.

It shall be unlawful for any person to conduct a garage sale in the City without first notifying the City Clerk's office, providing specific information of the sale and obtaining a permit number therefore.

66.030. Limitations.

A. Garage sales shall be permitted to any one (1) person [husband and wife shall be considered one person for this ordinance] only twice within a twelve (12) month period, no sooner than sixty (60) days apart. No garage sale shall be allowed for more than three (3) consecutive calendar days.

B. There shall be no more than two (2) garage sales during a twelve (12) month period at a single location unless the ownership of the property at the location shall have changed subsequent to a prior sale.

C. Information to be filed with the City Clerk's office pursuant to this Chapter shall be as follows:

1. Name of the person, firm, group, corporation, entity, association or organization conducting the sale;
2. Name of the owner of the property on which the sale is to be conducted and consent of the owner if the applicant is other than the owner;
3. Location at which the sale is to be conducted;
4. Number of days and dates of sale; and
5. Date of any past sale.

[Added by Ordinance No. 1422; Adopted September 5, 2012]

66.040. Signage

Signs may be posted one day before the day of the sale and must be removed within two days after the date of the sale.

[Added by Ordinance No. 1584; adopted October 14, 2015]

Chapter 71 -- Police Department & Civil Defense

Subchapter A – Police

71.010. Generally.
This Subchapter consists of the rules and regulations for the operation of the Police Department of this City. To the extent that this Chapter conflicts with the provisions of Chapter 23 (relating to Personnel), this Chapter shall prevail. To the extent that regulations promulgated by the Mayor or by the Chief of Police under the authority of this Chapter conflict with the provisions of Chapter 23, then Chapter 23 shall prevail.

71.020. Chief of Police, authority.
The Chief of Police is the director of the Police Department. He shall have immediate and direct control of the Department and, subject to the supervision of the Mayor and such rules, regulations and orders as the Mayor may prescribe, shall promulgate and enforce orders, rules and regulations for the efficient operation of the Police Department.

71.030. Same, duties.
The Chief of Police shall devote his entire time to the discharge of his official duties.

The duties of the Chief of Police are expanded to include being the chief animal control officer for the City. In consideration for such additional duties, the compensation for the Police Chief is increased by $400.00 per month, which increase shall be payable in the same manner and on the pay periods as other employees of the City. However, this change in compensation is subject to the Police Chief providing to the City a voluntary written waiver of insurance coverage under the City's health insurance plan.
[Added by Ordinance No. 1473; adopted August 5, 2013]

71.040. Police officers assignments.
Assignment of a police officer for duty is at the discretion of the Chief of Police. For the purpose of this Chapter, all policemen, including the Chief of Police, are considered police officers.

71.050. Police officers duties.
Each police officer shall:
1. Be familiar with every part of the City and be observant for the purposes of detection and prevention of crime.
2. Examine all doors and windows of business buildings at night and report any that are not properly secured to the owner thereof.
3. Report whenever he has reasonable grounds to suspect that any building is being used in violation of the law and give information relative to the nature of activities conducted in or about same.
4. Remain in the City limits while on duty except in case of emergency, in which case he shall file a written report of the emergency with the City Clerk who shall deliver the report to the Mayor.

5. Enforce all traffic ordinances.
6. Observe and report all violations of City ordinances and state and federal law.
7. Properly care for, maintain and operate the vehicle assigned to him.

71.060. Standard of conduct.
Any of the following is sufficient cause for the suspension or discharge of any member of the Police Department:
1. Drinking liquor while on duty or in uniform.
2. Intoxication on or off duty.
3. Willful disobedience to any lawfully issued order.
4. Disrespect or insubordination to the Mayor or an Alderman.
5. Incompetency in the performance of his duties.
6. Neglect of any duty.
7. Making known any investigation or proposed operation of the Department to, or discussing the affairs of the Department in a manner likely to disrupt the operation or discipline of the Department with any person not a member of the Department or the Board of Alderman.
8. Unnecessary violence toward a prisoner.
9. Cowardice or lack of energy which may be construed as either incompetency or gross neglect of duty.
10. Sleeping while on duty.
11. Violating any written rule, regulation or order of the Department or the Mayor.
12. Indecent, profane or harsh language while on duty or in uniform.
13. Absence without leave.
14. Conduct unbecoming an officer or a gentleman, whether on duty or off duty.
15. Conduct detrimental to the good order and discipline of the Department.
16. Careless handling of any City property.
17. Conviction of any felony or misdemeanor.
18. Violation of any City Ordinance.
19. Failure to cooperate with the City Attorney in the preparation or trial of any case, or assisting a defendant or defense counsel in any legal action brought by the City.
20. Loss of a firearm or other weapon while on duty.

71.080. Conduct and deportment.
All members of the Department shall be quiet, civil and orderly in their conduct and deportment, and shall at all times be attentive and zealous in the discharge of their duty, controlling their temper and exercising the utmost patience and discretion. They shall answer any questions put to them with all possible correctness and courtesy (not in a short or careless manner), avoiding at all times unnecessary conversation or argument.

71.090 Disturbance.
Any member of the Department shall go instantly to the scene of any disturbance or breach of the peace occurring within his vicinity, use his best effort to restore peace and quiet, make such arrests as may be necessary, and notify and make necessary reports to the Police Department.

71.100. Truthfulness of members. All members of the Department are required to speak the truth at all times, and under all circumstances, whether under oath or not. If requested to divulge confidential information, they will state "No Comment."

71.110. Members to give name.
Any member of the Department, when called upon to do so by any person under any circumstances, shall give his name in a respectful and courteous manner.

71.120. Bearing.
No member of the Department shall lean upon or place his foot upon a vehicle while conversing with an occupant of same.

71.130. Cooperation.
Each member of the Department shall discharge his duties with coolness and firmness in all cases. In times of extreme peril all available officers shall act together and assist and protect each other in restoring peace and order, and any officer who unreasonably fails to do so shall be considered unworthy of a place in the Department and may be discharged.

71.140. Members to use judgment.
All members of the Department shall be particularly careful not to interfere officiously or unnecessarily in the private business of any person, but when required to act in the discharge of duty shall do so with energy and decision, and in the proper exercise of their authority they will receive the fullest support of the Department.

71.150. Testimony.
Officers shall appear in court on any case in which they are witnesses. If duty demands their absence from the Municipal Court they shall report the matter to the Chief of Police in order that the case may be continued. Officers on the witness stand, in response to questions asked, will state in clear and distinct words, truthfully, all they know regarding a matter, without fear or reservation and without any desire or design to influence the result.

71.160 Uniform. Every member of the Department shall when on duty wear such uniform and carry such equipment as the City and Chief of Police may from time to time prescribe. Required items of external closing comprising the uniform of a police officer, and not suitable as items of apparel for off-duty wear, will be furnished by and remain the property of the individual police officer, provided, that the City shall, upon an officer's submission of a detailed receipt therefore, reimburse such officer for each article of uniform purchased by such officer in an amount up to, but not to exceed $350.00 per fiscal year. Non-uniform equipment of a police officer shall be furnished by and remain the property of the City, to be inventoried upon issuance and surrendered upon leaving the service of the City as a police officer. No member of the Department shall ever wear the uniform or any part of it when off

duty, except with the express permission of the Chief of Police. All uniformed officers shall wear their badges where they are plainly visible.
[Ordinance No. 1067, adopted February 8, 1999].

71.180. Members will be familiar with rules, etc.
Each member of the Department shall be furnished a copy of any rules, regulations and orders issued by the Chief of Police or the Mayor, which he shall keep in his possession, and with which he shall be familiar, at all times.

71.190. Uniform.
Every member of the Department shall when on duty, wear such uniform and carry such equipment as the Chief of Police may from time to time prescribe. Uniforms will be furnished by and remain the property of the City, to be surrendered upon leaving the service. No member of the Department shall ever appear for duty in civilian clothing without special permission of the Chief of Police. No member of the Department shall ever wear his uniform or any part of it when off duty, except with the express permission of the Chief of Police. All uniformed officers shall wear their badges where they are plainly visible.

71.210. Care of uniform and equipment. All members of the Department will be required to be neat in appearance and keep their uniforms and equipment in good condition and in perfect order and repair.

71.220. Restrictions applying to suspended officers.
No member of the Department shall wear his uniform or carry a pistol while under suspension for any cause, and such member shall immediately surrender his badge and police identification to the Chief of Police when notified of his suspension.

71.230. Duty hours.
Although assigned hours are required for the performance of duty on ordinary occasions, members must be prepared at all times to act immediately on notice that their service is required. Members of the Department shall be considered as always on duty for the purpose of discipline.

71.240. Police vehicles.
Police Department vehicles are not available for personal use and shall only be used for official Department business.

71.250. Duty to preserve peace.
Although regular hours of duty shall be assigned to all members of the Department, it shall be the duty of every officer at all times to preserve the public peace, protect the rights of persons and property, guard the public health, preserve order at all elections and public assemblies, aid in the abatement of nuisances in all places, and enforce the laws of the City, State and United States.

71. 260. Use of unnecessary violence toward prisoners.

No officer shall willfully mistreat or use unnecessary violence toward any person, prisoner or otherwise. He shall not strike any prisoner except as a last resort to overcome resistance or prevent escape. An officer shall not shoot at a fleeing person
or any escaping prisoner unless he has probable cause to believe that such person has committed a felony.

71.270. Qualifications for police officers.
Full time police officer shall be between twenty-one and sixty-five years of age, shall be of good moral character, shall be a resident of the City, shall not have been convicted of any misdemeanor or felony, shall be able to write legibly, and shall furnish at least three good character references. A written examination for any applicant for police officer shall be discretionary with the Board of Aldermen.

71.275 Training
All newly hired peace officers for the City of Hamilton shall be required to have no more or less than one hundred twenty hours of training for certification by the
Missouri Department of Public Safety; further, in compliance with §590.110, RSMo (Supp. 1993), no person shall be appointed as a peace officer for the City unless such person has been certified by the Director of the Missouri Department of Public Safety in accordance with the applicable provisions of State law, unless such person is appointed on a probationary basis and qualifies for such certification within one year after initial appointment as a peace officer; provided, also, that this requirement of
certification shall not apply to reserve officers, although the Board of Aldermen may by resolution designate that a particular reserve officer participate in the basic training program required by State law. [Ordinance 944, adopted 9/13/1993]

Subchapter B -- Civil Defense

71.900. Establishment.
There is hereby created within the City an emergency preparedness organization to be known as The Emergency Management Agency of the City of Hamilton, Missouri (hereinafter EMA), which is responsible for the preparation and implementation of emergency functions required to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of
such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, Revised Statutes of Missouri, and the Missouri Disaster Operations Plan adopted thereunder.

71.910. Organization. EMA shall consist of a Director and such other members appointed by the Mayor to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Disaster Operations Plan.

71.920. Functions.

EMA shall perform emergency preparedness functions within the limits of the City and may conduct these functions outside the City limits as directed by the Governor during the time of emergency.

71.930. Director of EMA.
The Director shall be appointed by the Mayor, and shall serve during the pleasure of the Mayor. The Director shall have direct responsibility for the organization, administration and operations of EMA and shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under EMA's jurisdiction.

71.940. Powers of Director and Mayor.
The Mayor and Director, in accordance with Chapter 44, Revised Statutes of Missouri, may:
1. Expend funds, make contracts, obtain and distribute equipment, materials, and supplies for EMA purposes, provide for the health and safety of persons, including emergency assistance to victims of an enemy attack, and for the safety of property, and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State emergency planning agencies;
2. Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation.
3. In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public work or entering into contracts;
4. With the approval of the Governor and consistent with the Missouri Disaster Operations Plan, enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid; and
5. Accept services, materials, equipment, supplies or funds granted or loaned by the Federal Government disaster planning for operations purposes.

71.950. Oath.
No person shall be employed or associated in any capacity in any organization established under this Subchapter who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this State or the overthrow of any government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:
"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this

State by force or violence; and that during such a time as I am a member of The Emergency Management Agency of the City of Hamilton, Missouri, I will not advocate nor become a member of any political party or
organization that advocates the overthrow of the government of the United States or of this State by force or violence."

71.960. Office space.
The Mayor is authorized to designate space in any City building for EMA activities.

71.970. Penalty.
During any emergency duly declared to exist within the City pursuant to the Civil Defense Act of Missouri, it shall be unlawful for persons to be or congregate upon any street or public place within the City in violation of any lawful order, rule or regulation issued pursuant to said Civil Defense Act, and every such violator shall, upon conviction, be fined not less than $1.00 nor more than $100.00.

Chapter 72 -- Municipal Court and Issuance Administrative Search Warrants

ARTICLE I - In General

72.010. Municipal Cases to be heard by Associate Circuit Judge.
The City of Hamilton, Caldwell County, Missouri hereby elects to have all violations of its municipal ordinances heard and determined by the Associate Circuit Judge of Caldwell County, Missouri or such other judge as shall be assigned by the presiding judge of the 43rd Judicial Circuit of Missouri, pursuant to the provisions of Section 479.040, Revised Statutes of Missouri. Court shall be held at the Courtroom of the Associate Circuit Judge in Kingston, Missouri at such reasonable times and places as designated by the Associate Circuit Judge.

72.020. Municipal Division – Circuit Court
The Division of the Circuit Court of Caldwell County, Missouri, which hears and determines violations of the ordinances of the City of Hamilton shall be known as the "Municipal Division of the Circuit Court of Caldwell County, Missouri".

72.030. Rules Governing Practice and Procedure in the Municipal Division.
The rules governing the procedure and practice in the Municipal Division shall be those established and promulgated by the Supreme Court of Missouri, and subsequent rules as the Supreme Court shall from time to time establish and promulgate; and any provision in these ordinances which shall be in conflict with such rules is hereby repealed.

72.040. Fines and Costs — Where Paid.
In cases of violations of ordinances of the City submitted to, heard and determined before the Judge, all fines shall be paid to and deposited at least monthly into the City Treasury and all court costs shall be accounted for and remitted to the State Treasury in the same manner as provided by law for costs in misdemeanor cases.

72.045. Fines and Costs — Report.
The Supreme Court by administrative rule may provide for uniform procedure and reporting forms for the collection and transmittal of fines and costs. Until modified or otherwise provided by such administrative rule, the Judge hearing and determining violations of City ordinances, shall cause the Clerk of the Municipal Division, within the first ten (10) days of every month, to make out a list of all the cases heard or tried before the Judge during the preceding month, giving in each case the name of the defendant, the fine imposed, if any, the amount of costs, the names of defendants committed and the cases in which there was application for trial de novo, respectively. Such Clerk or the Judge shall verify such lists and statements by affidavit, and file the same forthwith with the Clerk of the City, who shall present the same before the Board of Aldermen at its first session thereafter. The Official collecting fines, shall, within the ten (10) days aforesaid, pay to the City Treasurer the full amount of all fines collected by him/her during the preceding month if not previously paid to the City Treasurer.

72.050. Violations Bureau – Duties – Court Costs.
The Associate Circuit Judge may establish a Violations Bureau in the City of Hamilton, and shall establish such a Bureau when a request therefor is made by the Board of Aldermen of the City of

Hamilton. The Violations Bureau shall operate under the supervision of the Circuit Court, and the Associate Circuit Judge hearing and determining violations of the ordinances of the City of Hamilton, and shall be operated in accordance with the rules of the Supreme Court and the rules of the Circuit Court. All expenses incident to the operation of the Violations Bureau, including salaries of clerical personnel, shall be paid by the City of Hamilton. The City shall provide suitable quarters for the Violations Bureau. The Violations Bureau shall accept pleas of guilty to certain violations of traffic ordinances designated by the Associate Circuit Judge and shall accept payments of fines established by the Associate Circuit Judge and court costs assessed on said pleas of guilty.

72.060 City Ordinances – Evidence – Judicial Notice
In the trial of violations of the ordinances of the City, a copy of a City ordinance which is certified by the Clerk of the City shall constitute prima facie evidence of such ordinance. If such certified copy is on file with the Clerk of the Municipal Division and readily available for inspection by the parties, the Judge may take judicial notice of such ordinance without further proof.

72.100. Prosecutions by information.
All ordinance violation prosecutions shall be instituted by information and may be based upon a complaint. Proceedings shall be in accordance with the Supreme Court Rule governing practices and procedures in proceedings in municipal divisions of circuit courts.

72.110. Warrants.
All warrants issued by the Judge shall be directed to the chief of police or any other City police officer or to the Sheriff of Caldwell County. The warrant shall be executed at any place within the limits of the County and not elsewhere unless the warrant is endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other counties as provided for in warrants in criminal cases.

72.120. Arrest without warrant, procedure.
Any police officer of the City shall, without a warrant, make arrests of any person who commits an offense in his presence, but such officer shall, before the trial, file a written complaint with the Judge. If arrest is made without a warrant then the arresting officer may require as a condition for release execution of a bond in a stated amount with sufficient solvent sureties or the deposit with the Court of the sum in cash or negotiable bonds of the United States or of this State or any political subdivision thereof, or may accept bond in accordance with a bail schedule furnished by the Court.

72.130. Jury trials.
A. Any person charged with an ordinance violation shall be entitled to a trial by jury to the extent provided by law, but all cases shall be tried by the Judge unless a timely and proper demand for Jury Trial is made.
B. Whenever a defendant accused of a violation of a municipal ordinance has the right to a trial by jury and demands such trial by jury, the Judge shall certify the case to the Presiding Judge of the Circuit Court serving the City for assignment in the manner provided by State law. Proceedings in the case shall be had as if the case was originally commenced under the

practice and procedure applicable before Circuit Judges with there being no right of trial de novo; but the sufficiency of plaintiff's petition shall be adjudged according to the procedures under Chapter 517, RSMo.

72.140. Duties of City Prosecuting Attorney.
The City Prosecuting Attorney shall prosecute violations of the City's ordinances before the municipal judge. The City Prosecuting Attorney shall be named by the Board of Aldermen. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the City.

72.150. Summoning of witnesses.

A. It shall be the duty of the Judge to summons all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the Judge shall orally notify such witnesses as either party may require to attend before him on the day set for trial to testify in the case, and enter the names of such witnesses on his docket, which oral notice shall be valid as a summons.
B. Policeman Or Other Officer As Witness. If prosecutions before the Judge for misdemeanors arising under ordinances of the City, any Policeman or other executive officer shall be a competent witness in the case; but no such Policeman or executive officer shall be entitled to any witness fee in such case.
C. Arresting Officers To Attend As Witnesses Without Summons. Officers shall attend upon notice as witnesses against persons whom they have caused to be arrested, without being summoned to do so; and, upon their failure to appear at the time of the trial, may be attached and punished for contempt as witnesses summoned.

72.170. Commitment to Jail.
If in the opinion of the Judge the City has no suitable and safe place of confinement, the defendant may be committed to the County jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The City shall pay the board of such prisoner at the same rate as allowed by law to the Sheriff for the keeping of other prisoners in his custody. The cost of such board shall be taxed as costs in the case.

72.180. Parole and probation.
If the Judge grants a parole or probation to any person, he may impose in connection therewith to the extent authorized by law such terms and conditions as the Judge deems reasonably necessary to promote the purposes to be served by such grant, including insuring that the defendant will not again violate the law. Such conditions may include without limitation the following:

1. Restitution to the victim or any dependent of the victim in a stated amount.
2. The performance of a designated amount of free work for a public or charitable purpose or purposes; PROVIDED, that the defendant may refuse parole or probation conditioned on the performance of free work, in which case the Judge shall decide the

extent or duration of sentence or other disposition to be imposed and shall render judgment accordingly. If performance of free work is imposed by the judge and accepted by the defendant then the Judge shall designate the person or entity to be charged with supervision of such work.

3. Except in cases classified as infractions under State law, require the defendant to submit to a period of detention in an appropriate institution at whatever time or intervals within the period of probation, consecutive or not consecutive, but the aggregate total of such detention shall not exceed the shorter of fifteen (15) days or the maximum term of imprisonment authorized for the violation under State law.

Terms and conditions of parole and probation may be modified or enlarged by the Judge at any time prior to expiration or termination of the term thereof.

72.190. Trial de Novo.

In any case tried before the Judge, except where there has been a plea of guilty or the case has been tried with a jury, the defendant shall have a right of trial de novo before a Circuit Judge or upon assignment before an Associate Circuit Judge. An application for a trial de novo shall be filed within ten (10) days after judgment and shall be filed in such form and perfected in such manner as provided by Supreme Court Rule. In any case tried with a jury before an Associate Circuit Judge a record shall be made and appeals may be had upon that record to the appropriate Appellate Court. The record shall be kept in a manner provided by State law or Supreme Court Rule.

72.200. Recognizances and forfeitures.

In the case of a breach of any recognizance entered into before the Judge, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the City as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge. All monies recovered in such actions shall be paid over to the City Treasury for the general revenue fund of the City.

72.210. Disqualification and change of judge.

A change of judge shall be ordered upon the filing of a written application therefore by any party not later than ten (10) days before the date set for trial PROVIDED, that if the designation of the trial judge occurs less than ten (10) days before trial, or if the Judge in the exercise of discretion so allows, then the application may be filed at any time prior to trial.

72.215. Failure To Appear Before the Court

A. It shall be unlawful for any person to fail to appear at the proper time and plea or answer a charge against him/her in the Court upon being first duly summoned.
B. The punishment for violation of this Section shall be in addition to the forfeiture of any security which was given or pledged for the person's release.
C. Nothing in this Section shall prevent or limit any Court's exercise of its power to punish for contempt.
D. Nothing in this Section shall apply to an “minor traffic violation” as defined under the City Code.

ARTICLE II Fines and Court Costs

72.240. Court costs. When a defendant pleads guilty or is found guilty, in addition to any fine that may be imposed by the Municipal Judge in any case filed in Hamilton City Municipal Division of the 43rd Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following, there shall be assessed and collected as costs the following:

1. Costs of Court in the amount of fifteen dollars ($15.00) for municipal ordinance violations or, after adjustment by the Supreme Court, the amount set by the Supreme Court for municipal ordinance violations.

2. Law Enforcement Officer training fee. In all cases, except those for non-moving traffic violations, costs for the training of Police Officers in the amount of three dollars ($3.00). No such fee shall be collected when the proceedings against the defendant have been dismissed.

a. Two dollars ($2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City or other official collecting monies due the City, and used to pay for Law Enforcement Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars ($1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.

b. One dollar ($1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.

3. Crime Victims' Compensation Fund. An additional sum of seven dollars fifty cents ($7.50) shall be assessed and added to the basic costs in Subparagraph (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subparagraph shall be paid at least monthly as follows:

a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.

b. Five percent (5%) shall be paid to the City Treasury.

4. There may also be assessed a four dollar ($4.00) cost per case for each criminal case, including violations of any County or municipal ordinance, for the purpose of providing operating expenses for shelters for battered persons as set out in Section 488.607, RSMo.

5. There shall be assessed a seven dollar ($7.00) surcharge for the Statewide Court Automation Fund.

6. Other costs, such as for the issuance of a warrant, a commitment or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.

7. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail or costs assessed against the City by any other detention facility.

8. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.

9. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs

related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Section 125.070(10) hereof.

10. A surcharge of three dollars ($3.00) shall be assessed and collected payable to the Sheriff's Retirement Fund created in Section 57.955, RSMo.

11. Reimbursement of certain costs of arrest.

a. Upon a plea or a finding of guilty of violating the provisions of Sections 577.010 or 577.012, RSMo., or any ordinance of the City of Hamilton involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Law Enforcement Department for the costs associated with such arrest.

b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.

c. The Chief of Law Enforcement may establish a schedule of such costs hereby authorized and shall submit the same to the Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.

12. No costs shall be assessed if the Municipal Judge finds the defendant to be indigent and unable to pay the costs.

When an application for trial de novo is tendered for filing, the Municipal Court Clerk shall assess and collect as additional court costs a fee of thirty dollars ($30.00).

If a Traffic Violations Bureau is established, all costs set forth above shall be assessed and collected for each guilty plea processed therein.

72.250. Same, assess against prosecuting witness. The costs of any case action may be assessed against the prosecuting witness and judgment be rendered against him that he pay the same and stand committed until paid in any case where it appears to the satisfaction of the municipal judge that the prosecution was commenced without probable cause and from malicious motives.

72.260. Installment payment of fine. When a fine is assessed for violation of an ordinance, the Judge may, in his discretion, provide for payment of same on an installment basis under such terms and conditions as he may deem appropriate.

ARTICLE II. ADMINISTRATIVE SEARCH WARRANTS

72.300. Administrative Search Warrants

1) Search Warrant Defined--Who May Issue, Execute.

a) An administrative search warrant is a written order of the Judge permitting the entry of City Officials on or into private property, structure or improvement to enforce the City's housing, zoning, health and safety regulations when government entry on or into such property is otherwise authorized by Missouri law. A warrant may issue only in conformance with this Section and only for the enforcement of the City's housing, zoning, health and safety regulations, specifically:

i) To inspect private property to determine or prove the existence of physical conditions in violation of a specified regulation,

ii) To seize property or photograph, copy or record evidence of property or physical conditions found thereon or therein, and

iii) To abate such physical conditions.

b) The Judge having original and exclusive jurisdiction to determine violations against the ordinances of the City and may issue an administrative warrant when:

i) The property to be entered is located within the City, and

ii) The owner or occupant of the property or place to be entered:

1) Has refused to allow same after official request by the City, or

2) Is not available, after reasonable investigation and effort, to consent to such search or inspection.

c) Any such warrant shall be directed to the Chief of Police or any other Police Officer of the City and shall be executed by the Chief of Police or said Police Officer in conjunction with the Code Enforcement Officer or other appropriate City Official.

2) Who May Apply For Warrant--Contents Of Application.

a) Any Code Enforcement Officer, Police Officer or attorney of the City may make application to the Judge for the issuance of an administrative warrant.

b) The application shall:

i) Be in writing;

ii) State the time and date of the making of the application;

iii) Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

iv) State that the owner or occupant of the property or places to be entered, searched, inspected or seized:

1) Has been requested by the City to allow such action and has refused to allow such action, or

2) Is not available, after reasonable investigation and effort, to consent to such search or inspection;

v) State facts sufficient to show probable cause for the issuance of a search warrant as provided in Subsection (C) of this Section to:

1) Search or inspect for violations of an ordinance or Code Section specified in the application; or

2) Show that entry or seizure is authorized and necessary to enforce an ordinance or Code Section specified in the application and/or abate an ordinance violation and that due process has been afforded prior to the entry or seizure;

vi) Be verified by the oath or affirmation of the applicant; and

vii) Be signed by the applicant and filed in the Municipal Court.

c) The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony shall not be considered.

d) The application may be submitted by hand delivery, mail or facsimile or other electronic means.

3) Determination Of Probable Cause--Issuance--Contents Of Warrant--Execution And Return.

a) Determination of probable cause/issuance.

i) The Judge shall determine whether probable cause exists to inspect or search for the purposes noted herein.

ii) In doing so the Judge shall determine whether the action to be taken by the City is reasonable in light of the facts stated. The Judge shall consider the goals of the ordinance or Code Section sought to be enforced and such other factors as may be appropriate including, but not limited to, the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant City ordinance or Code Section, the passage of time since the property's last inspection and the authority authorizing government entry onto private property. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a City ordinance or Code Section.

iii) If it appears from the application and any supporting affidavit that there is probable cause to inspect or search the private property for the enforcement of the City's housing, zoning, health and safety regulations, a search warrant shall immediately be issued.

iv) The warrant shall issue in the form of an original and two (2) copies and the application, any supporting affidavit and one (1) copy of the warrant as issued shall be retained in the records of the Court.

v) A search warrant shall expire if it is not executed within ten (10) days after the date of the making of the application.

b) Contents of search warrant. The search warrant shall:

i) Be in writing and in the name of the City;

ii) Be directed to any Police Officer in the City;

iii) State the time and date the warrant was issued;

iv) Identify the property or places to be searched, inspected or entered upon in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

v) Identify the regulation sought to be enforced;

vi) Command that the described property or places be entered upon for one (1) or more specified enforcement purposes as provided herein, including inspection or abatement;

vii) Direct that any evidence of any suspected ordinance violations be seized, recorded or photographed and a description of such property be returned within ten (10) days after issuance of the warrant to the Clerk of the Municipal Court to be dealt with according to law;

viii) Be signed by the Judge with his/her title of office indicated.

c) Execution. A search warrant issued under this Section shall be executed only by a City Police Officer, provided however, that one (1) or more designated City Officials may accompany the officer and the warrant shall be executed in the following manner:

i) Copies of the warrant shall be given to the officer executing the warrant. Copies may be transmitted by hand delivery, mail or by facsimile or other electronic means.

ii) The warrant shall be executed by conducting the search, inspection, entry, abatement or seizure as commanded and shall be executed as soon as practicable

and in a reasonable manner but in no less than ten (10) days after issuance of the warrant.

iii) The officer may summon as many persons as he/she deems necessary to assist him/her in executing the warrant and such persons shall not be held liable as a result of any illegality of the search and seizure.

iv) The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant or shall leave a copy of the warrant at the property if the owner or occupant is not available.

v) In the event that a warrant authorizes abatement of a nuisance or other conditions, the Police Officer is not required to stay on the property during the entire length of time that it takes for the abatement to be completed.

d) Itemized receipt/disposition of seized property.

i) If any property is seized incident to the search or abatement, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search or abatement in a conspicuous place.

ii) A copy of the itemized receipt of any property taken shall be delivered to an attorney for the City within two (2) working days of the search.

iii) The disposition of property seized pursuant to a warrant under this Section shall be in accordance with an applicable City ordinance or Code Section, but in the absence of same, then with Section 542.301 RSMo.

e) Return required after execution of search warrant.

i) After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Court.

ii) The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property or places searched or seized.

iii) The return shall be accompanied by any photographs, copies or recordings made and by any property seized, along with a copy of the itemized receipt of such property required by this Section; provided however, that seized property may be disposed of as provided herein and, in such a case, a description of the property seized shall accompany the return.

iv) The Court Clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property searched or seized.

4) Warrant Invalid, When.

a) A search warrant shall be deemed invalid:

i) If it was not issued by the Judge;

ii) If it was issued without a written application having been filed and verified;

iii) If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided in Subsection (C) hereof;

iv) If it was not issued with respect to property or places in the City;

v) If it does not describe the property or places to be searched, inspected, entered upon or seized with sufficient certainty;
vi) If it is not signed by the Judge who issued it; or
vii) If it was not executed within ten (10) days after the date of the issuance of the warrant.

b) An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he/she would be justified in using if the warrant were valid.

[Amended by Ordinance No. 1601; adopted 6/8/2016]

Former 72.010 through 72.060 repealed by Ordinance No. 1321; Adopted December 7, 2009

72.070. Docket and court records.

The Municipal Judge shall keep a docket in which he shall enter every case commenced before him and the proceedings therein and he shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of Caldwell County. The Municipal Judge shall keep the docket and records of the municipal court, and all books and papers pertaining to his office, with the Municipal Court Clerk unless otherwise required by law.

72.080. Municipal Judge's power and duties.

The Municipal Judge shall be a conservator of the peace and is authorized to:

1. Establish a Traffic Violations Bureau as provided by law.
2. Administer oaths and enforce obedience to all orders, rules and judgments made by him and to fine and imprison for contempt committed before him while holding court, in the same manner and to the same extent as a circuit judge. The City Police Chief or, in his absence, any full-time city police officer, shall act as bailiff at all Court sessions and shall enforce appropriate decorum and execute all lawful orders of the Municipal Judge.
3. Commute the term of any sentence, stay execution of any sentence, suspend imposition of sentence and make such other orders as deemed necessary to promote fair, prompt and efficient administration of justice.
4. Place a person on parole or probation for a specific period upon conviction of any offense or upon suspending imposition of sentence if, having regard to the nature and circumstances of the offense and to the history and character of the defendant, the judge is of the opinion that confinement is not necessary for protection of the public and the defendant is in need of guidance, training or other assistance which can be effectively administered through parole or probation supervision.
5. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, Supreme Court Rules and State law. Any rule adopted hereunder may be annulled or amended by ordinance limited to such purpose.
6. Exercise such other powers, duties and privileges as prescribed by State law, this Code, City ordinance, Supreme Court Rule, circuit court rule or other lawful authority.

The municipal judge shall determine all issues of fact in cases tried before him. The municipal judge shall require the Municipal Court Clerk, within the first ten days of every month, to make out a list of all cases heard or tried before him during the preceding month setting forth the case number, defendant's name, amount of any fine and costs imposed, the names of defendants committed and term imposed, and whether and when any application for trial de novo was filed. Such list shall be delivered to the City Clerk who shall present it or a summary of its contents to the Board of Aldermen.

72.090. Traffic Violations Bureau.
If a Traffic Violations Bureau is established, it shall be administered by the Municipal Court Clerk; the City shall provide all expenses incident to its operation. All fines and costs shall be as provided by ordinance and shall be paid into the City Treasury except as otherwise provided by law.

72.100. Prosecutions by information only.
All ordinance violation prosecutions shall be instituted by information and may be based upon a complaint.

72.110. Warrants.
All warrants issued by the Municipal Judge shall be directed to the chief of police or any other City police officer or to the Sheriff of Caldwell County. The warrant shall be executed at any place within the limits of the County and not elsewhere unless the warrant is endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other counties as provided for in warrants in criminal cases.

72.120. Arrest without warrant, procedure.
Any police officer of the City shall, without a warrant, make arrests of any person who commits an offense in his presence, but such officer shall, before the trial, file a written complaint with the municipal judge. If arrest is made without a warrant then the arresting officer may require as a condition for release execution of a bond in a stated amount with sufficient solvent sureties or the deposit with the Court of the sum in cash or negotiable bonds of the United States or of this State or any political subdivision thereof, or may accept bond in accordance with a bail schedule furnished by the court having jurisdiction.

72.130. Jury trials.
Any person charged with an ordinance violation shall be entitled to a trial by jury to the extent provided by law, but all cases shall be tried by the Municipal Judge unless a timely and proper demand for Jury Trial is made. Whenever a proper demand is made for trial by jury, the municipal judge shall certify the case to the Presiding Judge of the Circuit Court for assignment as provided by law.

72.140. Duties of City Attorney.

The City Attorney shall prosecute violations of the City's ordinances before the municipal judge.

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

72.160. Transfer of complaint to Associate Circuit Judge.
If in the progress of any trial before a Municipal Judge it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him as a Municipal Judge, he shall immediately
stop all further proceedings before him and cause the complaint to be made before some Associate Circuit Judge within the County.

72.170. Commitment to Jail.
If in the opinion of the Municipal Judge the City has no suitable and safe place of confinement, the defendant may be committed to the County jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep
such prisoner until discharged by due process of law. The City shall pay the board of such prisoner at the same rate as allowed by law to the Sheriff for the keeping of other prisoners in his custody. The cost of such board shall be taxed as costs in the case.

72.180. Parole and probation.
If the Municipal Judge grants a parole or probation to any person, he may impose in connection therewith to the extent authorized by law such terms and conditions as the Judge deems reasonably necessary to promote the purposes to be served by such grant, including insuring that the defendant will not again violate the law. Such conditions may include without limitation the following:
1. Restitution to the victim or any dependent of the victim in a stated amount.
2. The performance of a designated amount of free work for a public or charitable purpose or purposes; PROVIDED, that the defendant may refuse parole or probation conditioned on the performance of free work, in which case the Judge shall decide
the extent or duration of sentence or other disposition to be imposed and shall render judgment accordingly. If performance of free work is imposed by the judge and accepted by the defendant then the Judge shall designate the person or entity to be charged with supervision of such work.

3. Except in cases classified as infractions under State law, require the defendant to submit to a period of detention in an appropriate institution at whatever time or intervals within the period of probation, consecutive or not consecutive, but the
aggregate total of such detention shall not exceed the shorter of fifteen (15) days or the maximum term of imprisonment authorized for the violation under State law.
Terms and conditions of parole and probation may be modified or enlarged by the Judge at any time prior to expiration or termination of the term thereof.

72.190. Trial de Novo.
Upon conviction after trial before a Municipal Judge, the defendant shall have a right to a trial de novo as provided by Supreme Court Rules, and if such Judge is not
licensed to practice law, such right shall extend to cases in which the defendant pled guilty.

72.200. Recognizances and forfeitures.
In the case of a breach of any recognizance entered into before a Municipal Judge, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the City as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge,
and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to the City Treasury for the general revenue fund of
the City.

72.210. Disqualification and change of judge. If the Judge is related to any defendant or has an interest in or has been counsel in the case, he shall disqualify himself. A change of judge shall be ordered upon the filing of a written application therefore by any party not later than ten (10) days before the date set for trial PROVIDED, that if the designation of the trial judge occurs less than ten (10) days before trial, or if the Judge in the exercise of discretion so allows, then the application may be filed at any time prior to trial.

72.220. Absence of judge. If a Municipal Judge be absent, sick or disqualified from acting, the Mayor may designate some competent, eligible person to act as Municipal Judge until such absence or disqualification shall cease. The Board of Aldermen shall provide by Ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section.

72.230. Municipal Court Clerk's duties. The Municipal Court Clerk shall:
1. Collect fines and costs for violations of ordinances, which shall be paid to and deposited into the City Treasury not less frequently than monthly, except to the extent otherwise required by law.
2. Administer oaths and affirmations.
3. Accept signed complaints and allow same to be signed and sworn or affirmed before her.
4. Sign and issue requested subpoenas.
5. Accept appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violations Bureau cases or as directed by the Municipal Judge.

6. Maintain a certified copy of Hamilton City Code which shall constitute prima facie evidence of City ordinances contained therein. All City Ordinances in the City Clerk's custody shall be deemed on file with the Municipal Court Clerk and shall be kept readily available for inspection.

72.240. Court costs. When a defendant pleads guilty or is found guilty, in addition to any fine that may be imposed, there shall be assessed and collected as costs the following:

1. Costs of court in the amount of Twelve Dollars ($12.00) [Ordinance No. 1026, adopted August 4, 1997].

2. A surcharge for the training of police officers in the amount of Two Dollars ($2.00), except when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the City.

3. A surcharge pursuant to Section 590.140, RSMo (Supp. 1996), in the amount of One Dollars ($1.00), which shall be collected and disbursed as provided in Section 514.015, RSMo., and payable to the State Treasury to the credit of the Peace Officer Standards and Training Commission Fund created in Section 590.178, RSMo.

4. Upon a plea of guilty or a finding of guilty to an offense of violating a City ordinance involving alcohol or drug related traffic offenses, the Court may order the convicted person to reimburse the City Police Department for the costs associated with such arrest, to include the reasonable cost of making the arrest, the cost of any chemical test made to determine the alcohol or drug content of the person’s blood, and the cost of processing, charging, booking and holding such person in custody. The Police Department shall establish a schedule of such costs, to include the normal hourly rate paid by the City for wages to the arresting officer. In each such case wherein such costs are sought to be reimbursed, the Police Department shall itemize in writing and submit to the Court Clerk prior to disposition of the case all costs for which it seeks reimbursement. The Court may accept the itemization of costs as presented in a particular case, or may reduce same if it determines the costs are excessive.
[Paragraph 4 revised by Ordinance No. 1036 enacted February 2, 1998]

5. There shall be assessed to each defendant who pleads guilty when he is found guilty in each case filed in the City of Hamilton Municipal Court for violation of any ordinance of this City an additional surcharge for the Sheriff's retirement fund in the amount of $3.00, provided that no such fee shall be collected in any proceeding where the charge against the defendant has been dismissed by the court, and provided that said surcharge shall only be collected so long as it continues to be required by law. Such surcharge shall be collected by the Clerk of the Court and transmitted as required by law.

[Section 5 added by Ordinance No. 1471; adopted August 5, 2013.]

No costs shall be assessed if the Municipal Judge finds the defendant to be indigent and unable to pay the costs.
When an application for trial de novo is tendered for filing, the Municipal Court Clerk shall assess and collect as additional court costs a fee of thirty dollars ($30.00).

If a Traffic Violations Bureau is established, all costs set forth above shall be assessed and collected for each guilty plea processed therein.

72.250. Same, assess against prosecuting witness. The costs of any case action may be assessed against the prosecuting witness and judgment be rendered against him that he pay the same and stand committed until paid in any case where it appears to the satisfaction of the municipal judge that the prosecution was commenced without probable cause and from malicious motives.

72.260. Installment payment of fine. When a fine is assessed for violation of an ordinance, the Judge may, in his discretion, provide for payment of same on an installment basis under such terms and conditions as he may deem appropriate.

72.300. Compensation of Judge and Clerk. The Municipal Judge and Court Clerk shall receive such compensation as may be set from time to time by the Board, PROVIDED, no such compensation shall be reduced during any term except for vacation of office.

Chapter 73 – Animals

73.005. Penalties. It shall be unlawful for any person to violate any provision of this Chapter 73 and any person convicted of a violation hereunder shall be punished as provided in Chapter 13 of this Code, PROVIDED, that minimum fine which may be imposed for each violation under Subchapter B of this Chapter shall be Fifty Dollars ($50.00).

73.010. Definitions. In addition to the definitions in Chapter 11 of this Code, the following words and phrases when used in this Chapter 73 shall have the meanings hereinafter stated:

"Animal" means any animal and includes dogs, cats, horses, mules, cattle, sheep, swine, goats, birds, fowl, reptiles, fish and mammals whether domesticated or not.

"ACO" means the duly appointed and acting Animal Control Officer and includes his authorized deputies and assistants.

"At large" means not attached to a leash, chain or rope secured by a fixed object or securely held by a person and not confined by a fence, pen or other enclosure and not otherwise under the direct, immediate and complete control of a person.

"Dangerous," when used to describe an animal, means an animal which does in fact, or which shows a definite intention to, bite, jump on, run at or snap at any person or other animal, and includes any animal which does in fact have or exhibits any symptoms of rabies.

"Dog" means any member of the canine species.

"Euthanize" means put to death in a humane manner.

"Exposed to rabies" means in physical contact with a rabid animal.

"Impound" means take physical custody and control of and keep confined.

"Own" includes possess, keep, harbor, control and have custody, charge, management or care of.

"Owner" means any person who owns, controls, possesses, keeps, harbors or has custody, charge, management or care of.

"Veterinarian" means practicing doctor of veterinary medicine licensed by the State.

Subchapter A -- Animals in General

73.100. Animal Control Officer; Duties: Privileges; Interference With Prohibited. There is hereby created the position of Animal Control Officer (ACO). The ACO shall be appointed by the Mayor with the consent of the Board of Aldermen, shall serve at the pleasure of the Board and shall receive such compensation as may be set by the Board from time to time. The ACO need not be a resident of the City. The ACO shall enforce the provisions of this Chapter 73 and shall perform such other duties relating to animals as prescribed by Ordinance.
The ACO shall have the right to enter upon private property when accompanied by a police officer for the purposes of performing his duties, to include inspections to determine compliance with this Chapter 73. It shall be unlawful for any person to in any manner interfere with the ACO's performance of his duties in any manner. No person shall refuse to deliver an animal to the ACO when requested to do so, nor shall any person remove any animal from the ACO's custody without the ACO's consent.

73.110. Running At Large Prohibited. It shall be unlawful for any owner of any animal to cause or permit such animal to run at large in the City.

73.120. Staking Prohibited. It shall be unlawful for any owner of any animal to stake, picket or tie any animal to a fixed object so that such animal is or is readily capable of being on any public property or on any private property without the consent of the private property owner.

73.130. Disposition of Dead Animals. It shall be unlawful for the owner of any animal which has died to fail, within twenty-four (24) hours of such death, to dispose of such animal in a manner which prevents creation of the health hazard posed by a rotting carcass and prevents creation of any noxious odors.

73.140. Quarantine. Whenever the mayor shall determine that the prevalence of rabies among an animal population in or near the City warrants, he may proclaim a quarantine of all dogs in the City. Such quarantine shall not exceed a period of one (1) month, but successive quarantines may be proclaimed. A quarantine shall terminate when so proclaimed by the Mayor or when resolved by a majority of the Board of Aldermen.
During such quarantine all owners shall confine all of their dogs and other animals susceptible to acquisition or capable of transmission of rabies upon the owners' premises so as to make their animals inaccessible to rabid animals. During such quarantine the ACO shall impound all animals not so confined.

73.150. Duplicate Tags: Duplication and Transfer of Same Prohibited. A duplicate license tag shall be issued to an owner whose tag is lost upon presentation of such owner's license receipt and a fee of One Dollar ($1.00). It shall be unlawful to counterfeit or otherwise duplicate any license receipt or tag. It shall be unlawful for any person to transfer to or place upon any dog a license tag not issued for such dog.

73.160. Impoundment of Dogs. The ACO shall impound any dog in the City which:

1. Is not wearing a plainly visible license tag and rabies vaccination tag, or
2. Is running at large, or
3. Is a dangerous dog, or
4. Is ill or injured.

All dogs impounded under 1, 2 and 3 above shall be humanely kept, treated and fed until disposed of and shall be kept at such place or places within or without the City as the ACO may designate. The ACO shall establish all rules and regulations necessary to maintain and operate all impoundment facilities and shall establish a schedule of reasonable charges for the taking up, transport, keeping, treatment and feeding of impounded dogs, which rules, regulations and charges shall be presented to the Board of Aldermen for approval before becoming effective.

All dogs impounded under 4 above shall be held until the registered owner can be notified and shall be immediately released to such registered owner upon payment of treatment and impoundment fees. If such dog has no registered owner then it shall be delivered to a veterinarian who may, in such veterinarian's discretion, euthanize such dog or treat its illness or injury, but the City shall not pay any cost of treatment. The ACO may accept such dog from the veterinarian after treatment and shall dispose of same under Section 73.170.

73.170. Disposition of Impounded Dogs. All impounded dogs shall be kept for a minimum period of five (5) days unless sooner redeemed. An impounded dog which is not rabid or exposed to rabies and which has not bitten any person or domestic animal may be released to its owner or other person authorized in writing by the owner to accept release upon the ACO's receipt of:

1. Full payment of all impoundment charges, and
2. Proof of valid, current registration for such dog if the owner is a City resident, and
3. Receipt of license application and payment of fees.

Subchapter B – Dogs

73.200. License and Tags Required. It shall be unlawful for any person to own a dog over three (3) months of age unless such person obtains a license for such dog and such dog at all times wears a plainly visible license tag and rabies vaccination tag.

73.210. Issuance of Licenses and Tags; Fees; Term. All licenses (which shall be in the form of a receipt) and license tags shall be issued by the City Clerk upon receipt of the following from the owner:

1. Such information as may reasonably be required to include the full name and residence address of the owner and the breed, sex, color, age and size of the dog to be registered, and
2. A fee of Five Dollars ($5.00) for all male and neutered female dogs or of Seven and 50/100 Dollars ($7.50) for all other dogs, and
3. Proof of vaccination of the dog to be registered against rabies within one year of the date of application for a license.

The Clerk shall keep a "City Dog Register" and shall enter the foregoing information in same for each dog registered, together with the date of registration and the dog's registration

number which shall correspond to the number stated in the license receipt and engraved on the license tag issued. The license tag shall indicate the year issued.
The term of all licenses issued hereunder shall be one year from July 1 to the next following June 30, and there shall be no proration of fees for partial year licenses, nor shall any refund be made of any license fee paid. All license fees shall be accounted for by the Clerk and deposited to the general fund of the City.

73.220. Clerk's Duties Regarding Notice and Registration.
The City Clerk shall:
1. During the month of May of each year cause publication of a notice notifying owners of dogs that all dogs must be registered and licensed on or before July 1 of such year, and
2. Not later than August 1 of each year deliver to the ACO a copy of the City Dog Register showing all current registrations for the year, and shall keep such Register available for inspection by the ACO at all reasonable times.
3. Proof of vaccination against rabies within the preceding year.
If such an impounded dog is not redeemed after five (5) days and the owner does not sooner redeem it then the ACO may, in his discretion, euthanize such dog or release it to any person other than the owner after such person's payment of a fee of Five Dollars ($5.00) and proper registration and rabies vaccination of such dog.

73.320. Duties in Cases of Dog Bite, Rabies. The owner of any dog which bites any person or domestic animal so as to puncture or abrade the surface of the skin, or which exhibits clinical symptoms of rabies, or which is exposed to rabies, shall immediately deliver such dog to a veterinarian. The ACO shall so deliver such dog if the Owner does not, cannot or is unknown. The dog shall be disposed of as follows:
1. In cases of dog bite and cases of suspected rabies, the dog shall be confined and observed for ten (10) days and if a diagnosis of rabies is confirmed the dog shall be euthanized. If the dog remains healthy after such confinement it shall be impounded by the ACO and disposed of in accordance with Section 73.170, with the veterinarian's fee to be treated as an impoundment charge.
2. In cases of exposure to rabies, the ACO shall make reasonable effort to contact the owner if not already contacted. If the owner cannot be contacted within five (5) days of delivery of the dog to the veterinarian or if such owner within such period does not agree in writing to abide by the following treatment then such dog shall be euthanized. The owner may agree to treatment as follows: If the dog has a current rabies vaccination, it shall be re-vaccinated and quarantined for thirty (30) days during which the veterinarian shall be authorized to perform all necessary treatment. If the dog does not have a current rabies vaccination, it shall be quarantined for six (6) months under the observation of a veterinarian and then vaccinated for rabies.
It shall be unlawful for any person to fail to abide by and fully perform such treatment plan.

73.330. Quarantine for Rabies. Whenever the Mayor shall determine that the prevalence of rabies among an animal population in or near the City warrants, he may proclaim a quarantine of all dogs and animals in the City. Such quarantine shall not

exceed a period of one (1) month, but successive quarantines may be proclaimed. A quarantine shall terminate when so proclaimed by the Mayor or when resolved by a majority of the Board of Aldermen.
During such quarantine all owners shall confine all of their dogs and other animals susceptible to acquisition or capable of transmission of rabies upon the owners' premises so as to make their animals inaccessible to rabid animals. During such quarantine the ACO shall impound all animals not so confined.

73.600. Pit Bull Dogs Prohibited; Existing Pit Bulls Regulated. It shall be unlawful to own a pit bull dog, provided that pit bull dogs residing in the City on the effective date of this section may be kept in the City subject to the following requirements. "Pit Bull Dog" is defined to mean:
(1) The bull terrier breed of dog;
(2) Staffordshire bull terrier breed of dog;
(3) The American pit bull terrier breed of dog;
(4) The American Staffordshire terrier breed of dog;
(5) Dogs of mixed breed or of other breeds than above listed which are known as pit bulls, pit bull dogs or pit bull terriers;
(6) Any dog which has the appearance and characteristics of being predominantly of any of the foregoing breeds or a combination of any of these breeds.

1**. Registration**. Pit Bull dogs now residing in the City must be registered with the City Clerk on or before February 10, 1989, and the owners thereof shall obtain a license as in the case of other dogs if not already obtained.

2. **Leash and Muzzle**. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed or tied to any inanimate object. All pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting.

3. **Confinement**. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

4. **Signs.** All owners of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog-Pit Bull". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

5. **Insurance**. All owners of pit bull dogs must provide proof to the Animal Control Officer of liability insurance in a single incident amount of not less than one million dollars ($1,000,000) for bodily injury to or death of any person or persons or for damages to the property owned by any persons, which may result from such dog. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (l0) days written notice is first given to the City of Hamilton.
[Ordinance 1193, adopted May 7, 2007].

6. **Identification Photographs**. All owners of registered pit bull dogs must provide to the City Clerk two color photographs (two different poses) of the animal clearly showing the color and approximate size of the animal.

7. **Reporting Requirements**. All owners of pit bull dogs must within three (3) days of the event report the following information in writing to the ACO:
(a) The removal from the City or death of a pit bull dog;
(b) The birth of offspring of a pit bull dog;
(c) The new address of a pit bull dog owner should the owner move within the City.

8. **Sale or Transfer of Ownership Prohibited**. No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner; provided, such owner may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City.

9. Animals Born of Pit Bull Dogs. All offspring born to a pit bull dog registered with the City must be removed from the City within six (6) weeks birth.

10. Irrebuttable Presumptions. There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog is in fact a dog subject to the requirements of this section.

73.610 Kennel Regulations.
Any person who shall own and keep, or harbor upon his premises, more than three (3) dogs other than under the age of six months shall be deemed the owner of a dog kennel. Such owner shall file application therefore on a form which application shall provide information to indicate whether or not the proposed kennel and its operation will violate any provisions or state and city laws and ordinances. If it appears that such kennel and the operation thereof will not be in violation of state and city laws, the City Clerk shall

issue a kennel license to said applicant upon the payment of the following license fee to the city.
(a) A license shall be issued to individuals requesting to operate a kennel within city limits for a fee of $500.00.
(b) Such license shall permit the applicant to operate such kennel described in the application for a period of one year, unless said license is revoked; and any violation of the sections of this ordinance shall constitute sufficient cause for revocation of such license.
(c) Kennel premises shall be maintained in a clean and satisfactory and sanitary condition at all times and sanitary methods shall be used to obliterate or prevent any offensive odors. The humane officer, city health officer, and the city police shall have the right to inspect such kennels at reasonable hours.
(d) If any dog kennel is licensed to operate within 200 feet of a building used or occupied as a residence, except for the keeper of the kennels, the kennel dogs shall be continuously confined within the kennel building and not allowed to run at-large or be in the outdoor enclosures of the kennel.
(e) All kennel dogs shall be fed, maintained and housed in separate compartments, and separate outdoor runways, and not to come in physical contact with other dogs except when breeding, and except in cases of mothers and their young. The inside and outside spaces shall be completely cleaned at least twice per day. The breeding shall not in public view.
[Ordinance No. 1099, adopted September 18, 2000]

Sub-Chapter D -- Abuse &Neglect Animals

73.300. Regulation of Abuse and Neglect of Animals.
Section 1. Definitions:
"Adequate Care", normal prudent attention to the needs of an animal, including wholesome food, clean water, shelter, and health care as necessary to maintain good health in a specific species of animal.
The Provisions of this ordinance shall NOT apply to:
1. Care or treatment by a licensed veterinarian;
2. Hunting, fishing, trapping as allowed by statute;
3. Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
4. The killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner thereof;
5. With respect to farm animals, normal or accepted practices of animal husbandry;
6. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal but shall not include police or guard dogs while working;
7. The killing of house or garden pests.

Section 2.

A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care which results in substantial harm to the animal.

A person is guilty of animal abuse when a person:
(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted in the provisions of section 1.
(2) Purposely or intentionally causes injury or suffering to an animal; or
(3) Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.
[Ordinance No. 1101, September 18, 2000]

Chapter 75 – Offenses

ARTICLE I

General Provisions

Section 75.010. Definitions.

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

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

AFFIRMATIVE DEFENSE —

1. The defense referred to is not submitted to the trier of fact unless supported by evidence; and

2. If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.

BURDEN OF INJECTING THE ISSUE —

1. The issue referred to is not submitted to the trier of fact unless supported by evidence; and

2. If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

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

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

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

COMPUTER HARDWARE — All equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. "Hardware" includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other

memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two (2) or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks.

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

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

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

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

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

CONFINEMENT —

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

    a. A court orders the person's release; or

    b. The person is released on bail, bond or recognizance, personal or otherwise; or

    c. A public servant having the legal power and duty to confine the person authorizes his/her release without guard and without condition that he/she return to confinement.

2. A person is not in confinement if:

    a. The person is on probation or parole, temporary or otherwise; or

    b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under

guard by a person having the legal power and duty to transport the person to or from a place of confinement.

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

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

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

3. It is induced by force, duress or deception.

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

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

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

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

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

found to be an "habitual offender" or "habitual boating offender" as such terms are defined in Section 577.001, RSMo.

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

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

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

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

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

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

FELONY — An offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one (1) year.

FORCIBLE COMPULSION — Either:

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

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

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

INHABITABLE STRUCTURE —

1. A vehicle, vessel or structure:

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

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

c. Which is used for overnight accommodation of persons.

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

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

KNOWINGLY —

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

2. When used with respect to a result of conduct, means a person is aware that his or her conduct is practically certain to cause that result.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SPECIAL VICTIM — Any of the following:

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

6. A vulnerable person;

7. Any jailer or corrections officer of the State or one (1) of its political subdivisions assaulted in the performance of his/her official duties or as a direct result of such official duties;

8. A highway worker in a construction or work zone as the terms "highway worker," "construction zone" and "work zone" are defined under Section 304.580, RSMo.;

9. Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his/her job duties, including any person employed under a contract;

10. Any cable worker, meaning any employee of a cable operator, as such term is defined in Section 67.2677, RSMo., including any person employed under contract, while in the performance of his/her job duties; and

11. Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his/her job duties.

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

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

VOLUNTARY ACT —

1. A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his/her control for a sufficient time to have enabled him or her to dispose of it or terminate his/her control; or

2. An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

VULNERABLE PERSON — Any person in the custody, care, or control of the Department of Mental Health who is receiving services from an operated, funded, licensed, or certified program.

Section 75.015. Interpretation of Terms Not Defined.

Any term not defined by this Chapter shall be interpreted as defined by the Missouri Revised Statutes.

Section 75.020. Attempt.

A. Guilt for an offense may be based upon an attempt to commit an offense if, with the purpose of committing the offense, a person performs any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

B. It is no defense to a prosecution under this Section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

Section 75.030. Conspiracy.

A. Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating the commission of an offense, agrees with another person or persons that they or one or more of them will engage in conduct which constitutes such offense.

B. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons.

C. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense so long as such multiple offenses are the object of the same agreement.

D. No person may be convicted of an offense based upon a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or her or by a person with whom he or she conspired.

E. *Exceptions.*

1. No person shall be convicted of an offense based upon a conspiracy to commit an offense if, after conspiring to commit the offense, he/she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his/her criminal purpose.

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

F. For the purpose of time limitations on prosecutions:

1. A conspiracy to commit an offense is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he or she conspired;

2. If an individual abandons the agreement, the conspiracy is terminated as to him/her only if he/she advises those with whom he/she has conspired of his/her abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.

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

Section 75.040. Time Limit for Prosecution.

Except as otherwise provided in this Chapter, or by State or Federal law, prosecutions for offenses contained herein must be commenced within one (1) year of the occurrence.

Section 75.050. Use of Force in Defense of Persons.

A. A person may, subject to the provisions of Subsection (B) of this Section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

1. The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable, provided that:

   a. He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or

   b. He or she is a law enforcement officer and as such is an aggressor pursuant to Section 563.046, RSMo.; or

   c. The aggressor is justified under some other provision of this Chapter or other provision of law;

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

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

B. A person may not use deadly force upon another person under the circumstances specified in Subsection (A) of this Section unless:

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

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

3. Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual claiming a justification of using protective force under this Section.

C. A person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining. A person does not have a duty to retreat from private property that is owned or leased by such individual.

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

E. The defendant shall have the burden of injecting the issue of justification under this Section. If a defendant asserts that his or her use of force is described under Subsection (B)(2) of this Section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force.

Section 75.060. Included Offense.

A. When the same conduct of a person may establish the commission of more than one (1) offense he/she may be prosecuted for each such offense.

B. He/she may not, however, be convicted of more than one (1) offense if:

1. One offense is included in the other, as defined in Section 556.046, RSMo; or

2. Inconsistent findings of fact are required to establish the commission of the offenses; or

3. The offenses differ only in that one (1) is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct; or

4. The offense is defined as a continuing course of conduct and the person's course of conduct was uninterrupted, unless the law provides that specific periods of such conduct constitute separate offenses.

Section 75.070. Adoption of Misdemeanors Under State Law.

Any act, the commission of which constitutes a misdemeanor or infraction under the laws of this State shall, if committed within the City, constitute a violation of this chapter; provided,

however, that such offense when committed within the City shall be punished as provided in Chapter 13 of this Code.

Section 75.080 Penalty. It shall be unlawful for any person to violate any provision of this Chapter 75. The range of punishment for each offense listed in the ordinances is hereby one dollar to five hundred dollars and/or one to one ninety days in jail**.**

Section 75.090. through Section 75.110. (Reserved)

ARTICLE II
Offenses Against the Person

Section 75.120. Assault.

A. A person commits the offense of assault if:

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

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

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

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

5. The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or

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

Section 75.130. Domestic Assault.

A. A person commits the offense of domestic assault if the act involves a domestic victim, as the term "domestic victim" is defined under Section 565.002, RSMo., and:

1. The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;

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

3. The person purposely places such domestic victim in apprehension of immediate physical injury by any means;

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

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

6. The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 75.140. (Reserved)

Section 75.150. Harassment.

A person commits the offense of harassment if he/she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

Section 75.160. Stalking — Definitions.

A. *Definitions.* As used in this Section:

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

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

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

D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.

Section 75.170. Kidnapping.

A person commits the offense of kidnapping if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty.

Section 75.180. Endangering the Welfare of a Child.

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

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

2. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or

3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years of age, recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or

4. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 579.105, RSMo.

B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

Section 75.190. Leaving a Child Unattended in a Motor Vehicle — Definitions.

A. *Definitions.* As used in this Section, the following terms mean:

COLLISION — The act of a motor vehicle coming into contact with an object or a person.

INJURIES — To cause physical harm to the body of a person.

MOTOR VEHICLE — Any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.

UNATTENDED — Not accompanied by an individual fourteen (14) years of age or older.

B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child less than eleven (11) years of age unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.

C. The offense of leaving a child unattended in a motor vehicle is an ordinance violation.

Section 75.200. Abuse of an Elderly Person, a Person With Disability, or a Vulnerable Person — Penalty.

A. A person commits the offense of abuse of an elderly person, a person with a disability, or a vulnerable person if he or she:

1. Purposely engages in conduct involving more than one (1) incident that causes emotional distress to an elderly person, a person with a disability, or a vulnerable person. The course of conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer substantial emotional distress; or

2. Intentionally fails to provide care, goods or services to an elderly person, a person with a disability, or a vulnerable person. The result of the conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer physical or emotional distress; or

3. Knowingly acts or knowingly fails to act in a manner which results in a substantial risk to the life, body or health of an elderly person, a person with a disability, or a vulnerable person.

B. The offense of abuse of an elderly person, a person with a disability, or a vulnerable person is an ordinance violation.

Section 75.210. Invasion of Privacy.

A. A person commits the offense of invasion of privacy if he or she knowingly:

1. Photographs, films, videotapes, produces, or otherwise creates an image of another person, without the person's consent, while the person is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy; or

2. Photographs, films, videotapes, produces, or otherwise creates an image of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

Section 75.220. Cross Burning.

It shall be unlawful for any person or persons with the intent to intimidate any person or group of persons to burn, or cause to be burned, a cross.

Section 75.230. Bigamy.

A. A married person commits the offense of bigamy if he or she:

1. Purports to marry another; or

2. Cohabits with one whom he or she entered into a bigamous marriage in another jurisdiction.

B. A married person does not commit bigamy if, at the time of the subsequent marriage ceremony, he or she reasonably believes that he or she is legally eligible to remarry.

C. The defendant shall have the burden of injecting the issue of reasonable belief of eligibility to remarry.

D. An unmarried person commits the offense of bigamy if he or she:

1. Purports to marry another knowing that the other person is married; or

2. Cohabits with one whom he or she entered into a bigamous marriage in another jurisdiction.

Section 75.240. Unlawful Transactions With a Child.

A. A person commits the offense of unlawful transactions with a child if he or she:

1. Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such person, with criminal negligence buys or receives any personal property other than agricultural products from an unemancipated minor, unless the child's custodial parent or guardian has consented in writing to the transaction; or

2. Knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances, as defined in Chapter 579, RSMo., is maintained or conducted; or

3. With criminal negligence sells blasting caps, bulk gunpowder, or explosives to a child under the age of seventeen (17), or fireworks as defined in Section 320.106, RSMo., to a child under the age of fourteen (14), unless the child's custodial parent or guardian has consented in writing to the transaction. Criminal negligence as to the age of the child is not an element of this offense.

Section 75.250. through Section 75.290. (Reserved)

ARTICLE III
Offenses Concerning Administration of Justice

Section 75.295. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AFFIDAVIT — Any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths.

GOVERNMENT — Any branch or agency of the government of this state or of any political subdivision thereof.

JUDICIAL PROCEEDING — Any official proceeding in court, or any proceeding authorized by or held under the supervision of a court.

LEGAL PROCESS — The formal notice or writ used by a court to exercise jurisdiction over a person or property.

OFFENSE — Any violation of City ordinance, State or Federal law.

OFFICIAL PROCEEDING — Any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation.

POLICE ANIMAL — A dog, horse or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals.

PUBLIC RECORD — Any document which a public servant is required by law to keep.

TESTIMONY — Any oral statement under oath or affirmation.

VICTIM — A ny natural person against whom any crime is deemed to have been perpetrated or attempted

WITNESS—Any natural person:

1. Having knowledge of the existence or nonexistence of facts relating to any crime; or

2. Whose declaration under oath is received as evidence for any purpose; or

3. Who has reported any crime to any peace officer or prosecutor; or

4. Who has been served with a subpoena issued under the authority of any court of this State.

Section 75.300. Concealing an Offense.

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

1. Confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or

2. Accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

Section 75.310. Hindering Prosecution.

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

1. Harbors or conceals such person; or

2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or

3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or

4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

Section 75.320. Refusal To Identify as a Witness.

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

Section 75.330. Disturbing a Judicial Proceeding.

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

Section 75.340. Tampering With a Witness or Victim.

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

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

a. Threatens or causes harm to any person or property; or

b. Uses force, threats or deception; or

c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or

d. Conveys any of the foregoing to another in furtherance of a conspiracy; or

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

a. Making any report of such victimization to any peace officer, State, Local or Federal Law Enforcement Officer, prosecuting agency, or judge;

b. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;

c. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Section 75.350. Tampering With Physical Evidence.

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

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

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

Section 75.355. Tampering With a Public Record.

A. A person commits the offense of tampering with a public record if with the purpose to impair the verity, legibility or availability of a public record, he or she:

1. Knowingly makes a false entry in or falsely alters any public record; or

2. Knowing he or she lacks authority to do so, destroys, suppresses or conceals any public record.

Section 75.360. Improper Communication.

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other

than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

Section 75.370. False Impersonation.

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

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

   a. Performs an act in that pretended capacity; or

   b. Causes another to act in reliance upon his/her pretended official authority.

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

   a. Performs an act in that pretended capacity; or

   b. Causes another to act in reliance upon such representation; or

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

B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

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

Section 75.375. False Affidavit.

A. A person commits the offense of making a false affidavit if, with purpose to mislead any person, he or she, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made.

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

1. The falsity of the statement was exposed; or

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

C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) hereof.

Section 75.380. False Reports.

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

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

2. Makes a false report to a Law Enforcement Officer that an offense has occurred or is about to occur; or

3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

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

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

Section 75.385. False Declaration.

A. A person commits the offense of making a false declaration if, with the purpose to mislead a public servant in the performance of his or her duty, such person:

1. Submits any written false statement, which he or she does not believe to be true:

a. In an application for any pecuniary benefit or other consideration; or

b. On a form bearing notice, authorized by law, that false statements made therein are punishable; or

2. Submits or invites reliance on:

a. Any writing which he or she knows to be forged, altered or otherwise lacking in authenticity; or

b. Any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

B. The falsity of the statement or the item under Subsection (A) of this Section must be as to a fact which is material to the purposes for which the statement is made or the item submitted.

C. It is a defense to a prosecution under Subsection (A) of this Section that the person retracted the false statement or item but this defense shall not apply if the retraction was made after:

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

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

D. The defendant shall have the burden of injecting the issue of retraction under Subsection (C) hereof.

E. For the purpose of this Section, "written" shall include filings submitted in an electronic or other format or medium approved or prescribed by the Secretary of State.

Section 75.390. Resisting or Interfering With Arrest, Detention or Stop.

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

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

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

B. This Section applies to:

1. Arrests, stops or detentions with or without warrants;

2. Arrests, stops or detentions for any offense, infraction or ordinance violation; and

3. Arrests for warrants issued by a court or a probation and parole officer.

C. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency

lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her.

D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

Section 75.400. Escape or Attempted Escape From Custody.

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any offense, he/she escapes or attempts to escape from custody.

Section 75.405. Aiding in Escape.

A. A person commits the offense of aiding escape of a prisoner if he/she:

1. Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime; or

2. Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.

Section 75.410. Interference With Legal Process.

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

B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

Section 75.420. Misuse of Official Information.

A. A public servant commits the offense of misuse of official information if, in contemplation of official action by himself/herself or by a governmental unit with which he/she is associated, or in reliance on information to which he/she has access in his/her official capacity and which has not been made public, he/she knowingly:

1. Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or

2. Speculates or wagers on the basis of such information or official action; or

3. Aids, advises or encourages another to do any of the foregoing with purpose of conferring a pecuniary benefit to any person.

Section 75.425. Refusing To Make an Employee Available for Service of Process.

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

Section 75.430. Failure To Execute an Arrest Warrant.

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

Section 75.435. Failure To Return to Confinement.

A person commits the offense of failure to return to confinement if, while serving a sentence for any offense under a work-release program, or while under sentence of any offense to serve a term of confinement which is not continuous, or while serving any other type of sentence for any offense wherein he or she is temporarily permitted to go at large without guard, he or she purposely fails to return to confinement when he or she is required to do so.

Section 75.440. Assault on a Police Animal.

A person commits the offense of assault on a police animal when such person knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical injury to a police animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of or under the control of a Law Enforcement Officer, Department of Corrections Officer, Municipal Police Department, Fire Department or a rescue unit or agency.

Section 75.445. Obstructing Government Operations.

A person commits the offense of obstructing government operations if he/she purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle.

Section 75.450. Official Misconduct.

A. A public servant, in such person's public capacity or under color of such person's office or employment, commits the offense of official misconduct if he or she:

1. Knowingly discriminates against any employee or any applicant for employment on account of race, creed, color, sex or national origin, provided such employee or applicant possesses adequate training and educational qualifications;

2. Knowingly demands or receives any fee or reward for the execution of any official act or the performance of a duty imposed by law or by the terms of his or her employment, that is not due, or that is more than is due, or before it is due;

3. Knowingly collects taxes when none are due, or exacts or demands more than is due;

4. Is a City or County Treasurer, City or County Clerk, or other Municipal or County Officer and knowingly orders the payment of any money, or draws any warrant, or pays over any money for any purpose other than the specific purpose for which the same was assessed, levied and collected, unless it is or shall have become impossible to use such money for that specific purpose;

5. Is an officer or employee of any court and knowingly charges, collects or receives less fee for his services than is provided by law;

6. Is an officer or employee of any court and knowingly, directly or indirectly, buys, purchases or trades for any fee taxed or to be taxed as costs in any court of this State, or any County warrant, at less than par value which may be by law due or to become due to any person by or through any such court; or

7. Is a County officer, deputy or employee and knowingly traffics for or purchases at less than the par value or speculates in any County warrant issued by order of the County Commission of his or her County, or in any claim or demand held against such County.

Section 75.455. Failure To Appear.

In addition to the forfeiture of any security which was given or pledged for a person's release, any person who, having been released upon a recognizance or bond pursuant to any other provisions of law while pending preliminary hearing, trial, sentencing, appeal, probation or parole revocation, or any other stage of a civil or criminal matter against him or her, knowingly fails to appear before any court or judicial officer as required shall be guilty of the offense of failure to appear.

Section 75.460. through Section 75.510. (Reserved)

ARTICLE IV
Offenses Concerning Public Safety

Section 75.520. Abandonment of Airtight or Semi-Airtight Containers.

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

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

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

D. The offense of abandonment of an airtight or semi-airtight container is an ordinance violation.

Section 75.530. Littering.

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

Section 75.540. Littering Via Carcasses.

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

1. Into any well, spring, brook, branch, creek, pond, or lake; or

2. On any public road or highway, river, stream, or watercourse or upon premises not his or her own for the purpose of annoying another or others.

Section 75.550. Tampering With a Water Supply.

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

1. Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes; or

2. Diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for his/her, their or its use.

B. The offense of tampering with a water supply is an ordinance violation.

Section 75.560. through Section 75.650. (Reserved)

ARTICLE V
Offenses Concerning Public Peace

Section 75.660. Definitions.

As used in this Article, the following terms mean:

PRIVATE PROPERTY — Any place which at the time of the offense is not open to the public. It includes property which is owned publicly or privately.

PROPERTY OF ANOTHER — Any property in which the person does not have a possessory interest.

PUBLIC PLACE — Any place which at the time of the offense is open to the public. It includes property which is owned publicly or privately.

Section 75.670. Peace Disturbance.

A. A person commits the offense of peace disturbance if he or she:

1. Unreasonably and knowingly disturbs or alarms another person or persons by:

a. Loud noise; or

b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or

c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or

d. Fighting; or

e. Creating a noxious and offensive odor.

2. Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

   a. Vehicular or pedestrian traffic; or

   b. The free ingress or egress to or from a public or private place.

Section 75.680. Private Peace Disturbance.

A. A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

   1. Threatening to commit an offense against any person; or

   2. Fighting.

B. For purposes of this Section, if a building or structure is divided into separately occupied units, such units are separate premises.

Section 75.690. Unlawful Assembly.

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

Section 75.700. Rioting.

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence.

Section 75.710. Refusal To Disperse.

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

Section 75.720. Obstructing Public Places.

A. *Definition.* The following term shall be defined as follows:

   PUBLIC PLACE — Any place to which the general public has access and a right of resort for business, entertainment or other lawful purpose, but does not necessarily mean

a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

B. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto;

3. Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.

C. When any person causes or commits any of the conditions in this Section, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section.

Section 75.725. Disorderly Conduct.

A. Any person who shall do or engage in any of the following shall be guilty of disorderly conduct and shall be guilty of an ordinance violation:

1. Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his/her life, limb, or health.

2. Any person who shall act in a violent or tumultuous manner toward another, whereby property of any person is placed in danger of being destroyed or damaged.

3. Any person who shall endanger lawful pursuits of another by acts of violence, angry threats, and abusive conduct.

4. Any person who shall cause, provoke, or engage in any fight, brawl, or riotous conduct, so as to endanger life, limb, health, or property of another.

5. Any person who shall assemble or congregate with another or others for the purpose of causing, provoking, spectating, or engaging in any fight or brawl.

6. Any person who shall be found jostling or roughly crowding or pushing any person in any public place.

7. Any person who shall collect in bodies or in crowds, for any unlawful purposes, as defined by current ordinances of the City.

8. Any person who shall assemble or congregate with another or others for the purpose of or with the intent to engage in criminal activity.

9. Any person who shall frequent any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice, or device.

10. Any person who assembles with another or others for the purpose of engaging in any fraudulent scheme, device, or trick to obtain any valuable thing in any place, or from any person in the City, or who shall aid or abet therein.

11. Any person who shall accost or attempt to force his/her company upon any person or attempts to pick up any person against that person's will.

12. Any person who utters, while in a state of anger, in the presence of another, any bawdy, lewd, or obscene words or epithets.

13. Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.

14. Any person who shall act in a dangerous manner toward others.

15. Any person who shall use "fighting words" directed towards any person who becomes outraged and thus creates turmoil.

16. Any person who shall assemble or congregate with another, or others for the purpose of trouncing upon another.

17. Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.

18. Any person who shall congregate with another or others in or on any public way, so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered by a Peace Officer or other lawful authority.

Section 75.730. Disrupting a House of Worship.

A. For purposes of this Section, "house of worship" means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose.

B. A person commits the offense of disrupting a house of worship if such person:

1. Intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of religious freedom in or outside of a house of worship or seeking access to a house of worship, whether by force, threat, or physical obstruction.

Section 75.740. 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.

Section 75.750. Drunkenness or Drinking in Certain Places Prohibited.

A person commits the offense of drunkenness or drinking in a prohibited place if he or she enters any schoolhouse or church house in which there is an assemblage of people, met for a lawful purpose, or any courthouse, in an intoxicated and disorderly condition, or drinks or offers to drink any intoxicating liquors in the presence of such assembly of people, or in any courthouse.

Section 75.760. Institutional Vandalism.

A. A person commits the offense of institutional vandalism if he or she knowingly vandalizes, defaces, or otherwise damages:

1. Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

2. Any cemetery, mortuary, military monument or other facility used for the purpose of burial or memorializing the dead;

3. Any school, educational facility, community center, hospital or medical clinic owned and operated by a religious or sectarian group;

4. The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in Subsection (A)(1), (2) or (3) of this Section;

5. Any personal property contained in any institution, facility, building, structure or place described in Subsection (A)(1), (2) or (3) of this Section; or

6. Any motor vehicle which is owned, operated, leased or under contract by a school district or a private school for the transportation of school children.

Section 75.770. Loitering.

A person shall not loiter in any park, street, alley, highway, thoroughfare, or around or about or at any street corner, or in the vicinity of any other public place or place of public accommodation, including but not limited to hotels, motels, public buildings, restaurants, and other places of business, and refuse to cease and desist such loitering, to move on, or both, when ordered to do so by any duly authorized police officer, where such loitering is done with the intent to cause a violation of any City ordinance, State or Federal law, or with the intent to cause a breach of the peace, or both.

Section 75.780. Posting Without Permission.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any light standard, public utility pole or shade tree, or upon any public structure or building, or upon any private building without written permission of the owner.

Section 75.790. through Section 75.820. (Reserved)

ARTICLE VI

Offenses Concerning Weapons and Firearms

Section 75.830. Definitions.

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

ANTIQUE, CURIO OR RELIC FIREARM — Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, §5845, and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR 178.11:

1. "Antique firearm" is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof;

2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

BLACKJACK — Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

BLASTING AGENT — Any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this Section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

CONCEALABLE FIREARM — Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

DEFACE — To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

DETONATOR — Any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, non-electric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors.

EXPLOSIVE WEAPON — Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this Article, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents.

FIREARM — Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

FIREARM SILENCER — Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

GAS GUN — Any gas ejection device, weapon, cartridge, container or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellent or temporary incapacitating substance.

INTOXICATED — Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

KNIFE — Any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this

Article, "knife" does not include any ordinary pocketknife with no blade more than four (4) inches in length.

KNUCKLES — Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

MACHINE GUN — Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

PROJECTILE WEAPON — Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

RIFLE — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

SHORT BARREL — A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

SHOTGUN — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

SPRING GUN — Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

SWITCHBLADE KNIFE — Any knife which has a blade that folds or closes into the handle or sheath, and

1. That opens automatically by pressure applied to a button or other device located on the handle; or

2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

Section 75.840. Weapons — Carrying Concealed — Other Unlawful Use.

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

   1. Carries concealed upon or about his/her person a knife, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under Section 571.107, RSMo.; or

   2. Sets a spring gun; or

   3. Discharges or shoots a firearm within the City limits; or

4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

5. Has a firearm or projectile weapon readily capable of lethal use on his/her person, while he/she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense; or

6. (Reserved)

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

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

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

1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

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

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

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

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

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

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

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

9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;

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

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

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

C. Subsections (A)(1), (5) and (7) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection (A)(1) of this Section does not apply to any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subsection (A)(7) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from

school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

D. Subsections (A)(1) and (7) of this Section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.

E. Subsections (A)(3), (4), (5) and (7) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.

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

Section 75.850. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons.

A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

1. An explosive weapon;

2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

3. A gas gun;

4. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm;

5. Knuckles; or

6. Any of the following in violation of Federal law:

a. A machine gun;

b. A short-barreled rifle or shotgun;

c. A firearm silencer; or

d. A switchblade knife.

B. A person does not commit an offense pursuant to this Section if his/her conduct involved any of the items in Subsections (A)(1) through (5), the item was possessed in conformity with any applicable Federal law, and the conduct:

1. Was incident to the performance of official duty by the Armed Forces, National

Guard, a governmental law enforcement agency or a penal institution; or

2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Subparagraph (1) of this Subsection; or

3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

4. Was incident to displaying the weapon in a public museum or exhibition; or

5. Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

Section 75.860. Defacing Firearm.

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

Section 75.865. Possession of a Defaced Firearm.

A person commits the offense of possession of a defaced firearm if he/she knowingly possesses a firearm which has been defaced.

Section 75.870. Purchase in Another State by Missouri Residents, Permitted When.

Residents of the State of Missouri may purchase firearms in any State, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which the purchase is made.

Section 75.880. Purchase in Missouri by Non-Resident, Permitted When.

Residents of any State may purchase firearms in the State of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which such persons reside.

Section 75.890. Unlawful Transfer of Weapons.

A. A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of Section 571.070, RSMo., is not lawfully entitled to possess such;

2. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or

3. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

Section 75.900. Carrying Concealed Firearms Prohibited — Penalty for Violation.

A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:

1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subsection shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subsection are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of Subsection (1) of Section 571.107, RSMo. Nothing in this Subsection shall preclude those persons listed in Subsection (B)(1) of Section 75.840 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section 75.840, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of Subsection (1) of Section 571.107, RSMo., from carrying a concealed firearm within any of the areas

described in this Subsection. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subsection shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

5. Any meeting of the Hamilton City Council, except that nothing in this Subsection shall preclude a member of the City Council holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the City Council of which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

6. Any building owned, leased or controlled by the City of Hamilton identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by the City of Hamilton. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation;

7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subsection shall not apply to the licensee of said establishment. The provisions of this Subsection shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subsection does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subsection authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

9. Any place where the carrying of a firearm is prohibited by Federal law;

10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no

consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

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

12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

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

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal

offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:

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

2. If the violator does not hold a current valid concealed carry permit or endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.220 of this Code of Ordinances.

3. Employees of the City of Hamilton may, in addition to any other punishment hereby, be subject to disciplinary action.

C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars ($35.00), for any person issued a concealed carry permit or endorsement pursuant to State law to fail to carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry permit or endorsement upon the request of any Peace Officer.

Section 75.910. Open Display of Firearm Permitted, When.

Any person who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

Section 75.920. Discharging Air Gun, Etc.

Any person within the limits of this City who shall discharge any BB gun which expels a projectile by means of a spring, air or any other means, paintball gun or air gun or shall shoot any pebble, bullet, slug, arrow or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of an ordinance violation.

Section 75.930. (Reserved)

Section 75.940. Failure To Report a Shooting.

A. A person commits the offense of failure to report a shooting when:

1. Being in possession of a firearm or projectile weapon as defined in Section 75.830 of this Chapter, he or she discharges such firearm or projectile weapon and causes injury or death to another person; and

2. Knowing that he or she has caused such injury or death, fails to report such shooting to a Law Enforcement Officer. If no such Officer is in the vicinity where the shooting occurs, the person must provide such information to the nearest Law Enforcement Agency.

B. A person is not in violation of this Section if he or she fails to report a shooting in order to obtain medical assistance or contact law enforcement authorities to notify them of the shooting, so long as such person returns to the scene of the shooting or otherwise reports the shooting as provided herein within a reasonable time after the shooting.

C. All Law Enforcement Officers and Reserve Law Enforcement Officers shall have authority to investigate shootings and arrest a person who violates Subsection (A) of this Section, except that conservation agents may enforce such provisions as to hunting-related shootings. For the purpose of this Section, a "hunting-related shooting" shall be defined as any shooting in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon.

Section 75.950. Laser Beam Devices.

A. It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person in such a manner as is intended to harass or annoy said person.

B. Any and all police officials have the right to confiscate any laser beam pointer that has been directed at another person, whether a police official or an individual.

C. The provisions of this Section shall not apply to the use of the devices described herein for instructional or demonstrative purposes.

D. Any violation of this Section shall subject the violator to summons to Municipal Court and upon conviction shall be punishable by a fine in the minimum of twenty-five dollars ($25.00) for possession of such laser beam pointer, fifty dollars ($50.00) for projecting such laser beam pointer on an object, and one hundred dollars ($100.00) for pointing the laser beam at another individual or animal. Fines have a maximum of up to five hundred dollars ($500.00) and costs, or ninety (90) days' imprisonment, or both a fine and imprisonment.

E. Failure of a parent to control a child who is operating such a beam in a manner described herein shall constitute a violation of this Section.

Section 75.960. through Section 75.1010. (Reserved)

ARTICLE VII
Offenses Concerning Property

Section 75.1020. Definitions.

In addition to the terms defined in Section 75.010 hereof, as used in this Article, the following terms shall have the meanings indicated:

ADULTERATED — Varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this State lawfully filed, or if none, as set by commercial usage.

APPROPRIATE — To take, obtain, use, transfer, conceal, retain or dispose.

COERCION —

1. A threat, however communicated:

   a. To commit any offense; or

   b. To inflict physical injury in the future on the person threatened or another; or c. To accuse any person of any offense; or

   d. To expose any person to hatred, contempt or ridicule; or

   e. To harm the credit or business reputation of any person; or

   f. To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or

   g. To inflict any other harm which would not benefit the actor.

2. A threat of accusation, lawsuit or other invocation of official action is justified and not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the

accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat.

CREDIT DEVICE — A writing, card, code, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

DEALER — A person in the business of buying and selling goods.

DEBIT DEVICE — A writing, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients.

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.

DEPRIVE —

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

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

MISLABELED — Varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this State lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity.

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.

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

UTILITY — An enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

WRITING — Includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

Section 75.1030. Tampering.

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

1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or

2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or

3. Tampers or makes connection with property of a utility; or

4. Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

a. To prevent the proper measuring of electric, gas, steam or water service; or

b. To permit the diversion of any electric, gas, steam or water service.

B. In any prosecution under Subsection (A)(4), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service with one (1) or more of the effects described in Subsection (A)(4), shall be sufficient to support an inference which the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such Subsection by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

Section 75.1040. Property Damage.

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

1. Knowingly damages property of another; or

2. Damages property for the purpose of defrauding an insurer.

Section 75.1050. Claim of Right.

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

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

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

Section 75.1060. Trespass in the First Degree.

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

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

1. Actual communication to the actor; or

2. Posting in a manner reasonably likely to come to the attention of intruders.

Section 75.1070. Trespass in the Second Degree.

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

B. Trespass in the second degree is an infraction.

Section 75.1080. Trespass of a School Bus.

A. A person commits the offense of trespass of a school bus if he or she knowingly and unlawfully enters any part of or unlawfully operates any school bus.

B. For the purposes of this Section, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:

1. Approved of and established in a school district's written policy on access to school buses; or

2. Authorized by specific written approval of the school board.

C. In order to preserve the public order, any district which adopts the policies described in Subsection (B) of this Section shall establish and enforce a student behavior policy for students on school buses.

Section 75.1090. Reckless Burning or Exploding.

A person commits the offense of reckless burning or exploding if he/she recklessly starts a fire or causes an explosion and thereby damages or destroys the property of another.

Section 75.1100. Negligent Burning or Exploding.

A. A person commits the offense of negligent burning or exploding if he/she with criminal negligence causes damage to property or to the woodlands, cropland, grassland, prairie, or marsh of another by:

1. Starting a fire or causing an explosion;

or

2. Allowing a fire burning on lands in his or her possession or control onto the property of another.

Section 75.1105. Negligence With Fire.

A. A person commits the offense of negligently setting fire to a woodland, cropland, grassland, prairie or marsh when he/she with criminal negligence causes damage to a woodland, cropland, grassland, prairie or marsh of another by starting a fire.

B. A person commits the offense of negligently allowing a fire to escape when he/she with criminal negligence allows a fire burning on lands in his/her possession or control to escape onto property of another.

Section 75.1110. Stealing.

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

1. Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;

2. Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

3. For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

Section 75.1120. Theft of Motor Fuel.

A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.

B. A person found guilty or pleading guilty to stealing pursuant to Section 75.1110 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

Section 75.1130. (Reserved)

Section 75.1140. Financial Exploitation of an Elderly Person or Person With a Disability — Certain Defense Prohibited.

A. A person commits the offense of financial exploitation of an elderly person or a person with a disability if such person knowingly obtains control over the property of the elderly person or person with a disability with the intent to permanently deprive the person of the use, benefit or possession of his or her property thereby benefitting the offender or detrimentally affecting the elderly person or person with a disability by:

1. Deceit;

2. Coercion;

3. Creating or confirming another person's impression which is false and which the offender does not believe to be true;

4. Failing to correct a false impression which the offender previously has created or confirmed;

5. Preventing another person from acquiring information pertinent to the disposition of the property involved;

6. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record;

7. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform; or

8. Undue influence, which means the use of influence by someone who exercises authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. "Undue influence" includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.

B. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.

C. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good-faith effort to assist the elderly person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

D. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly person or person with a disability has become accustomed at the time of such actions.

E. It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability.

F. *Medicaid Funds.* It shall be unlawful in violation of this Section for any person receiving or in the possession of funds of a Medicaid-eligible elderly person or person with a disability residing in a facility licensed under Chapter 198, RSMo., to fail to remit to the facility in which the Medicaid-eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the Department of Social Services, Family Support Division, or its successor. The Department of Social Services, Family Support Division, or its successor is authorized to release information from its records containing the resident's income or assets to any prosecuting or circuit attorney in the State of Missouri for purposes of investigating or prosecuting any suspected violation of this Section.

G. The offense of financial exploitation of an elderly person or person with a disability is an ordinance violation.

Section 75.1150. Fraudulent Use of a Credit or Debit Device.

A. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of obtaining services or property, knowing that:

1. The device is stolen, fictitious or forged; or

2. The device has been revoked or canceled; or

3. For any other reason his or her use of the device is unauthorized; or

B. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels such charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels such charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

Section 75.1160. Deceptive Business Practice.

A. A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he or she recklessly:

1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;

2. Sells, offers, displays for sale, or delivers less than the represented quantity of any commodity or service;

3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he or she furnishes the weight or measure;

4. Sells, offers, or exposes for sale adulterated or mislabeled commodities;

5. Makes a false or misleading written statement for the purpose of obtaining property or credit;

6. Promotes the sale of property or services by a false or misleading statement in any advertisement; or

7. Advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:

a. At the price which he or she offered them;

b. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or

c. At all.

Section 75.1170. Alteration or Removal of Item Numbers With Intent To Deprive Lawful Owner.

A. A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which

bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;

2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or

3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

Section 75.1180. Stealing Leased or Rented Personal Property — Enforcement Procedure — Penalty — Venue.

A. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:

1. Purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;

2. Conceals or aids or abets the concealment of the property from the owner;

3. Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof, without the written consent of the lessor, or without informing the person to whom the property is transferred to, that the property is subject to a lease;

4. Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.

B. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

C. Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven (7) days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the

person's last known place of residence, shall be evidence of intent to violate the provisions of this Section, except that if a motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven-day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

D. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.

E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner commits the offense of property damage pursuant to Section 569.100, RSMo., or Section 75.1040 of this Code in addition to being in violation of this Section.

F. Venue shall lie in the County where the personal property was originally rented or leased.

Section 75.1190. Passing Bad Checks.

A. A person commits the offense of passing a bad check when he/she:

1. With the purpose to defraud, makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or

2. Makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving

the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

B. As used in Subsection (A)(2) of this Section, "actual notice in writing" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

Section 75.1200. Shoplifting — Detention of Suspect by Merchant — Liability Presumption.

A. *Definitions.* As used in this Section, the following definitions shall apply:

MERCANTILE ESTABLISHMENT — Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

MERCHANDISE — All goods, wares and merchandise offered for sale or displayed by a merchant.

MERCHANT — Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

WRONGFUL TAKING — Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.

C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment,

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

Section 75.1210. Copper Wire or Cable, Catalytic Converters, Collectors and Dealers To Keep Register, Information Required — Penalty — Exempt Transactions.

A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:

1. Copper, brass or bronze;

2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener;

3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.; whatever may be the condition or length of such metal; or

4. Catalytic converter.

B. The record required by this Section shall contain the following data:

1. A copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained;

2. The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in Subsection (B)(1) of this Subsection;

3. The date, time and place of the transaction;

4. The license plate number of the vehicle used by the seller during the transaction;

5. A full description of the metal, including the weight and purchase price.

C. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.

D. Anyone convicted of violating this Section shall be guilty of an ordinance violation.

E. This Section shall not apply to any of the following transactions:

1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars ($50.00), unless the scrap metal is a catalytic converter;

2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

Section 75.1220. Metal Beer Keg, Prohibition on Purchase or Possession by Scrap Metal Dealer — Violation, Penalty.

A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.

B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense.

Section 75.1230. Metal Belonging to Various Entities — Scrap Yard Not To Purchase — Violation, Penalty.

A. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility or utility regulated under Chapters 386 or 393, RSMo., including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under Chapter 386 or 393, RSMo., or manufacturer of the metal or item described in this Section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider,

cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under Chapter 386 or 393, RSMo., or manufacturer to sell the metal.

B. Anyone convicted of violating this Section shall be guilty of an ordinance violation.

Section 75.1240. Scrap Metal Dealers — Payments in Excess of $500.00 To Be Made by Check — Exceptions.

A. Any scrap metal dealer paying out an amount that is five hundred dollars ($500.00) or more shall make such payment by issuing a prenumbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this Section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with Chapter 407, RSMo.

B. Any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's license or non-driver's license if the metal is copper or a catalytic converter. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

C. Any person in violation of Sections 75.1210 to 75.1240 by selling stolen scrap metal shall be responsible for consequential damages related to obtaining the scrap metal.

Section 75.1250. Peeping.

A person commits the offense of peeping if he/she wanders, prowls, or loiters upon the private property of another in the nighttime and peeks or peers in the door or window of any building or structure located thereon which is inhabited by human beings, without any visible or lawful business with the owners or occupants thereof.

Section 75.1260. Library Theft.

A. Any person who does any of the following shall be deemed to have appropriated said item with the intent to deprive the library of said item without its consent and shall be guilty of the offense of stealing under Section 75.1110 of this Article:

1. Knowingly removes any library material from the premises of a library without authorization;

2. Borrows or attempts to borrow any library material from a library by the unauthorized use of a library card;

3. Borrows library materials from any library pursuant to an agreement or procedure established by the library which requires the return of such library material and fails to return the library material to the library; or

4. Knowingly writes on, injures, defaces, tears, cuts, mutilates, or destroys a book, document, or other library material belonging to, on loan to, or otherwise in the custody of a library;

B. It shall be prima facie evidence of the person's purpose to deprive the library of the library materials if, within ten (10) days after notice in writing deposited as certified mail from the library demanding the return of such library material, such person without good cause shown fails to return the library material. A person is presumed to have received the notice required by this Subsection if the library mails such notice to the last address provided to the library by such person. Payment to the library, in an amount equal to the cost of replacement of an item of no historical significance, shall be considered returning the item for purposes of this Subsection.

Section 75.1270. Identity Theft — Penalty — Restitution — Other Civil Remedies Available — Exempted Activities.

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 (1) or more means of identification not lawfully issued for his or her use.

B. In addition to any penalties, 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.

C. Any person who commits an act made unlawful by Subsection (A) of this Section shall be liable to the person to whom the identifying information belonged for civil damages of up to five thousand dollars ($5,000.00) for each incident, or three (3) times the amount of actual damages, whichever amount is greater. A person damaged as set forth in Subsection (A) of this Section may also institute a civil action to enjoin and restrain future acts that would constitute a violation of Subsection (A) of this Section. The court, in an action brought under this Subsection, may award reasonable attorneys' fees to the plaintiff.

D. If the identifying information of a deceased person is used in a manner made unlawful by Subsection (A) of this Section, the deceased person's estate shall have the right to recover damages pursuant to Subsection (C) of this Section.

E. 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;

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

Section 75.1280. Fraudulently Stopping Payment on an Instrument.

A. A person commits the offense of fraudulently stopping payment of an instrument if he or she, with the purpose to defraud, stops payment on a check, draft, or debit device used in payment for the receipt of goods or services.

B. The offense of fraudulently stopping payment of an instrument is an ordinance violation.

C. It shall be prima facie evidence of a violation of this Section if a person stops payment on a check, draft, or debit device and fails to make good the check, draft, or debit device transaction, or fails to return or make and comply with reasonable arrangements to return the property for which the check, draft, or debit device was used in the same or substantially the same condition as when received within ten (10) days after notice in writing from the payee that the check, draft, or debit device transaction has not been paid because of a stop payment order by the issuer to the drawee.

D. "Notice in writing" means notice deposited as certified or registered mail in the United States mail and addressed to the issuer at his/her address as it appears on the dishonored check, draft, or debit device transaction or to his/her last known address. The notice shall contain a statement that failure to make good the check, draft, or debit device transaction within ten (10) days of receipt of the notice may subject the issuer to criminal prosecution.

Section 75.1290. Commercial Bribery.

A. A person commits the offense of commercial bribery:

1. If he or she solicits, accepts or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he or she is subject as:

a. Agent or employee of another;

b. Trustee, guardian or other fiduciary;

c. Lawyer, physician, accountant, appraiser or other professional adviser or informant;

d. Officer, director, partner, manager or other participant in the direction of the affairs of an incorporated or unincorporated association; or

e. Arbitrator or other purportedly disinterested adjudicator or referee;

2. If as a person who holds himself or herself out to the public as being engaged in the business of making disinterested selection, appraisal or criticism of commodities or services, he or she solicits, accepts or agrees to accept any benefit to influence his or her selection, appraisal or criticism;

3. If he or she confers or offers or agrees to confer any benefit the acceptance of which would be criminal under Subsection (A)(1) and (2) of this Section.

Section 75.1300. Defrauding Secured Creditors.

A person commits the offense of defrauding secured creditors if he or she destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with purpose to defraud the holder of the security interest.

Section 75.1310. Possessing a Tool To Break Into a Vending Machine.

A. A person commits the offense of possessing a tool to break into a vending machine if he or she possesses any key, tool, instrument, explosive, or similar device, or a drawing, print, mold of a key, tool, instrument, explosive, or device designed to open, break into, tamper with, or damage a coin-operated vending machine or any other machine or device which is activated by the customer depositing some form of payment, with the intent to commit a theft from such machine.

B. The owner of a coin-operated vending machine or any other machine or device which is activated by the customer depositing some form of payment may maintain a civil cause of action against any person who has been found guilty of a violation of this Section. If such owner of a coin-operated vending machine or any other machine or device which is activated by the customer depositing some form of payment prevails in such action, the court may award treble damages, reasonable attorney's fees, and costs.

C. The offense of possession of a tool to break into a vending machine is an ordinance violation.

Section 75.1320. through Section 75.1340. (Reserved)

ARTICLE VIII
Offenses Concerning Prostitution

Section 75.1350. Article Definitions.

As used in this Article, the following terms mean:

DEVIATE SEXUAL INTERCOURSE — Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue, or anus of another person; or any act involving the penetration, however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

PERSISTENT PROSTITUTION OFFENDER — A person who has been found guilty of two (2) or more prostitution-related offenses.

PROSTITUTION-RELATED OFFENSE —Any violation of State law for prostitution, patronizing prostitution, or promoting prostitution.

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

SEXUAL CONTACT — Any touching of another person with the genitals or any touching of the genitals or anus of another person or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim.

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

SOMETHING OF VALUE — Any money or property, or any token, object or article exchangeable for money or property.

Section 75.1360. Prostitution.

A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

Section 75.1370. Patronizing Prostitution.

A. A person commits the offense of patronizing prostitution if he or she:

1. Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or

2. Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

3. Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

B. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen (18) years of age or older.

Section 75.1380. (Reserved)

Section 75.1390. Prostitution Houses Deemed Public Nuisances.

A. Any room, building or other structure regularly used for any prostitution activity prohibited by this Article is a public nuisance.

B. The City Prosecuting Attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.

C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any prostitution activity anywhere within the jurisdiction of the court.

D. Appeals shall be allowed from the judgment of the court as in other civil actions.

Section 75.1400. through Section 75.1490. (Reserved)

ARTICLE IX
Sexual Offenses

Section 75.1500. Article Definitions.

As used in this Article, the following terms shall have the meanings set forth herein:

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

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

SEXUAL CONTACT — Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

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

Section 75.1510. Sexual Misconduct.

A. A person commits the offense of sexual misconduct in the first degree if such person:

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;

2. Has sexual contact in the presence of a third person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or

3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

Section 75.1520. Sexual Abuse.

A person commits the offense of sexual abuse in the second degree if he/she purposely subjects another person to sexual contact without that person's consent.

Section 75.1530. Certain Offenders Not To Physically Be Present or Loiter Within 500 Feet of a Child Care Facility — Violation — Penalty.

A. Any person who has been found guilty of:

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen (18) years of age in any child-care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

B. For purposes of this Section, "child care facility" shall include any child care facility licensed under Chapter 210, RSMo., or any child care facility that is exempt from State licensure but subject to State regulation under Section 210.252, RSMo., and holds itself out to be a child care facility.

C. Violation of the provisions of this Section is an ordinance violation.

Section 75.1540. Certain Offenders Not To Be Present Within 500 Feet of School Property, Exception — Permission Required for Parents or Guardians Who Are Offenders, Procedure.

A. Any person who has been found guilty of:

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection 2 of Section 568.080 as it existed prior to January 1, 2017; Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 568.090 as it existed prior to January 1, 2017; Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.

B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the parent, legal guardian, or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section is an ordinance violation.

Section 75.1550. Halloween, Restrictions on Conduct — Violations.

A. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., shall be required on October 31st of each year to:

1. Avoid all Halloween-related contact with children;

2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause including, but not limited to, employment or medical emergencies;

3. Post a sign at his or her residence stating "No candy or treats at this residence"; and

4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.

B. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of an ordinance violation.

Section 75.1560. Urinating or Defecating in Public.

A. It is unlawful for any person to urinate or defecate in public, other than when using a toilet, urinal or commode located in a restroom, bathroom or other structure enclosed from public view.

B. The provisions of this Section shall not apply to the following individuals who may not be able to adequately control the bodily functions that control urination or defecation:

1. Children five (5) years of age or younger; and

2. Persons of any age who violate this Section due to a verified medical condition.

Section 75.1570. through Section 75.1660. (Reserved)

ARTICLE X
Offenses Concerning Pornography

Section 75.1670. Definitions.

When used in this Article, the following terms shall have the meanings set out herein:

FURNISH — To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

MATERIAL — Anything printed or written, or any picture, drawing, photograph, motion-picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

MINOR — Any person less than eighteen (18) years of age.

NUDITY or STATE OF NUDITY — The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola.

OBSCENE — Any material or performance if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; an
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

PERFORMANCE — Any play, motion-picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PORNOGRAPHIC FOR MINORS — Any material or performance if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and
2. The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PROMOTE — To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

SADOMASOCHISTIC ABUSE — Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT — Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT — The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Section 75.1680. Promoting Pornography for Minors or Obscenity.

A. A person commits the offense of promoting pornography for minors or obscenity if, knowing of its content and character, he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain; or

2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or

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

4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or

5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

Section 75.1690. Furnishing Pornographic Materials to Minors.

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

1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or

2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic

transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

B. It is not a defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.

C. The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

Section 75.1700. through Section 75.1790. (Reserved)

ARTICLE XI
Offenses Concerning Drugs

Section 75.1800. Possession of Marijuana or Synthetic Cannabinoid.

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579 or Chapter 195, RSMo.

Section 75.1810. Possession of a Controlled Substance.

A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., or Chapter 195, RSMo.

Section 75.1815. Possession of an Imitation Controlled Substance — Penalty.

A. A person commits the offense of possession of an imitation controlled substance if he or she knowingly possesses an imitation controlled substance, as defined in Section
195.010, RSMo.

B. Any person who shall violate this Section shall be punishable by a fine of one hundred fifty dollars ($150.00) on the first offense, three hundred dollars ($300.00) on the second offense, and five hundred dollars ($500.00) on the third and subsequent offense, or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

Section 75.1820. Limitations on the Retail Sale of Methamphetamine Precursor Drugs.

A. The retail sale of methamphetamine precursor drugs shall be limited to:

1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and

2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.

B. The penalty for a knowing violation of Subsection (A) of this Section is found in Section 579.060, RSMo.

Section 75.1830. Unlawful Possession of Drug Paraphernalia.

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of Chapter 579, RSMo., or Chapter 195, RSMo.

Section 75.1840. Inhalation or Inducing Others To Inhale Solvent Fumes to Cause Certain Reactions, Prohibited — Exceptions.

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

Section 75.1850. Inducing, or Possession With Intent To Induce, Symptoms by Use of Solvents and Other Substances, Prohibited.

A. As used in this Section, "alcohol beverage vaporizer" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.

B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:

1. Solvents, particularly toluol;

2. Ethyl alcohol;

3. Amyl nitrite and its iso-analogues;

4. Butyl nitrite and its iso-analogues;

5. Cyclohexyl nitrite and its iso-analogues;

6. Ethyl nitrite and its iso-analogues;

7. Pentyl nitrite and its iso-analogues; and

8. Propyl nitrite and its iso-analogues.

C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 75.1840 and this Section.

E. No person shall possess or use an alcoholic beverage vaporizer.

F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor as defined by Section 311.020, RSMo., or nonintoxicating beer.

Section 75.1860. Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 75.1840 to 75.1850 — Penalty.

A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 75.1840 and 75.1850 hereof.

B. Any person who violates any provision of Sections 75.1840 through 75.1860 is guilty of an ordinance violation.

Section 75.1870. Advertisement to Promote the Sale of Drug Paraphernalia.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia as defined in Section 195.010, RSMo.

Section 75.1875. Advertisement to Promote the Sale of an Imitation Controlled Substance.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution of imitation controlled substances as defined in Section 195.010, RSMo.

Section 75.1880. Arrest Without Warrant Authorized by Statute.

Pursuant to Section 579.175, RSMo., any of the state of Missouri, or of any political subdivision thereof, may, within the boundaries of the political entity from which he or she derives his or her authority, arrest without a warrant any person he or she sees violating or whom he or she has probable cause to believe has violated any provision of this Article.

Section 75.1885. Good Faith Immunity From Criminal Liability.

No criminal liability is imposed by this Article upon any authorized State, County, or Municipal Officer lawfully engaged in the enforcement of this Article acting in good faith.

Section 75.1890. Contributing to the Delinquency of a Juvenile.

It shall be unlawful for any parent, legal guardian or other person, by their acts, to encourage any juvenile to smoke or use marijuana, or to encourage any juvenile to use any controlled substance as defined in Chapter 195, RSMo., or to encourage, cause or contribute to the delinquency of such juvenile so that such juvenile may become a delinquent or neglected child as defined by the Statutes of the State.

Section 75.1900. through Section 75.1960. (Reserved)

ARTICLE XII
Offenses Concerning Minors

Section 75.1970. Curfew for Persons Under Eighteen.

A. It shall be unlawful for any person under the age of eighteen (18) years to wander or lounge or loaf or loiter or play in, upon or about any public street, sidewalk, alley, vacant lot, public square or other public place within the City between the hours of 12:00 Midnight to 5:00 A.M.

B. *Exceptions.* This Section shall not apply to those persons detained while going to or coming from their place of employment, nor shall this Section apply to any person under eighteen (18) years of age who is accompanied by his parent, guardian or other adult person having the care and custody of such person, or where such person is upon an

emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of the minor.

Section 75.1980. Park Curfew.

A. It shall be unlawful for any person to wander or lounge or loaf or loiter or play in or upon any park within the City between the hours of 11:00 P.M. and 5:00 A.M.

B. *Exceptions.* This Section shall not apply if the City park is still open for any legitimate purpose, including, but not limited to, any sporting event, holiday event, school event, or other event approved by the City of Hamilton Park Board or City Council.

Section 75.1990. through Section 75.2090. (Reserved)

ARTICLE XIII

Offenses Concerning Tobacco, Alternative Nicotine Products or Vapor Products

Section 75.2100. Definitions.

For purposes of this Article, the following definitions shall apply:

ALTERNATIVE NICOTINE PRODUCT — Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

CENTER OF YOUTH ACTIVITIES — Any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen (18) for recreational, educational or other purposes.

DISTRIBUTE — A conveyance to the public by sale, barter, gift or sample.

MINOR — A person under the age of eighteen (18).

PROOF OF AGE — A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS — Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE — A tobacco product, alternative nicotine product or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING — The distribution to members of the general public of tobacco product, alternative nicotine product or vapor product samples.

TOBACCO PRODUCTS — Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products or vapor products.

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

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

Section 75.2105. No Tobacco Sales to Minors — Alternative Nicotine Products, Vapor Products and Nicotine Liquid Containers — Sale to Minors Prohibited.

A. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than eighteen (18) years of age.

B. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the Internet in this State in violation of Subsection (A) of this Section shall be assessed a fine of two hundred fifty dollars ($250.00) for the first violation and five hundred dollars ($500.00) for each subsequent violation.

C. Alternative nicotine products and vapor products shall only be sold to persons eighteen (18) years of age or older, shall be subject to local and State sales tax, but shall not be otherwise taxed or regulated as tobacco products.

D. *Nicotine Liquid Containers — Regulations.*

1. Any nicotine liquid container that is sold at retail in this State shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the effective date of this Section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this Section.

2. For the purposes of this Subsection, “nicotine liquid container” shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A “nicotine liquid container” shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

3. Any person who engages in retail sales of liquid nicotine containers in this State in violation of this Subsection shall be assessed a fine of two hundred fifty dollars ($250.00) for the first violation and five hundred dollars ($500.00) for each subsequent violation.

4. The Department of Health and Senior Services may adopt rules necessary to carry out the provisions of this Subsection. Any rule or portion of a rule, as that term is defined in Section 536.010, RSMo., that is created under the authority delegated in that Section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo., and, if applicable, Section 536.028, RSMo. This Section and Chapter 536, RSMo., are non-severable, and if any of the powers vested with the General Assembly under Chapter 536, RSMo., to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

5. The provisions of this Subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the Federal Food and Drug Administration or from any other Federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

Section 75.2110. Unlawful To Sell or Distribute Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors — Vending Machine Requirements.

A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products or vapor products to persons under eighteen (18) years of age.

B. All vending machines that dispense tobacco products, alternative nicotine products or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product, alternative nicotine product or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

C. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product or vapor product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.

D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsection (A), (B) or (C) of this Section or Section 75.2140 of this Article shall be penalized as follows:

1. For the first offense, twenty-five dollars ($25.00);

2. For the second offense, one hundred dollars ($100.00); and

3. For a third and subsequent offense, two hundred fifty dollars ($250.00).

E. Any owner of the establishment where tobacco products, alternative nicotine products or vapor products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:

1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding sales of tobacco products, alternative nicotine products or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products or vapor products to the general public;

2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors products, alternative nicotine products or vapor products; and

3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.

F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products or vapor products are available for sale if:

1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one-year period; or

2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.

G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 75.2140, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company

conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.

H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than eighteen (18) years of age in violation of Subsection (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.

I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 75.2120. Minors Prohibited From Purchase or Possession of Tobacco Products, Alternative Nicotine Products or Vapor Products — Misrepresentation of Age.

A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, alternative nicotine products or vapor products.

C. Any person who violates the provisions of this Section shall be penalized as follows:

1. For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated;

2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 75.2130. Retail Sales Tax License Required for Sale of Tobacco Products, Alternative Nicotine Products or Vapor Products.

No person shall sell cigarettes, tobacco products, alternative nicotine products or vapor products unless the person has a retail sales tax license.

Section 75.2140. Required Sign Stating Violation of State Law To Sell Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors Under Age 18 — Display of Sign Required, Where.

A. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products are purchased a sign that shall:

1. Contain in red lettering at least one-half (1/2) inch high on a white background the following:

   IT IS A VIOLATION OF STATE LAW FOR CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18."

Section 75.2150. Restrictions on Sales of Individual Packs of Cigarettes.

A. No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or

2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

Section 75.2160. Proof of Age Required, When Defense to Action for Violation Is Reasonable Reliance on Proof — Liability.

A. A person or entity selling tobacco products, alternative nicotine products or vapor products or rolling papers or distributing tobacco product, alternative nicotine product or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).

B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card

issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.

D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 75.2110 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 75.2110 on any single day.

Section 75.2170. Smoking — Where Prohibited.

A. A person shall not smoke in a public place or in a public meeting except in a designated smoking area.

B. A smoking area may be designated by persons having custody or control of public places, except in places in which smoking is prohibited by the Fire Marshal or by other law, ordinance or regulation.

C. No public place shall have more than thirty percent (30%) of its entire space designated as a smoking area.

D. A proprietor or other person in charge of a restaurant shall designate an area of sufficient size to accommodate usual and customary demand for non-smoking areas by customers or patrons.

Section 75.2180. through Section 75.2390. (Reserved)

ARTICLE XIV
Miscellaneous Offenses

Section 75.2400. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

EDUCATIONAL INSTITUTION — A public or private college or university.

FIREWORK — Any composition or device for producing a visible, audible, or both visible and audible, effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations.

HAZING — See Section 75.2410.

Section 75.2410. Hazing.

A. A person commits the offense of hazing if he or she knowingly participates in or causes a willful act, occurring on or off the campus of a public or private college or university, directed against a student or a prospective member of an organization operating under the sanction of a public or private college or university, that recklessly endangers the mental or physical health or safety of a student or prospective member for the purpose of initiation or admission into or continued membership in any such organization to the extent that such person is knowingly placed at probable risk of the loss of life or probable bodily or psychological harm. Acts of hazing include:

1. Any activity which recklessly endangers the physical health or safety of the student or prospective member, including but not limited to physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or forced smoking or chewing of tobacco products;

2. Any activity which recklessly endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, or other extreme stress-inducing activity; or

3. Any activity that requires the student or prospective member to perform a duty or task which involves a violation of the criminal laws of this State or any political subdivision in this State.

B. Nothing in this Section shall be interpreted as creating a new private cause of action against any educational institution.

C. Consent is not a defense to hazing. Section 565.010, RSMo., does not apply to hazing cases or to homicide cases arising out of hazing activity

Section 75.2420. Unlawful Posting of Certain Information Over the Internet.

A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person.

Section 75.2430. Prohibited Sale of Fireworks.

It shall be unlawful for any person to sell or expose for sale any firecracker, torpedo, bomb, rocket, pinwheel, fire balloon, Roman candle, toy cannon or any other firecracker or fireworks within the City.

Section 75.2440. Discharge of Certain Fireworks Prohibited.

A. It shall be unlawful to discharge, or process opened, fireworks known as "bottle rockets" or any firework resulting with a trajectory away from the point of discharge in excess of ten (10) feet in any location within the City.

B. *Exemption.* This Section does not prohibit the City Council from making public exhibition or issuing a permit for public exhibition to another person.

[Ordinance No. 1628, adopted February 8, 2017]

Chapter 76 -- Traffic Code

76.005. Penalties. It shall be unlawful for any person to this Chapter 76 and any person convicted shall be punished as provided in Chapter 13 of this Code for each such violation.

Subchapter A -- Motor Vehicles

76.010. Adoption of "Model Traffic Ordinance" by reference; additional definitions. Chapter 300, RSMo, consisting of Sections 300.010 through 300.600, commonly known as the "Model Traffic Ordinance," is hereby adopted as and for a traffic ordinance of this City with like effect as if recited at length herein, with the exception of the following sections of said Model Traffic Ordinance, which are not so adopted and which are expressly deleted: Sections 300.065, 300.070, 300.185 and 300.195.

In addition to those definitions in Section 300.010, the following words and phrases when used in this Chapter 76 shall have the meanings hereinafter stated:

1. "All-terrain vehicle" means any motorized vehicle manufactured 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 or more low pressure tires, with a seat designed to be straddled by the operator, and handle bars for steering control.

2. "Motor vehicle" includes an all-terrain vehicle.

3. "MTO" means Model Traffic Ordinance as found in Chapter 300, RSMo.

4. "Operate" when used as a verb includes drive, stand, stop, park and being in actual physical control of a vehicle.

5. "Operator" When used as a noun includes driver and describes any person in actual physical control of a vehicle.

6. "RSMo" means the existing revision of the Revised Statutes of Missouri and all effective amendments thereto.

7. “Street " includes highway and all publicly used parking lots drive-ins, and all areas open to operation of a vehicle whether publicly or privately owned.

76.020. Traffic division. The traffic division established by Section 300.015, MTO, shall be coextensive with the police department of this City. Each officer of the police department shall have the duties and responsibilities of an officer of the traffic division. The Chief of Police shall be the officer in charge of the traffic division.

76.030. City traffic engineer. The office of city traffic engineer established by Section 300.060, MTO, shall be held by the Chief of Police who shall not receive additional compensation by reason of his holding such office.

76.040. Traffic violations bureau. The municipal court may establish a traffic violations bureau to assist the court with the clerical work of traffic cases. Such bureau shall be established in conformance with Missouri Supreme Court Rule 37.49 and all other Supreme Court Rules and state statutes pertaining thereto.

76.050. Through streets. In accordance with the provisions of Section 300.255, MTO, and when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection before entering any of the following streets or parts of streets:

1. For both eastbound and westbound motor vehicles, at or near the intersection of the following streets with Missouri Highway No. 13:

Eighth Street
Seventh Street
Sixth Street
Samuel Street
Arthur Street
Bird Street
McGaughy Street
Berry Street
School Street
Park Street
U. S. Highway No. 36

2. For westbound motor vehicles, at or near the intersection of the following streets with Missouri Highway No. 13:

Putnam Street
Rich Hill Drive
Chestnut Street
Walnut Street
Division Street
Cross Street

3. For eastbound motor vehicles, at or near the intersection of the following streets with Missouri Highway No. 13:

Memorial Park Drive
Circle Drive

4. For both northbound and southbound motor vehicles, at or near the intersections of the following streets with West Berry Street:

Davis Street
Ardinger Street

Hughes Street
Frame Street

5. For southbound motor vehicles, at or near the intersection of the following street with East Berry Street:

Burruss Street

6. For southbound motor vehicles, at or near the intersection of the following streets with West Berry Street:

Gallatin Street
Harper Street
Willis Street

7. For northbound motor vehicles, at or near the intersection of the following streets with East Berry Street:

Dudley Street
Johnson Street
Enos Street
Colby Street

8. For northbound motor vehicles, at or near the intersection of the following street with West Berry Street:

California Street

9. For both northbound and southbound motor vehicles, at or near the intersections of the following streets with East Samuel Street:

North Ewing Street
North Ritchie Street
North Lincoln Street

10. For both northbound and southbound motor vehicles, at or near the intersection of the following streets with West Samuel Street (CC Highway):

North Ardinger Street
North Frame Street
North Gallatin Street

11. For both eastbound and westbound motor vehicles, at or near the following street intersections:

South Hughes and West School Streets
South Hughes and West Park Streets
North Ardinger and West Bird Streets
North Ardinger and West Arthur Streets
North Ardinger and West Eighth Streets

[Deleted by Ordinance No. 1068, adopted March 9, 1999: North Ardinger and Memorial Drive]

South California and West School Streets

North Ewing and East Arthur Streets
North Ewing and East Bird Streets
East McGaughey and Burrus Streets
East Bird and North Ritchie Streets
East Arthur and North Ritchie Streets
[Deleted by Ordinance No. 1306, adopted September 2, 2009: East Arthur and North Ritchie and East Bird and North Ritchie]
East Samuel and North Lincoln Streets
[The following added by Ordinance No. 844, adopted August 1, 1988]:
West Sixth and North Ardinger Streets
North Willis and West Harris Streets
North Hughes Street and the first Alley north of and
Parallel to West Berry Street.
[The following added by Ordinance No. 1068, adopted March 9, 1999]:
East Middle and South Enos Streets

12. For westbound motor vehicles, at or near the following intersections:
South Hughes Street and West Garden Lane and
North Ardinger and West McGaughy Streets
[The following added by Ordinance No. 844, adopted August 1, 1988]:
North Gallatin Avenue and Eighth Street
North Willis and West McGaughy Streets
[The following added by Ordinance No. 1266, adopted December 1, 2008]:
West Arthur Street and North Gallatin Street
West Arthur Street and North Frame Street
West School Street and South Frame Street
West Park Street and South Frame Street

13. For eastbound motor vehicles, at or near the intersection of the alley at the north side of Dr. Keith Snider's Office and North Ardinger Street.
[The following added by Ordinance No. 844, adopted August 1, 1988]:
North Ardinger Street and the Alley on the North side of
Dr. Keith Snider’s office
West Harris Street at Railroad Street
North Ardinger Street and the first Alley North of and
Parallel to West Berry Street

14. For both northbound and southbound motor vehicles, at or near the following street intersections:
North Ardinger and West Eighth Streets
North Burruss and East Bird Streets
North Burruss and East Samuel Streets
North Burrus and East McGaughey Streets
North Ewing and East Seventh Streets
North Ewing and East Arthur Streets

North Ewing and East Bird Streets
North Ritchie and East Arthur Streets
North Ritchie and East Bird Streets
[Deleted by Ordinance No. 1306, adopted September 2, 2009: East Bird and North Ritchie]
South Ardinger and West Park Streets
South Ardinger and West School Streets
South Colby and East Middle Streets
South Colby and East Walnut Streets
South Colby and Irwin Streets
South Johnson and East Walnut Streets
South Ardinger and West Park Streets and
South Ardinger and West School Streets
[The following added by Ordinance No. 844, adopted 8/1/1988]:
South Johnson and East Chestnut Streets
North Gallatin and Eighth Streets
North Ardinger and West Sixth Streets
[The following added by Ordinance No. 1068, adopted 3/9/1999]:
South Enos and East Middle Streets
[The following added by Ordinance No. 1319; adopted 12/7/2009]:
South Colby and East Chestnut Streets
[The following added by Ordinance No. 1314; adopted October 7, 2009]
North Gallatin Street and West Eighth Street
[The following added by Ordinance No. 1360; adopted November 1, 2010]
North Frame Street with West Bird Street
North Hughes Street with West Bird Street
[The following added by Ordinance No. 1380; adopted May 2, 2011]
Irwin Street with South Davis Street

15. For both eastbound and westbound motor vehicles, at or near the intersection of the following street with North Lincoln Street:
East Samuel Street

16. For northbound vehicles, at or near the intersection of Memorial Drive and North Ardinger Street.

17. Four-way stop at the intersection of North Ardinger and West Eight Streets.

18. Three-way stop at the intersection of North Ardinger Street and Memorial Drive
[Paragraphs 17 and 18 added by Ordinance No. 1056, adopted September 14, 1998.]

76.055. Through Street. In accordance with the provisions of Section 300.255, RSMo., and when signs are erected giving notice thereof, drivers of vehicles shall yield the right of way at every intersection before entering any of the following streets or parts of streets:

1. For both northbound and southbound vehicles, at or near the intersection of the following streets with East School Street:

South Enos Street

2. For both northbound and southbound vehicles, at or near the intersection of the following streets with East Arthur Street:

North Burrus Street

3. For both eastbound and westbound vehicles, at or near the intersection of the following street with South Frame Street:

West School Street

[The following added by Ordinance No. 898, adopted 11/5/1990]:
4. For both eastbound and westbound vehicles, at or near the intersection of the following street with Sixth Street:

Ewing Street

[The following added by Ordinance No. 881, adopted 4/2/1990]:
5. For both northbound and southbound motor vehicles, at or near the intersection of the following street with Memorial Drive:

North Ardinger Street

6. For both eastbound and west bound motor vehicles, at or near the intersection of the following street with South Frame Street:

West School Street

[The following added by Ordinance No. 1315; adopted October 7, 2009]
7. On South Davis Street at the intersection with Division Street.

76.060. Stopping, Standing and Parking regulated and prohibited.
1. No person shall stop, stand or park a vehicle upon any street or part of a street at the following locations:

a. On a sidewalk;

b. In front of or within three feet of any public or private driveway or alley;

c. Within an intersection;

d. Within ten (10) feet of a fire hydrant;

e. On a crosswalk;

f. On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street;

g. Upon any bridge or other elevated structure upon or over a street or within a street tunnel;

h. At any place where official signs prohibit stopping, standing or parking;

i. State Highway 13 south of School Street;

j. U.S. Highway 36, including its entire right-of-way and all entrance and exit ramps;

k. Within thirty feet of any traffic control signal or sign or device, unless otherwise permitted by signs specifically permitting such stopping, standing or parking;

l. Within a safety zone or within thirty feet of a safety zone, unless otherwise permitted by signs specifically permitting such stopping, standing or parking;

m. Within fifty feet of the nearest rail of any railroad crossing;

n. Within twenty feet on the driveway entrance side or within seventy-five feet on the opposite side of the street of any driveway entrance of any fire station; or

o. Within ten feet of any mailbox used for rural delivery.

p. On the south side of East McGaughey [Ordinance 1104, Adopted 10/16/00].

2. (a) Except on Davis Street between Samuel Street and School Street, every vehicle upon a street within the City where there is an adjacent curb shall stop, stand or park with the right hand wheels parallel to and within twelve inches of the curb on the driver's right; and,

(b) Except (1) on Bird Street from the first alley east of Davis Street to the first alley west of Davis Street, (2) on the north side of McGaughy Street between Davis Street and Ardinger Street, (3) on the north side of Berry Street from Davis Street to the first alley east of Davis Street, and (4) on the north side of School Street from Davis Street to a point 115 feet east of Davis Street, every vehicle upon a street within the City where there is no curb shall stop, stand or park with the right hand wheels parallel to and as far to the right side of the street as practical and in such manner as to leave at least one foot on the right hand side of and adjacent to the travelled portion of such street open to through traffic; provided, that making a brief stop pursuant to a stop sign, traffic signal, or police officer's direction shall not be a violation.

3. No vehicle shall stop, park or stand at any time, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, on (a) the north side of West Berry Street from the center of Gallatin Street to a point 189 feet west of the center of Gallatin Street, or (b) the south side of West Berry Street from a point 213 feet west of the center of Gallatin Street to a point 100 feet east of the center of Gallatin Street.

4. The Street Commissioner shall place and maintain all signs necessary to regulate or prohibit stopping, standing and parking as required by this Section.

5. When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified herein of any day except Sundays and holidays upon any street or part of a street as follows:

a. The South side of East Walnut Street between South Davis Street and South Colby Street at any time.

6. No motor vehicle of a rated capacity in excess of three-fourths ton, or of overall length in excess of 205 inches shall be parked or left standing as follows:

(No restrictions - RESERVED)

except for the purpose of delivery or pick-up only, such vehicles may be so parked or left standing for a period not in excess of fifteen (15) minutes.

7. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:

[The following added by Ordinance No. 844, adopted 8/1/1988]:

a. On the south side of East Cross Street within sixty (60) feet of its intersection with Missouri Highway No. 13, also known as South Hughes Street.

8. No person shall stop, stand or park a vehicle for a continuous period of more than two hours except on Sundays and holidays and nightly between the hours of 7:00 p.m. and the following 7:00 a.m. upon any of the following streets:

(No restrictions - RESERVED)

9. No person shall stop, stand or park a vehicle upon any street for a continuous period of more than twelve (12) hours except any passenger vehicle which is in operable condition and which is parked adjacent to the residential property of the owner.

10. Parking on Highway 13 beginning at East Putnam Drive and continuing south until Samuel Street then beginning at School Street and continuing until the south City limit sign is hereby restricted and "No Parking" signs will be erected consistent with this ordinance. [Adopted by Ordinance No. 1112 enacted March 5, 2001.]

11. The traffic intersection located at East School Street and Dudley Street is hereby designated as a four-way stop intersection and stop signs will be erected consistent with this ordinance. [Adopted by Ordinance No. 1113 enacted March 5, 2001.]

12. No person shall park any commercial vehicle as defined by Section 302.700 RSMo. in any part of the City zoned as residential except for loading or unloading or as otherwise permitted by this ordinance. [Adopted by Ordinance No. 1201 enacted September 10, 2007.]

13. No person shall park any vehicle, including cars, truck, and recreational vehicles, any trailer, or any other off road equipment, which is not properly licensed or operational, on or along any city streets.

14. No boat, trailer, or recreational vehicle shall be parked on any street in the City of Hamilton, Missouri, however, this prohibition shall not apply to those vehicles commonly known as recreational vehicles (RV's or motor homes) which are in use by someone other than the owner of the property directly abutting the street where such vehicle is parked. This provision is for visitors using their RV's for lodging while visiting. This exception is for no more than 72 consecutive hours except where otherwise permitted.

[Added by Ordinance No. 1539; adopted December 1, 2014.]

76.070. Prohibited Parking by Certain Trucks.

All trucks licensed with a gross vehicle weight rating (GVWR) exceeding fifty-four thousand (54,000) pounds shall be prohibited from parking on municipal streets except for the continuous loading and unloading of local delivery, and on any federal or state highways located within the City. Parking of such vehicles on access ramps to US Highway 36 is prohibited.

Any violation of this ordinance shall be punished by the penalties set forth in Section 13.010 of the Code.

[Amended by Ordinance No. 1493; Adopted January 6, 2014.]

76.080. Speed limits and manner of operating vehicles established. 1

1**.** No person shall operate a motor vehicle, except authorized emergency vehicles on emergency runs, on any street, in the City at a rate of speed in excess of twenty-five (25) miles per hour unless a greater or lesser speed is hereinafter provided for certain streets:

Street	Speed Limit
Berry Street (Old U.S. Highway No. 36):	
From east city limits to a point 300 feet east of Dudley Street	35 miles per hour
From west city limits to Gallatin Street	35 miles per hour
From a point 300 feet east of Dudley Street to Gallatin Street	25 miles per hour
On State Highway No. 13:	
From north city limits southward to a point 200 feet north of Memorial Park Drive	35 miles per hour
From a point 200 feet north of Memorial Park Drive southward to a point 100 feet north of Chestnut Street	25 miles per hour
From 100 feet north of Chestnut Street southward to the south city limits	35 miles per hour
From the south city limits northward to 100 feet north of Chestnut Street	35 miles per hour
From 100 feet north of Chestnut Street northward to McGaughy Street	30 miles per hour
From McGaughy Street northward to a point 200 feet north of Memorial Park Drive	25 miles per hour
From a point 200 feet north of Memorial Park Drive northward to the north city limits	35 miles per hour
On U.S. Highway No. 36	As posted by the State Highway Department
On any part of any public or private parking lot, drive-in or other area open to operation of a vehicle	10 miles per hour

[The following added by Ordinance No. 844, adopted 8/1/1988]:

From north city limits southward to Samuel Street	35 miles per hour
From Samuel Street southward to a point 100 feet north of Chestnut Street	25 miles per hour
From 100 feet north of Chestnut Street Northward to Samuel Street	25 miles per hour
From Samuel Street northward to North city limits	35 miles per hour

[The following added by Ordinance No. 998, adopted 8/5/1996]:

Any portion of the real property owned by the City at the water reservoir	25 miles per hour
On Railroad Street from the intersection of Willis and Drane Streets to Gallatin Street	25 miles per hour

[Added by Ordinance No. 1482; adopted October 7, 2013]

2. Every person operating a vehicle or other conveyance on the streets of the City shall operate same in a careful and prudent manner at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care, taking into consideration the time of day, the amount of vehicular and pedestrian traffic, the condition of the street, the atmospheric conditions and the location with reference to intersecting streets, curves, residences or schools.
Nothing in this subsection shall be construed to authorize any person to operate a motor vehicle in excess of specified speed limits established by law or ordinance.

3. It shall be unlawful for any person to drive at such a slow speed or in such position on the roadway as to impede or block the normal and reasonable movement of traffic.

76.090. Same, speed limit signs.
1. Whenever a zone in which the maximum speed at which a vehicle may be driven shall have been prescribed the city traffic engineer shall cause appropriate signs to be placed in conspicuous positions on the street or part thereof embraced by such zone.
2. Every such sign shall show such maximum speed in letters and numerals against a contrasting background, and each of the numerals shall be at least five inches high. Such signs shall be placed at such intervals from the beginning to the end of the zone as to be reasonably sufficient to inform drivers of vehicles of the speed limit. An appropriate sign calling a driver's attention to the fact that he is approaching a limited speed zone may be placed in an appropriate place or places.
3. Nothing in this section shall be so construed as to prevent the enforcement of speed limitations prescribed if no speed signs are in place.

76.100. Protective Headgear required on motorcycles and similar motor vehicles; Specifications.
1. It shall be unlawful for any person to operate or occupy as a passenger on any street or other public place in the City any motorcycle, motorized bicycle, all terrain vehicle, motor scooter or similar motor vehicle unless such person is equipped with a helmet which conforms with the specifications set forth herein.
2. The helmet required hereunder shall be constructed essentially in the form of a shell around the head, and it shall be constructed to absorb impact energy. The shell shall begin above the eyes, covering the forehead, and be formed over and around the top of the head above a plane level with the base of the shell covering the forehead. It may be formed around the back and sides of the head. The shell of the helmet shall have reasonably smooth external surface, and there shall be no external projections
greater than one-eighth inch above the outer surface thereof, except a clip for goggles or face protector where provided for in the construction. The helmet shall be made of materials heavy enough to withstand a serious impact and made of a heavy plastic or other durable material that will not deteriorate appreciably when exposed to rain, snow, sleet, sun, cold, dust, vibrations, contact with the skin, effects of sweat, or of products applied to the skin or hair, or with age. The helmet shall be equipped with a harness or chin strap for maintaining its position on the wearer's head. The protective standards for helmets shall be the American Standards Association specifications for protective headgear for vehicular users as approved by the American Standards Association. A copy of such protective standards shall be currently maintained by the police chief and made available at all times for inspection upon request.

76.110. Hinder emergency vehicle. No vehicle shall be so operated as to interfere with, obstruct or hinder any authorized emergency vehicle when being used in an emergency, and the driver of a vehicle shall, upon the approach of an authorized emergency vehicle, immediately turn his vehicle as near as practicable to the righthand curb and stop the same.

76.120. Leaving scene of accident. No person operating a vehicle, knowing that an injury has been caused to a person, damage has been caused to property or an accident has occurred, and which injury, damage or accident was directly or indirectly caused or affected by such person's operation of or involved such vehicle, shall leave the place of such injury, damage or accident without stopping and giving his full name, residence address, including city and street number, motor vehicle number and chauffeur's or operator's license number, to all other persons affected by or involved in such injury, damage or accident or to a police officer, or to the nearest police station or judicial officer.

76.130. Right-of-way. Unless otherwise prescribed by traffic control signals or other sections of this Chapter 76, the operator of a vehicle shall have the right-of-way over the operator of another vehicle who is approaching from the left at an intersecting street and shall yield the right-of-way to the operator of a vehicle approaching from the right at an intersecting street; provided, that an authorized emergency vehicle shall have the right-of-way upon any street and through any procession.

76.140. Drive on right. All vehicles shall be operated as close to the right-hand side of the street as practicable.

76.150. Overtaking and passing. The operator of a vehicle overtaking another vehicle going in the same direction and desiring to pass the same shall pass to the left of the vehicle so overtaken; provided, that the way ahead is clear of approaching traffic, and if the way is not clear, he shall not pass unless the width of the highway is sufficient to allow his vehicle to pass to the right of the center thereof in the direction in which his vehicle is moving; provided further, that no driver shall pass a vehicle from the rear at the top of a hill or on a curve where the view is in any way obscured or while the vehicle is crossing an intersecting street. Any driver overtaking and desiring to pass a vehicle shall sound his horn and the driver of the vehicle so overtaken shall promptly, upon such signal, move his vehicle as far as reasonably possible to the right in order to allow free passage on the left of the passing vehicle. On streets where double lines of vehicles are possible or on streets where vehicles may move in one direction only, when any vehicle has slowed down, or stopped, and the driver thereof has signaled a left-hand turn, the operators of vehicles following such vehicle and desiring to proceed along such highway, or to turn to the right at an intersecting street, may pass such vehicle on the right thereof; provided, that the operators of such vehicles shall slow down and proceed cautiously.

76.160. Rounding curves. Any operator of a vehicle rounding a curve shall reduce speed and shall keep his vehicle as far to the right as is reasonably possible.

76.170. Entering street from private property or alley. No vehicle shall be driven from private property or an alley onto a street, or from the side of a street onto the travelled portion thereof, unless the street is sufficiently free from approaching vehicles to permit such vehicle to enter onto same without danger of collision, and the driver of such a vehicle shall give warning of his intention to so enter by giving the hand and arm or mechanical signal required by this Chapter for such movement and shall then proceed carefully, yielding the right-of-way in case of doubt to vehicles which are already in motion on the highway.

76.180. Hand and mechanical signals. No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a street unless and until such movement can be made with reasonable safety and then only after giving a signal in the manner provided herein:
1. When stopping, or when suddenly decreasing the speed of a vehicle, if the movement of any other vehicle may be affected by such stop or decrease of speed, extend left arm at an angle well below horizontal.
2. When turning a vehicle to the right, extend left arm at an angle well above horizontal.
3. When turning a vehicle to the left, extend left arm at horizontal.
4. The signals herein required shall be given either by arm or by electrical signal lights in good mechanical condition. When a vehicle is so constructed or loaded that an arm signal would not be visible both to the front and rear then all signals shall be given by such light, and a vehicle shall be considered so constructed or loaded when the distance from the center

of the top of the steering post to the left outside limit of the body or load exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen feet, but the provisions of this subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator. All signals required in this Section shall be given in a manner which clearly and timely warns all other persons who may be affected by the vehicle's cornering movement of such movement.

76.190. Age of operator. No person under the age of sixteen years shall operate a motor vehicle in the City unless licensed and in compliance with State law.

76.200. Passing school bus. Any operator of a vehicle upon meeting or overtaking any school bus which has stopped for the purpose of receiving or discharging any passengers when the driver of such bus has given a signal to stop shall stop such vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or its driver signals to proceed.

76.210. Manner of operating school bus. Every school bus operating within the City shall comply with all rules and regulations of the State Board of Education and with all State laws governing the operation thereof.

76.220. Entering limited access street. No person shall operate a vehicle onto or from any limited access street except at such entrances and exits established as roadways for entrance or exit.

76.230. Driving on divided streets. Whenever any street has been divided into two roadways leaving an intervening space or a physical barrier or a clearly indicated dividing section which seeks to prevent collision between opposing traffic and is so constructed or marked, every vehicle shall be driven only upon the right hand roadway and no vehicle shall be driven over, across or within any such space, barrier or indicated section, except through an opening in the same or at a cross over or intersection established as a roadway.

76.240. Soliciting rides prohibited. No person on a street shall solicit a ride from the operator of any vehicle.

76.250. Duty of drivers, generally. When traffic control signals are not in place or not in operation, the operator of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within a crosswalk. Whenever any vehicle is stopped at a marked crosswalk or at any other crossing of the roadway to permit a pedestrian to cross such roadway, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

76.260. Operation of unregistered motor vehicle. No person shall operate a motor vehicle which is not registered and licensed in full compliance with State law; nor shall any person authorize or knowingly permit such operation.

76.270. Operation of motor vehicle or motorized bicycle by unlicensed person. No person shall operate a motor vehicle or a motorized bicycle unless such person has a valid license to operate such vehicle or motorized bicycle in conformity with all requirements of State law, nor shall any person authorize or knowingly permit such operation.

76.280. Operation of motor vehicle while license cancelled, suspended, revoked or restricted. No person shall operate a motor vehicle:
1. While such person's license to operate a motor vehicle is canceled, suspended or revoked and before an official reinstatement or termination notice is issued by the licensing authority causing such cancellation, suspension or revocation; or
2. In any manner violative of any restrictions imposed in a restricted license issued to such person and before such restrictions are rescinded or superseded.

76.290 Insurance Identification Cards, Exhibition of Card to Peace Officer, Failure to Exhibit. Penalty.
1. The insurance identification card required by Section 303.024 of the Revised Statutes of Missouri shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer who lawfully stops such operator or investigates an accident while that officer engaged in the performance of the officer's duties. If the operator fails to exhibit an insurance identification card, the officer shall notify the director of revenue, in the manner determined by the director, and the officer may issue a citation to the operator pursuant to the provisions of subsection 2 of this section. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the policy information required by Section 303.024.2 of the Revised Statues of Missouri, shall be satisfactory evidence of insurance in lieu of an insurance identification card.
2. Any person failing to exhibit an insurance identification card or other satisfactory evidence in lieu of such card upon the demand of any peace officer is guilty of an offense. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of Section 303.025 of the Revised Statues of Missouri at the time the officer wrote the citation.
3. Any person convicted of violating the provisions of this section shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the city or a county jail not exceeding fifteen days or by both such fine and imprisonment.
[76.290 added by Ordinance No. 1085, adopted December 6, 1999.]

76.291. Method of Displaying License Plates.
No motor vehicle or trailer shall be operated on any highway of this City unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue and authorized by Section 301.140, Missouri Revised Statutes. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in

excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motor scooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than fortyeight (48) inches above the ground, with the letters and numbers thereon right side up. The license plate or plates authorized by Section 301.140, Missouri Revised Statutes, when properly attached, shall be prima facie evidence that the required fees have been paid.

76.292. Removal of Plates on Transfer of Vehicle – Use by Purchaser

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchases motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days.

76.293. Intermediate Driver's License.

A. A person possessing an intermediate driver's license commits an offense if:

1. The driver and all passengers in the licensee's vehicle fail to wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle.

2. For the first six (6) months after the issuance of the intermediate driver's license, the holder of the license operates a motor vehicle with more than one (1) passenger who is under the age of nineteen (19) who is not a member of the holder's immediate family. As used in the Subsection, an intermediate driver's license holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the intermediate driver's license holder.

3. After the expiration of the first six (6) months, the holder of the intermediate driver's license operates a motor vehicle with more than three (3) passengers who are under nineteen (19) years of age and who are not members of the holder's immediate family. The passenger restrictions of this Subsection shall not be applicable to any intermediate driver's license holder who is operating a motor vehicle being used in agricultural workrelated activities.

76.294. Specifications for Sun-Screening Device Applied to Windshield or Windows – Permit Required, When Exceptions – Rules – Procedure - Exemptions.

A. Any person may operate a motor vehicle with front side wing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and luminous reflectance of thirty-five (35%) or less plus or minus three percent (3%). Except as provided in Subsection (D) of this Section, any sun-screening device applied to front side wing vents or windows located immediately to the left and

right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front side wing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance that allowed under the requirements of this section may be issued by the Missouri Department of Public Safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The Missouri Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree of consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person who resides in the household. Except as provided in Section (B) of the Section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited.

B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory-installed tinted glass, the equivalent thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

C. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section.

[Added by Ordinance No. 1371; adopted April 4, 2011]

Subchapter B – Bicycles

76.300. Lights required. No bicycle shall be used on any street within the City from one-half hour after sunset to one-half hour before sunrise without displaying a white light on and attached to the front of said bicycle and visible from the front for a distance of at least 300 feet, and unless a red light or red reflector is attached to the rear of said bicycle, visible from the rear for a distance of at least 300 feet.

76.310. Brakes. No person shall ride or operate a bicycle in the City unless same is properly equipped with working brakes.

76.320. Observing traffic laws. Every person riding a bicycle upon any street or sidewalk in the City shall obey all traffic laws and signals of the City and of the State so far as same shall include traffic rules relating to traffic lights and highway stop signs, and the requirement that one must signal any change of direction in the course of travel and must travel on the right hand side of the center of the street, except one-way streets, and that one shall not turn to the

right or left in traffic, except at the regular street intersections, and that one shall not weave in and out of the line of traffic.

76.330. Pedestrians have right-of-way. Pedestrians on sidewalks shall have the right-of-way at all times over any person riding or using a bicycle and a person riding or using a bicycle upon any public sidewalk must turn off of the sidewalk at all times when meeting or passing pedestrians, or in lieu thereof, dismount from said bicycle until said pedestrian or pedestrians have passed.

76.340. Riders limited. Only one person shall ride or be on any bicycle at any time while riding on any street, except bicycles constructed for two or more riders and except infants riding in safely constructed and attached infant seats.

76.350. Riding abreast. It shall be unlawful for more than two persons to ride bicycles abreast of each other on any street.

76.360. Manner of riding. It shall be unlawful for any person to do any trick riding on a bicycle or to ride without at least one hand on the handle bar or bars at any time upon any street.

76.370. Right to inspect. Any law enforcement officer at any time shall have the right to inspect any bicycle and to require the owner or operator to put the same in a safe operating condition.

76.380. Special penalty. Any person violating any of the provisions of this Subchapter B shall, upon conviction, be punished as provided in Chapter 13 and, in addition to such punishment, the court may temporarily suspend the use of such bicycle and may impound the same for any period not exceeding thirty days and, in case of any minor under the age of sixteen years, the court may require that as a condition precedent to the release of such bicycle that the parent or guardian of such minor shall first give satisfactory assurance to the court that the provisions of this Chapter will be thereafter complied with by such rider.

Subchapter C -- Equipment and Weight Regulations

76.500. Lights. For the purpose of revealing its position and direction, every vehicle, while being operated on a street during the period from one-half hour after sunset to one-half hour before sunrise, and at all times when fog or other atmospheric conditions render the operation of motor vehicles dangerous, shall carry lighted signal lamps or reflectors as herein required; such lamps or reflectors shall be so constructed, mounted and adjusted as to project or reflect the required kind of light so that it shall be plainly visible under normal atmospheric conditions from a distance of at least five hundred (500) feet in the direction projected or reflected.

1. Motor vehicles shall display at least two white lights mounted at the front and directed forward, and two (2) red lights mounted at the back and directed to the rear.

[Revised by Ordinance No. 919, adopted April 6, 1992].

2. Motorcycles shall display one (1) white light mounted at the front and directed forward and one (1) red light mounted at the back and directed toward the rear.

3. Trailers, when being towed, shall display one (1) red light mounted at the back and directed toward the rear.

4. Bicycles shall display one (1) white light mounted at the front and directed forward and one (1) red light, or one (1) red reflector, mounted at the back and directed toward the rear.

5. All horse-drawn vehicles shall direct one (1) red light or one (1) red reflector mounted at the lower left corner of the body of such vehicle and directed toward the rear.

6. No vehicle shall display or project to the front or sides any other than white light, or such shades as are commonly known and recognized as white, except motor buses and commercial vehicles may display three green lights or reflectors at the top front of the cab or body, and no vehicle shall display at the back, or project toward the rear, any other than a red light, excepting that on motor vehicles or trailers which are required to carry number plates on the rear; the rear lamp shall be so constructed, mounted and adjusted as to project from its sides, top, bottom or front, sufficient white light upon such plate to make the number plainly visible from a distance of twenty-five (25) feet; provided however, nothing in this Section shall be construed to prohibit the use of additional red rear lights carried for added safety or of such white lights of low intensity as may be required in the operation of mechanical rear signaling devices, but no motor vehicle shall have mounted at its back any lamp projecting towards the rear a light of sufficient intensity to conceal the number or to interfere with the vision of anyone following.

7. Motor vehicles when at rest and paralleled with the right hand curb may display one (1) lamp mounted on the left hand side and so constructed and adjusted as to project one (1) white light forward and one (1) red light to the rear, or where motor vehicles are permitted to park at an angle with the rear of the curb, such lamp may be mounted on the left hand front fender.

8. All motor vehicles, except motorcycles and motortricycles, shall carry in addition to or in lieu of the front signal lamps, two (2) lighted head lamps, and motorcycles and motortricycles shall carry at least one (1) lighted head lamp for the purpose of illuminating the road ahead when the vehicle is in motion; such lamps shall be mounted at the front of the motor vehicle so that the top of their door glass openings is not more than forty-two (42) inches above the ground, shall project only white light, or such shades as are commonly known and recognized as white, and shall be directed and equipped, and their door glasses and bulbs shall be adjusted, as herein required. Head lamps shall be equipped with lamp bulbs of such candle power as is necessary to reveal objects one hundred and fifty (150) feet ahead. The cone or shaft of concentrated light projected by the reflector of a head lamp shall be adjusted by proper direction of the lamp and adjustment of the bulb so that its uppermost

part shall not rise above the level of the top of the door glass opening within a distance of seventy-five (75) feet ahead of a line from the center of the lamp parallel to the direction of the car. One (1) or both of the lamps shall direct sufficient light downward and to the right to illuminate the right side of the highway for a distance of fifty (50) feet ahead of the lamp. Adjustments for direction and elevation herein required shall be made on level ground.

9. Electric side lamps or substitutes therefor shall project all concentrated light downward below the level of the lamp, said lamp mounted as far forward as the windshield and projecting unobstructed white light forward may be used as the front signal lights required herein.

10. Dirigible search lights or lights commonly known as spot lights shall not be used on streets or highways except in emergencies or when headlights are inadequate due to rain or fog, and then only; provided, the shaft of condensed light is directed downward below the level of the lamp, and at no time into the eyes of other persons. No search light or spot light shall be equipped with a bulb stronger than twenty-one (21) candle power; such search lights and spot lights shall be so constructed and mounted that their light and direction can be fully and easily controlled from the operator's seat while the vehicle is in motion.

76.500.1.
Motor vehicles shall display at least two white lights mounted at the front and directed forward, and two (2) red lights mounted at the back and directed to the rear.

[Added by Ordinance No. 1361; adopted November 1, 2010]

76.510. Other equipment.

1**. Horn**. Every motor vehicle shall be equipped with a horn directed forward or a whistle in good working order capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the street and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise and no other sound producing signaling device shall be used at any time provided, however, that emergency vehicles of the Fire Department and Underwriters Salvage Corps and vehicles being used by police officers in discharge of duty may use either a siren or bell; all other authorized emergency vehicles may use a bell or a horn only.

2. **Mufflers; Noise**. Muffler cutouts shall not be used and no vehicle shall be operated in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is possible in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open, or be opened, or operated while such vehicle is in motion.

3. **Brakes**. All motor vehicles, except motorcycles and motortricycles, shall be provided at all times with two (2) sets of adequate brakes, kept in good condition and order, and motorcycles and motortricycles shall be provided with one (1) set of adequate brakes kept in good working order.

4. **Mirrors.** All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle, shall be equipped with a mirror so adjusted as to reveal to the operator in his seat a clear view of the road in the rear of said vehicle.

5. **Projections on vehicles**. All vehicles carrying poles or other objects which project more than five (5) feet from the rear or front of such vehicle shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth not less than sixteen (16) inches square shall be displayed at the end of such projection.

6. **Tow lines**. When one vehicle is being towed by another, they shall be coupled by a line so that the two vehicles will be separated by not more than fifteen (15) feet and there shall be displayed on the tow line a white cloth or paper so that the same will be clearly visible to other users of the street. During the time lights are required by this Chapter, the required lights shall be displayed by both vehicles.

7. It shall be unlawful for the driver of any vehicle to use, operate, or cause to be used or operated within the city limits of The City of Hamilton, any mechanical device designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual, or explosive noise from such vehicle, or unmuffled engine braking. [Adopted by Ordinance No. 1180 enacted March 6, 2006.]

76.520. Certain loads prohibited; falling and allowing loads to remain. No person shall operate an overloaded vehicle or one loaded in such manner that any part of the load is likely to fall upon and litter any street in the City or cause injury to any person or damage to any vehicle, nor shall he permit any part of such load to fall and remain upon any City street.

76.530. Weight regulations; Special penalty. No vehicle or combination of vehicles shall be moved or operated on any street in the City having a greater weight than that described under Section 304.180, RSMo. The Board of Aldermen or State Highway Commission or their legal agents for their respective jurisdictions, whenever by thawing or frost, rains, or soft conditions due to construction, reconstruction and maintenance, adverse critical weather conditions, or other causes detrimental to the surface or physical condition of such streets, are hereby authorized to limit the weights described under this Section in such manner as will preserve economical use of such streets by the general public. When posted it shall be unlawful to transport any gross load in excess of the posted notice, and in addition to punishment for a misdemeanor, the owner of any such vehicle shall be liable to the City for all damages to such streets. Any person violating any provision of this Section shall be

punished in accordance with the provisions of Section 304.240, RSMo, and the same rates of punishment shall apply to excess weights where weights are limited by posting as apply to excess weights under Section 304.180, RSMo.

76.540. Unsafe and dangerous vehicles. It shall be unlawful for any person to operate or for an owner to permit to be operated upon any street a motor vehicle while such vehicle is unsafe or in a dangerous condition.

76.550. Pneumatic tires required on certain vehicles. Every vehicle used for moving or hauling freight or any goods or materials on the streets of the City shall have pneumatic tires suitable to carry the load without doing damage to the street.

76.560. Cleats, spikes, etc., prohibited. It shall be unlawful for any person to operate over any street any vehicle with metal or wooden cogs, spikes, studs, cleats or ridges on the wheels or tires which in any way damage, mark, break or mar the surface of the street. No vehicle shall be operated on the rim without rubber tires. This Section shall not apply to the use of tire chains of reasonable proportions or studded snow tires when required for safety because of snow or ice.

76.580. Sirens; Exhaust Whistles. No vehicle other than an authorized emergency vehicle shall carry in operation a siren, exhaust whistle or similar instrument that produces unusually loud, annoying or peculiar sounds.

76.600. Passenger restraint systems required; Riding in unenclosed beds of certain trucks prohibited; Definitions, exceptions and penalties.

1. **Definitions**. As used in this Section 76.600:

"Truck" shall mean a motor vehicle designed, used or maintained for the transportation of property having a license gross weight of less than twelve thousand pounds;

"Child passenger restraint system" shall mean a child passenger restraint system approved by the Missouri Department of Public Safety;

"Driver" shall mean the person operating a passenger car or truck, but shall not include persons employed by the United States Postal Service while performing employment duties requiring service to postal boxes or frequent entry into and exit from the vehicle;

"Family" shall mean persons related within the first degree of consanguinity;

"Passenger car" shall mean a motor vehicle designed for carrying ten persons or less and used for the transportation of persons, but shall not include motorcycles, motorized tricycles or motor tricycles, nor include trucks with a licensed grossed weight of twelve thousand pounds or more;

"Special Event" shall mean a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed of a truck.

2. Unlawful actions. It shall be unlawful:

(a) for any driver to operate a passenger car or truck upon any street unless:

(i) Such driver is wearing a properly adjusted and fastened safety belt;

(ii) Each front seat passenger of a passenger car is wearing a properly adjusted and fastened seat belt;

(iii) Each passenger less than eighteen years of age is wearing a properly adjusted and fastened seat belt; and

(iv) Each child under the age of four years is protected by a properly adjusted and fastened child passenger restraint system.

(b) for any person to operate a truck when any person under eighteen years of age is riding in the unenclosed bed.

3. **Exceptions.** The provisions of subsection 2 shall not apply to:

(a) An employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of a truck;

(b) Any person while engaged in agricultural work-related activities;

(c) Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition authorized by law, or while such truck is being operated solely for the purposes of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating;

(d) Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck;

(e) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or insuring the safety of, other persons engaged in a recreational activity; or

(f) Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in such truck.

4. **Violations not probable cause**. A violation of the provisions of this Section pertaining to passenger cars shall not constitute probable cause for violation of any other provision of law, nor shall any person be stopped, inspected or detained solely to determine compliance with this Section.

5. **Penalties.** The exclusive penalty for violations of this Section shall be punishment by a fine not exceeding:

(a) Ten Dollars ($10.00) for each violation of subsections 76.600.2(a)(i) through (iii);

(b) Twenty-five Dollars ($25.00) for each violation of subsection 76.600.2(a)(iv)j and

(c) Three Hundred Dollars ($300.00) for each violation of all other provisions of this Section.

No court costs shall be imposed upon any person due to a violation for which the exclusive penalty is less than Twenty-five Dollars ($25.00).

[Section 76.600 added by Ordinance No. 1031, adopted 11/3/1997]

Subchapter D – Railroads

76.900. Speed limits. It shall be unlawful for any railroad engine, car, cars or train to be operated or allowed to roll over or across any street or intersection or grade crossing at a speed exceeding 25 miles per hour.

Subchapter E – Utility Vehicles, Golf Carts

76.1000. Utility Vehicles.

1. Definition: a Utility Vehicle is any motorized vehicle manufactured and used exclusively for off highway use which is sixty-three inches or less in width, with an unladen dry weight of 1,850 pounds or less, traveling on four or six wheels.
2. A utility vehicle may be operational on City streets, roads, and alleys subject to these provisions:

a. Any individual operating a utility vehicle shall have a valid operator's or chauffeur's license, but is not required to pass an examination for the operation of a motorcycle and shall obtain a special permit from the City Clerk for a permit fee of $15.00;

b. The utility vehicle shall be operated at a speed of less than 30 miles per hour and shall obey speed zones that may be less than 30 miles per hour;

c. The utility vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle, the flag shall be day-glow colored and shall be triangular shaped, with an area not less than 30 square inches;

d. The utility vehicle shall be properly insured and such proof of insurance shall be kept with the vehicle at all times. Such insurance shall specifically list the utility vehicle as reference by the serial number and year of model;

3. No individual operating a utility vehicle shall:

a. Operate the utility vehicle in any careless or imprudent manner so as to endanger any person or property of any person;

b. Operate the utility vehicle while under the influence of alcohol or controlled substance;

c. Operate a utility vehicle between the hours of official sunset and sunrise unless the utility vehicle is properly equipped with headlights, tail lights; or

d. Operate the utility vehicle on federal, state or county highways except to cross and may only cross federal or state highways if the speed limit on such highway is less than forty-five miles per hour.

e. Carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one person.

f. Operate a utility vehicle within any stream or river in this city, except that all utility vehicles may be operated within waterways that flow within the boundaries of land that a utility vehicle operator owns or has permission to be upon.

76.1001 – Golf carts

1. Definition - As used in this section, a "golf cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour. A golf cart which may be operated on the streets, roads and alleyways of the City shall be classified as a low-speed vehicle.

a. The following must appear on the manufactured statement of origin (MSO):

1) The body type must be specified as a low speed vehicle.
2) There must be a statement indicating that the LSV meets or exceeds the minimal federal safety requirements.
b. All golf carts classified as low-speed vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles. Golf carts operated on city streets shall conform to safety standards as outlined in 49 C.F.R. 571.500
2. Requirements for operating golf carts on city streets, roads or alleyways within the City:
a. Any individual operating a golf cart shall have a valid operator's or chauffeur's license, but is not required to pass an examination for the operation of a motorcycle;
b. The golf cart or motorized wheelchair shall be properly insured and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model;
c. The golf cart or motorized wheelchair shall be operated at a speed of less than 20 miles per hour; and
d. The golf cart or motorized vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle; the flag shall be day-glow colored and shall be triangular shaped, with an area not less than 30 square inches.
3. No individual operating a golf cart or motorized wheelchair shall:
a. Operate the golf cart or motorized wheelchair in any careless or imprudent manner so as to endanger any person or property of any person;
b. Operate the golf cart or motorized wheelchair while under the influence of alcohol or controlled substance;
c. Operate the golf cart or motorized wheelchair between the hours of official sunset and sunrise, unless the golf cart is properly equipped with headlights, tail lights;
d. Operate the golf cart on any federal, state or county highways, except to cross.
e. No golf cart shall cross any federal or state highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five miles per hour.

[Added by Ordinance No. 1364; adopted December 6, 2010]

76.1002 – All Terrain Vehicles
1. Definitions. An "all terrain vehicle" is any motorized vehicle manufactured and used exclusively for off-highway use that is 50 inches or less in width, with an unladen dry weight of 600 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.
2. Operation on city streets. Person may operate an all terrain vehicle upon the streets, roads and alleyways of this City subject to the provisions of this Section. Any individual operating an all terrain vehicle shall obtain a special permit from the City Clerk for a permit fee of $15.00;
3. Prohibited in streams, exceptions. No person shall operate an all terrain vehicle within any stream or river in this City, except that all terrain vehicles may be operated within waterways that flow within the boundaries of land that an all terrain vehicle operator owns or has permission to be upon;
4. License and flag required. A person operating an all terrain vehicle on a street or highway pursuant to an except covered in this ordinance shall:
a. Have a valid operator's or chauffeur's license, but shall not be required to have passed an examination for the operation of a motorcycle;
b. The vehicle shall be operated at speeds of less than 30 miles per hour; and

c. Have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of less than 30 square inches and shall be day-glow in color.

5. Careless driving, under the influence. No person shall operate an all terrain vehicle:

a. In any careless way so as to endanger the person or property of another;

b. While under the influence of alcohol or any controlled substance; and

c. Without a securely fastened safety helmet on the head of an individual who operates an all terrain vehicle unless the individual is at least 18 years of age.

6. Passengers prohibited, exceptions. No operator of an all terrain vehicle shall carry a passenger, except for agricultural purposes.

[Added by Ordinance No. 1364; adopted December 6, 2010]

Subchapter F – Restricted Routes

76.1010. Prohibition Against Travel on Certain Streets.
Except as expressly permitted under this ordinance no person shall operate any motor vehicle subject to commercial vehicle laws of the State of Missouri such as a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination in the City Limits of Hamilton, Missouri on the following Streets:

1) **ER Penney Street from the intersection with North Davis Street to the intersection with North Ardinger Street.**

2) East McGauhey Street from the intersection with North Davis Street to the intersection with North Burress Street.

76.1020. Exemptions.
The truck route limitations prescribed in this ordinance shall not apply to:

1. Fire trucks or other emergency vehicles or vehicle on emergency business involved in the saving of life or property.
2. Implements of husbandry moved upon a road.
3. City of Hamilton, Missouri vehicles.
4. Garbage service vehicles while involved in service to City residents.
5. Vehicles of contractors doing construction on the streets or utilities on or adjacent to such streets.

76.1025. Single Pick-ups, Deliveries, Service Calls.
A vehicle that would otherwise be restricted from use of the streets set forth in Section 76.1000 may use the restricted streets to make pick-ups, deliveries or service calls on residences or business located on the restricted streets within the City Limits. Upon completion of the pick-ups, deliveries or service calls, the vehicle shall leave the restricted street by the most direct route.

76.1040. Signs.
The City of Hamilton shall procure and have posted appropriate signs along the restricted streets.

76.1045. Penalties.
Any person who violates any provision of this ordinance shall be guilty of a civil infraction and upon conviction shall be fined no more than $500.00 plus court fees.

[Added by Ordinance No. 1534; adopted October 6, 2014.]

Chapter 80 – Taxation

80.005. Penalties. It shall be unlawful for any person to violate any provision of this Chapter 80 and any person convicted of a violation hereunder shall be punished as provided in chapter 13 of this Code for each such violation.

80.010. Tax to be imposed. There shall be levied, assessed and collected annually on the assessed value of all real estate and personal property subject to taxation by the laws of this State such taxes as may be necessary to pay the expenses of the City and to pay the interest on all bonds now issued and outstanding, but the value of property for City tax purposes shall not exceed the valuation of the same property for County taxation purposes.

80.020. Rate imposed. The Board of Aldermen shall, within a reasonable time after the Assessor's books for each year are returned, ascertain the amount of money to be raised thereon for general and other purposes and levy and assess the annual rates of tax therefor.

80.030. Relevy permitted. In case the Board has attempted to levy any tax or assessment for improvements or for the payment of interest on bonds issued and outstanding or other evidences of debt, which tax or assessment may be illegal or void in consequence of failure to comply with the requirements of law, the Board shall have power to relevy and reassess any such tax or assessment.

80.040. Extend books. As soon as the levy has been made by the Board, the tax book shall be delivered to the City Clerk who shall proceed to extend the tax so levied, and the taxes shall be extended therein as near as may be in the same manner that the taxes of the County are extended.

80.050. Charge Collector. The City Clerk shall immediately after extending said taxes deliver same to the City Collector and charge her with the gross amount of same and shall take the Collector's receipt therefor, stating the amount of taxes therein charged, which receipt shall be retained by the Clerk. The Clerk shall open an account with the Collector and give her credit for all taxes paid as shown by the City Treasurer's receipt.

80.060. Notice. The Collector shall not later than the first day of November of any year after the tax books for any year are placed in her hands, give notice thereof and demand payment of such taxes by mail and by publication of general notice for at least two weeks, and it shall be the duty of the Collector to receive such taxes as may be paid.

80.070. Delinquent. Upon the first day of January of each year all unpaid taxes shall become delinquent, and the taxes upon real property shall become a lien thereon.

80.080. Collector to be diligent. The Collector shall diligently endeavor to use all lawful means to collect all taxes which she is required to collect. The Collector shall not receive a

credit for delinquent taxes until she has made an affidavit that she has been unable to collect same by use of all available legal means.

80.100. Delinquent tax lists: Settlement. The Collector shall annually at the first regular meeting of the Board in April of each year make out under oath two lists of delinquent taxes remaining due and uncollected for the preceding calendar year to be known as the "Land Delinquent List" and the "Personal Delinquent List." The Board shall carefully examine the same, and if it shall appear that all taxes contained in said lists are properly returned as delinquent, the Board shall approve the same and cause the amount thereof to be credited to the account of the Collector. The Board shall cause the "Land Delinquent List" to be returned to the Collector, who shall be charged therewith, and who shall proceed to collect the same as provided by law. Before approving the "Personal Delinquent List" and allowing the Collector credit for any delinquent personal property taxes, the Board shall make inquiry and be fully satisfied that the Collector used due diligence to collect same. The Collector shall further settle her accounts of all moneys received by her on account of taxes and all other sources for the preceding calendar year by accounting for same before the Board.

80.120. Enter in record. The Board shall cause such settlement to be entered on record so as to show the amount due the City. The records shall show the amount of taxes collected and the amount returned delinquent, together with the amount collected on previous years delinquent lists, interest and penalties collected on delinquent lists, the amount collected on forfeited land lists and the amount of interest and penalties and costs collected on such forfeited land lists, the amount collected on all licenses and all amounts from all other sources.

80.130. Enforce settlement. If the Collector shall fail to make settlement in time and manner prescribed by law, she may be attached until settlement is made to the satisfaction of the Board.

80.140. Deliver list to successor. Each Collector shall deliver the "Personal Delinquent List" to her successor, who shall proceed to collect the same and account for it as other moneys collected.

80.150. Correct errors. At the meeting of the Board at which the delinquent lists are returned, the Board shall examine and compare the lists of lands on which the taxes remain unpaid, and if any such land has been assessed more than once for the same tax or is not subject to taxation or is incorrectly described, then the Board shall correct all such errors by the best means in their power and cause the list so corrected to be certified and filed with the Clerk.

80.160. Enforcement. If any of the taxes on any tract of land contained in a delinquent list shall be and remain delinquent and unpaid for a period of one year, it shall be the duty of the Collector to proceed to enforce the payment of the taxes charged against such tract by suit in the Circuit Court of Caldwell County. The Collector shall when suit is commenced note on the list opposite said tract such fact and against whom suit has been commenced.

80.170. May still correct errors. In all cases where the City shall have assessed and levied taxes, general or special, on any real estate, according to law whether the same be delinquent or otherwise, and until the same are collected and paid with all costs and interest and penalties thereon, the Board shall have full power to correct any errors that may appear in connection therewith whether of valuation or description of ownership, double assessment, omission from the assessment books or lists, or otherwise and to make such valuation, assessment and levy to conform in all respects to the requirements of the law.

80.180. Penalty. All delinquent taxes shall incur a penalty of two percent (2%) per month from the time delinquent until paid, to a maximum penalty of eighteen percent (18%) per calendar year, and shall also be subject to the same fees, interests, commissions and charges as provided by state law for delinquent taxes. In computing the penalty, a fraction of a month shall be counted as a whole month.

80.190. Lien. Such lien as is now provided for by law in favor of the State for taxes due and unpaid on real property is hereby declared in favor of the City for taxes due thereon to the extent of taxes due the City, and for all interest, penalties and costs accrued thereon.

80.200. Compromise of taxes. Whenever it shall appear to the Board that any tract of land contained in the "Property Delinquent List" is not worth the amount of taxes, interest and costs due thereon, or that same would not sell for the amount of such taxes, penalties, interest and other costs, it shall be lawful for the Board to compromise said taxes with the owner of said tract, and upon payment to the Collector of the amount agreed upon, a certificate of redemption shall be issued under the seal of the City which shall have the effect to release said land from the lien of the City and all taxes due thereon as charged. The Board shall distribute the amount so paid to the various funds to which the said taxes are due in proportion as the amount charged against such tract. The Board may order that no suit be brought on any specified tract if, in the judgment of the Board, such tract is not worth the amount of taxes due.

CHAPTER 82 - MOTOR VEHICLE LICENSES

City residents shall be required to display a city sticker for the current calendar year on each vehicle owned and operated by the resident. Such stickers for all vehicles owned shall be given by the City to each individual who has paid the current year's city taxes and who owes no taxes for prior years.
[Ordinance No. 1100, Adopted September 18, 2000]

CHAPTER 83 CIGARETTE TAX

83.005. Penalties. It shall be unlawful for any person to violate any provisions of this Chapter 83 and any person convicted of a violation hereunder shall be punished as provided in Chapter 13 of this Code for each such violation.

83.010. Definitions. In addition to those definitions in Chapter 11 of this Code, the following words and phrases when used in this Chapter 83 shall have the meanings respectively ascribed to them:

"Cigarette" means a roll of tobacco or any substitute thereof wrapped in paper and used for smoking.

"Dealer" means any person dealing directly with the manufacturer of cigarettes in their purchase and in the business of selling cigarettes as a first seller.

"Package" means the individual package, box or other container of not more than twenty-five (25) individual cigarettes from which sales of cigarettes are normally made or intended to be made; it does not include a "carton" which normally contains ten (10) packages.

"Retailer" means any person other than a dealer or wholesaler as defined in this section, who is engaged in the business of selling cigarettes at retail, who shall sell or offer for sale cigarettes, irrespective of quantity, number of sales, giving the same away or exposing the same where it may be taken, or purchased, or otherwise acquired.

"Sale" and its conjugations and derivations means any transfer of possession in any manner by any means whatsoever for any valuable consideration, and includes any offer, exposure or display for the purpose of "sale."

"Wholesaler" means any person whose principal business is that of a wholesale jobber or who is known to the trade as such, and who sells cigarettes only for the purpose of resale by a Retailer.

83.020. Tax Imposed: Remittances. Every person engaged in the business of selling cigarettes within the City shall pay an occupation tax upon same at the rate of $1.00 per one thousand (1,000) cigarettes, or portion thereof, sold during each calendar month. Such tax shall be imposed only one time upon a given inventory of one thousand (1,000) cigarettes or portion thereof, without proration. Each Dealer or Wholesaler selling any cigarettes within the City shall remit the monthly cigarette tax reporting form and full payment of the tax imposed upon such cigarettes not later than the fifteenth day of the month following the month during which such cigarettes are sold. Each Retailer selling any cigarettes within the City for which the tax has not been paid by a Dealer or Wholesaler shall purchase cigarette tax stamps from the City Clerk and affix one stamp to each package of cigarettes sold.

83.030. Method of Payment, Receipt. All cigarette taxes shall be payable to the City Clerk by check. The payor's cancelled check shall be proof of payment and constitute the receipt therefor.

83.040. Proof of Payment. Proof of payment of the cigarette tax hereunder shall be by the tax stamp affixed to the package unless such tax has been paid by the Dealer or Wholesaler,

in which case payment of the tax shall be proven by such Dealer's or Wholesaler's written report on or before the 15th day of each month showing all sales of cigarettes within the City for the preceding calendar month, which report shall include the full name and address of the Dealer or Wholesaler and of the Retailer to whom sold, the quantity sold, date(s) of shipment to and receipt by such Retailer and any returns by such Retailer back to the Dealer or Wholesaler with the date of return and quantity of cigarettes returned.

83.050. Regulations; Records. The Mayor is authorized to promulgate and enforce rules and regulations relating to the administration and enforcement of this Chapter, but no such rule or regulation shall contravene any provision of this Ordinance or Missouri law or any amendment thereto. For the purpose of enabling the City Clerk to administer the provisions of this Ordinance:

1. Each Dealer, Wholesaler and Retailer shall procure and retain invoices showing the quantity and value of all cigarettes sent to or received within the City, the date shipped or received, and the names of the parties to the Shipment, and shall retain such invoices for a period of three (3) years from the date of the invoice and shall keep same available for use and inspection by the City.

2. All Dealers, Wholesalers and Retailers shall maintain and keep for a period of three (3) years such other records of cigarettes received, sold or delivered within the City as may reasonably be required by the City Clerk.

3. The City Clerk or her duly authorized designee are authorized to examine the books, papers, invoices and other records, stock of cigarettes in and upon any premises where they are placed, stored or sold, and equipment of any Dealer, Wholesaler or Retailer insofar as same pertain or relate to taxable cigarettes under this Chapter.

83.060. Access to Records; Confidentiality of Information. To the extent reasonably necessary or expedient to verify the accuracy of the cigarette tax, each Dealer, Wholesaler and Retailer shall, during normal business hours or after reasonable advance notice during nonbusiness hours, provide to the City Clerk or her designee the means, facilities and opportunity to make such examinations or inspections to administer the tax imposed hereunder. Cigarette tax reporting information received from the Missouri Department of Revenue shall, to the extent authorized by law, be kept confidential and used solely for verifying cigarette tax payments.

83.070. Submission to Jurisdiction. Each Dealer and Wholesaler who sends or causes to be sent into the City any cigarette taxable under this Chapter shall be subject to the provisions hereof, and by so sending or causing to be sent cigarettes into the City shall be conclusively presumed to have submitted to the jurisdiction of the City for purposes of this Chapter.

83.080. Evasion of Tax. It shall be unlawful for any person to sell or offer for sale or display for sale within the City any cigarette upon which the tax imposed under this Chapter

has not been reported or paid. It shall be unlawful for any person to take or fail to take any required action which results in nonpayment of tax upon any cigarette.

83.090. Cigarette Tax Metering Machines Abolished; Cooperation with Department of Revenue. Effective January 1, 1997, no Wholesaler, Dealer or Retailer shall be required to employ the use of cigarette tax metering machines. The City Clerk shall have authority to communicate and cooperate with the Missouri Department of Revenue for purposes of administration and collection of the tax imposed hereunder and of acquiring information pertaining to same, and is specifically authorized to obtain from such Department copies of reports from Dealers and Wholesalers showing sales of cigarettes within the City, and to pay any reasonable charges of the Department therefor.

83.100. Untaxed cigarettes. All packages of cigarettes upon which tax has not been paid are subject to seizure as evidence in prosecution of a case for violation hereunder, and are further declared to be contraband and subject to forfeiture to the City for destruction or other disposition upon conclusion of any ordinance violation proceeding with respect to same.

Chapter 88 -- Business and Occupation Taxes and Licenses

88.010. Definitions. In addition to those definitions in Chapter 11 of this Code, the following words and phrases when used in this Chapter 88 shall have the meanings hereinafter stated:

1. "Applicant" means a person applying for a license under this Chapter 88.

2. "Business" means and includes any business, trade or vocation whatsoever and includes by way of general enumeration and without limitation all druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boarding houses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents and brokers, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, patent right dealers, stockyards, mercantile agents, gas companies, insurance companies, insurance agents and brokers, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, omnibuses, transfer and all other vehicles, traveling and auction stores, plumbers, ordinaries, money brokers, money changers, intelligence and employment offices and agencies, sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers, salvage yards or recycling centers, and auto liveries. The term "business" shall not include:

(a) the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon;

(b) any veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman unless such business maintains a business office within the City;

(c) any farmer or producer or employee thereof selling produce raised by such farmer or producer when sold from such farmer's or producer's wagon, cart or vehicle; or

(d) any activity temporarily engaged in by a federal income tax-exempt organization for fund raising purposes.

3. "Licensee" means a person engaged in a business which has in fact obtained a license under this Chapter 88.

4**.** "Merchant" means a business which is engaged in the sale or offering for sale at retail any goods, merchandise or other tangible personal property.

88.020. License and Paid Sales Tax Required; Terms; Information Required. Every person engaged in business in the City of Hamilton shall obtain from the City Collector a license therefore and every person shall thereafter, so long as he or she shall

remain in business, maintain a current and valid business license. The term of all licenses issued hereunder shall be for one year beginning on July 1st and ending on the next following June 30th of each year. All new business shall obtain a license within thirty (30) days of the date of beginning any business activity in the City of Hamilton.

Every applicant shall provide such information to the City Collector as may reasonably be required for the purposes of this Chapter 88, and the Collector shall obtain and each applicant shall provide a full, complete description of the nature and extent of the business to be licensed and of the services, goods or combination thereof to be sold.

Every individual, partnership and corporation doing business in the City of Hamilton upon application for a business license must show proof that they have registered with the State of Missouri and the Department of Revenue of the State of Missouri and have obtained a sales tax number and proof that there is no Sales Tax due. Failure to furnish such proof will result in the refusal to issue a City business license.
[Ordinance No. 1156, adopted May 5, 2003.]

88.030. Form of License. The license shall bear the date of issuance, shall recite the full and proper name and address of the licensed business and the full name and business address of the person to whom issued, the fact that it is a business license and the amount of the fee paid therefor, shall be signed by the Mayor and the City Clerk, shall be countersigned by the City Collector, and shall otherwise be in the form designated by the Collector.

88.040. License Fee Imposed. There is hereby levied and the City Collector shall hereafter collect, a business license fee from each applicant for a license. No license shall be issued until the fee has been paid, and there shall be no proration for partial years. The business license fees are as follows:

(a) Junkyards (as defined in §51.0l0, HCC):	$100.00
(b) Retail sales of intoxicating liquor in the original package of not less than eight ounces but for which the liquor shall not be consumed, nor the original package opened, upon the business premises:	$ 75.00
(c) Retail sales of malt liquor by the drink for consumption on the business premises:	$ 52.50
(d) Retail sales of malt liquor, but not for resale, in the original package and quantities of not less than three standard bottles of beer, which malt liquor is not consumed, nor the original package opened, upon the business premises:	$ 27.50
(e) All other businesses:	$ 25.00

88.050. Revocation. Any license granted hereunder shall immediately be revoked in the event the Licensee ceases the licensed business in this City. The City Collector shall so

revoke such license upon receipt of written notice from the Licensee that the licensed business has ceased or upon the Licensee's failure to give written notice of intent to continue the licensed business within thirty days of the date the Collector mails written notice to such Licensee of intent to revoke such license upon the Collector's information and belief that the licensed business has ceased.

88.060. Other Businesses Not Authorized. The fact that any person has obtained a business license shall not authorize such person to engage in any other business in the City for which a license is required or to engage in the same business at a location other than the location stated in the license.

88.070. Assignment of License Prohibited. No business license shall be assigned or transferred.

88.080. Posting of License. Every Licensee shall keep posted in a conspicuous place the license for such business.

88.090. Duties of Collector. The Collector shall collect all monies for licenses issued under this Chapter 88 and shall keep an accurate register of all licenses issued in such form as will clearly show what licenses are in force, to whom issued, the businesses for which issued and the amount paid.

88.900. Itinerant Merchants.

1. **Definition**. "Itinerant Merchant" means and includes all persons who engage in or conduct within the City a temporary or transient business of selling merchandise for a period of not more than one hundred and twenty days, but shall not include salesmen selling merchandise to businesses licensed under preceding Sections of this Chapter.

2. **License; Fee; Term**. Before beginning business each itinerant merchant shall apply to and receive from the City Clerk a license for doing business as such, and shall before receiving such license pay a license fee of twenty-five dollars ($25.00), unless exempt from licensure. Such license shall entitle the holder thereof to conduct the business stated therein for a period of three (3) months from the date of issuance. Such license shall not be transferable or assignable. No license shall be issued for conduct of more than one business or of business at more than one location. All licenses issued hereunder shall state particularly the merchandise to be sold, the location of the business, the full name and permanent address of the merchant and of all persons working for him, and the driver's license and tax identification numbers of the merchant.
The City Clerk is authorized to issue in lieu of the three month license an itinerant merchant one-day license upon receipt of a fee of three dollars ($3.00), and such license shall be valid only for the date stated thereon.

3. **State or federal license or proof of exemption necessary**. No license shall be issued to an itinerant merchant until his state or federal tax or other license for conducting business as

a seller of goods for at least the same times and goods as applied for to the City has been presented to the Clerk, who shall inspect and photocopy same and attach the copy to the City license application. The City Clerk shall issue a license without requiring payment of any fee upon the applicant's production of satisfactory proof of the applicant's status as exempt under state or federal law from all local license fee requirements. Notwithstanding any claim of exemption, it shall be unlawful for any itinerant merchant to engage in or conduct any business in the City without a license therefor.
[Ordinance No. 894, adopted August 6, 1990].

88.910. Adult Cabarets

Section 1. Purpose

The purpose of this Section is to provide standards to regulate the time, place and manner of the operation of adult cabarets in order to minimize their negative secondary effects. The specific purposes of this Order are to:

Establish reasonable and uniform regulations that will reduce possible adverse secondary effects that adult cabarets may have upon the City's residents, businesses and institutions.

To protect the rights conferred by the United States Constitution to adult cabarets in a manner that diminishes their undesirable negative secondary effects that recognized studies have shown to be associated with the development and operation of adult businesses.

To serve a legitimate governmental interest of reducing possible secondary adverse effects, while allowing for alternative means of communication and free expression.

To promote the health, safety and welfare of the City.

Section 2. Definitions

As used in this Order, the following terms mean:

"Adult Cabaret", a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties;

"Employee", a direct employee or contract labor;

"Nudity", the showing of either:

The human male or female genitals or pubic area with less than a fully opaque covering; or

The female breast with less than a fully opaque covering on any part of the nipple.

(Source: RSMo 573.500)

Section 3. Background Checks

The employer shall conduct a background check on all employees of any Adult Cabaret to ascertain whether any such employees have been convicted of or have pled guilty to any misdemeanor or felony involving prostitution or aiding or abetting prostitution, drug possession or trafficking, money laundering, tax evasion, or illegal gambling activity.

The background check shall be delivered to the City of Hamilton Police Department within ten (10) calendar days prior to each person's employment. (Source: RSMo 573.503)

Section 4. Minimum Age Limit for Admission.

No employee, owner, operator, responsible managing employee, manager or permittee of an adult business shall allow any person below the age of twenty-one (21) years upon the premises or within the confines of any Adult Cabaret.

Every person entering an adult cabaret shall produce a state photo driver's license or a state photo identification card to verify their age. All patrons within an adult cabaret are required to produce their state photo drivers license or a state photo identification card upon demand of any law enforcement officer while they are on the premise. Any person found on the premises of an

Adult Cabaret that is underage, or who is not in possession of a state photo drivers license or a state photo identification card, or refuses to produce a state photo drivers license or a state photo identification card upon the demand of a law enforcement officer is in violation of this section. (Source: RSMo 573.507.1)

Section 5. Security Personnel

No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of an Adult Cabaret unless each and all of the following requirements are met: All adult businesses shall have a person who shall be at least 21 years of age and shall be on the premises to act as manager at all times during which the business is open. The Adult Cabaret shall register with the City Police Chief any and all individual(s) designated as the on-site manager by the owner to receive all complaints and be responsible for all violations taking place on the premises.

The adult business shall provide uniformed security guards to patrol and monitor the premises and parking lot areas during all business hours.

The security personnel shall meet the same requirements for Missouri POST certification and training as that of an officer of the City of Hamilton, Missouri police officer. These security personnel shall present their credentials to the City Police Chief who must verify Missouri POST certification prior to the employment of any security personnel. (Source: RSMo 573.507.2)

Section 6. Random Testing for the Presence of Illegal Substances

Employers of any adult cabaret within the City shall conduct random testing on a monthly basis for the presence of illegal substances within the blood or urine of any or all employees of such adult cabaret.

The testing agency must be licensed with the State of Missouri and approved by the Caldwell County Health Department, and must certify to the City Police Chief monthly, that the employees have been tested and the results of those tests.

Any employer/employee of an adult cabaret testing positive for illegal substances in their blood or urine will be prohibited from working in an adult cabaret for two (2) consecutive months and until they have presented certified proof to the City Police Chief of a negative random test for illegal substances.

The employee upon returning to work at the adult cabaret shall be randomly tested for illegal substances on a monthly basis. Testing shall be certified to the City Police Chief.

All cost of random drug testing shall be borne by the employer/employee of the Adult Cabaret. (Source: RSMo 573.507.3)

Section 7. Public Display of Sexual Acts

The public display of sexual intercourse, deviate sexual intercourse or appearing in a state of nudity in any Adult Cabaret is prohibited. (Source: RSMo 573.507.5)

Section 8. Violations

The City may enforce a violation of this Order as provided in RSMo 573.070, and as otherwise allowed by law.

Section 9. Applicability to Other Regulations

This Section does not provide exclusive regulation of Adult Cabarets. Adult Cabarets shall comply with any and all applicable regulations imposed in the Hamilton Zoning Ordinance, other City ordinances and state and federal law.

Section 10. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity

of the remaining portions of this Ordinance. The Board of Aldermen hereby declare that it would have passed and adopted this Order, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

[Added by Ordinance No. 1348; adopted June 7, 2010.]

Chapter 90 -- Utilities in General

90.010. Mayor to Supervise City Utilities. The Mayor shall, with the advice and consent of the Board, supervise all City utilities and may himself or by a designated employee conduct any meetings or hearings with consumers of municipal utility services pursuant to this Chapter.

90.020. City Utilities Defined. City utilities shall consist of the City Water Utility and the City Sewer Utility. As used in this Chapter 90, the word "Utility" shall mean both the City water and sewer utilities unless context otherwise requires.

90.030. Limitation of liability. The City shall furnish utility services only upon the express conditions precedent that the City will not be liable to any consumer or other person for any inconvenience, delay, injury, loss or damage whatsoever occurring by reason of derangements, stoppages, leaks, fault or negligent construction or operation of any utility equipment, apparatus, distribution systems, pipes or lines, or by reason of the temporary shutting off of any utility for any purpose, or by reason of scarcity or insufficiency of a particular utility service, nor shall the City be liable for the expense of repair of any service, pipes, mains or lines not owned by the City. The City reserves the right at any time to restrict the use of any utility service for any and all purposes.

90.040. Duties of City Collector. The City Collector shall keep a register of all applications for any utility service, keep a full and accurate account of all utility services provided, promptly collect all utility charges and pay the same to the City Treasurer and report to the Board monthly all moneys received.

90.050. Application for Service. All applications for utility services shall be made in writing at the City Hall to the City Collector upon an appropriate form furnished by the City. The application shall show the charges to be made for the installation of the utility service and shall also show the deposits required and the conditions under which deposits may be returned. All charges and deposits shall be paid by the applicant with the application.

90.060 Deposits.
Before any utility service is furnished to any customer a deposit to guarantee payment of all service charges when due shall be made. The deposits shall be as follows:
a) The sum of $150.00 for residential property owners of the property where service is requested and who are current on all taxes owed to the City and the sum of $300.00 for residential property owners of the property where service is requested who are delinquent on any taxes owed to the City owed;
b) The sum of $300.00 for all residential rental customers who are current on all taxes owed to the City and the sum of $450.00 who are residential rental customers who are delinquent on any taxes owed to the City owed; and
c) For a commercial establishment or for any use other than a single-family residential use including multifamily residences that are not separately metered, a deposit shall be required to meet one of the following provisions:

(1) A deposit based on twice the estimate amount of thirty (30) days' bill for those services requested for new accounts, and be adjusted to twice the actual average monthly usage as necessary. The Mayor may also increase security deposits for commercial accounts to minimize the City's risks where appropriate.

(2) Furnish equivalent bond or letter of credit. At the discretion of the Mayor, commercial security deposits may be waived or reduced upon the commercial customer having established a minimum of three (3) years' continuous timely payments.

Upon termination or cessation of the customer's City utility services, the customer's deposit shall be applied to pay for any unpaid City utility charges, any other debts owed to the City including any unpaid taxes, real, personal, or other, and the balance, if any, shall be returned to the customer. No customer will be paid interest on any deposit.

At the time of payment of a utility deposit, each customer will receive a receipt as evidence of the deposit, which contains the following information:
(1) Name of customer.
(2) Place of payment.
(3) Date of payment.
(4) Amount of payment for fees and deposits.

In addition, each customer shall sign a service agreement which states the terms and conditions governing the retention, payment, and return of deposits.

[Amended by Ordinance No. 1583; adopted October 14, 2015]

90.070. Meters.
1. All utility services shall be measured by a meter installed by the City, and all utility service charges shall be based upon such meter measurements.
2. The City may at any time install an additional meter at any location where a meter may be installed, and when such additional meter shall register more utility consumption than registered by the existing meter it shall be evidence that the utility furnished to such consumer was not being properly measured by the first meter and the consumer shall pay for all utility service thereafter at the rate shown by the additional meter.
3. Any customer may challenge the accuracy of any meter supplied by the City on request and on payment of an inspection fee. The inspection fee shall be paid by cash deposit in advance and shall equal the cost of testing the meter. If the meter is fast in measurement of the service by more than 10%, the cost of said test shall be paid by the City and the inspection fee be refunded to the consumer; further, the amount of excess charge for utility service as measured by such meter from the last billing immediately preceding the date of the consumer's request for a test shall be refunded. If the test shows the meter is correct with any margin of error of 10%, or if the test shows the meter is slow in measurement of the service by more than 10%, the charges for utility services shall not be adjusted and the inspection fee will be retained by the City. No meter shall be tested more often than once in six (6) months. At the request of the consumer a written report showing the result of such test shall be given to the consumer.

90.080. Billing and payment.

(a) The City shall render a bill once during each billing period to every customer in accordance with the applicable rate schedule.

(b) The manner of furnishing the statement shall be as determined by the Utility Clerk, provided each customer is billed in a reasonable, predictable manner.

(c) Each billing statement rendered by the City shall be computed on the actual usage during the billing period except as follows:

(1) The City reserves the right to render a bill based on estimated usage for any of, but not limited to, the following reasons:

a. When extreme weather conditions, emergencies, or work stoppages prevent actual meter readings.

b. When a customer fails to provide safe and reasonable access to the customer's premises for the purpose of reading the meter.

c. As provided for by the ordinance establishing the service.

d. Should the meter be damaged or tampered with in any manner which may render its readings inaccurate.

(2) Under no circumstances will the City render a bill based on an estimate as a customer’s initial or final bill of service.

(3) When issuing an estimated bill, the City shall:

a. Maintain accurate records of the reasons therefore and efforts made to secure an actual reading.

b. Clearly and conspicuously note on the bill that it is based on estimated usage.

(d) All service bills shall be due and payable in full twenty (20) days from the date the bill was mailed, after which they shall be considered delinquent. If the last day for remittance falls upon a weekend or holiday, or any other day when the department, regularly used for the payment of customer bills, is not open to the general public, the final payment date shall be extended through to the close of the next business day. The date of payment for remittance through the mail shall be the date on which the department receives the remittance.

(e) Except as otherwise provided in this section, the city shall assess late charges against all delinquent accounts. If a customer's bill is not paid in full by the date payment is due, the bill for the next billing period shall include a late charge equal to $25.00. Late charges shall not be assessed against the balance due on a delinquent account if the customer is current on the payments required by a settlement agreement for the account.

(f) Every bill for utility service shall clearly state:

(1) Present and previous meter readings for water service as well as "service date to" and "service date from" and number of service days.

(2) Consumption of water services during billing period.

(3) Billing date.

(4) Any previous balance.

(5) Amount of gross receipts and sales tax.

(6) Date when bill will be considered delinquent.
(7) Amount due for utility charges.
(8) Current amount due and total bill.
(9) The address and/or phone numbers where information may be obtained on utility bills.

(g) The department may include charges for special services together with utility charges on the same bill if the charges for special services are designated clearly and separately from utility charges.

(h) If partial payment is made, the department shall first credit all payments to the balance outstanding for utility service.

(i) Whenever a customer shall order his services terminated or otherwise cease to be a customer, all amounts owed by the customer to the City shall immediately become due.

(j) Bills for accounts to which services have been terminated or discontinued for a period of thirty (30) days shall be considered delinquent thirty (30) days after the final billing date. All such collection costs, including reasonable attorney fees, will be borne by the debtor.

(k) If, through no fault of the residential customer, the City fails to initiate billing in a timely manner or under-bills the residential customer, the residential customer shall not be billed an additional amount for any utility services received more than six (6) months before the current billing cycle.

90.80.1. Tax imposed.
The municipal sales tax on all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil used for nonbusiness, noncommercial or nonindustrial purposes heretofore imposed within the corporate limits of this municipality is reimposed pursuant to Section 144.032 RSMo.
[Added by Ordinance No. 1476; adopted September 3, 2013]

90.80.2. Rate of taxation.
The rate of taxation shall be, as heretofore, the rate set for the general sales tax of the City under section 94.500 to 94.570, which is currently one percent (1%).
[Added by Ordinance No. 1476; adopted September 3, 2013]

90.80.3. Copies provided.
That the City Clerk is hereby directed to provide copies of this Ordinance to all of the utilities which provide service within the corporate limits of the City, and to the Director of Revenue for the State of Missouri.
[Added by Ordinance No. 1476; adopted September 3, 2013.]

90.081 Penalty Charge.
A $25.00 penalty will be added to all delinquent utility bills if not paid by the end of the 20th day of the month.

[Ordinance No. 1140, adopted July 1, 2002.]

90.090. Discontinuance of service.

(a) No person, except authorized employees or agents of the City, shall disconnect any meter, connect to any meter, or disturb the service lines of any utility without written authorized permission. In the event the City shall discover evidence of tampering with any water meter, or lines used for water or sewage distribution, or other such line of the utility having the probable effect of rendering actual meter readings inaccurate, or to receive the service of the utility without proper payments, the City shall have the right to discontinue utility service to the customer and remove its property from the customer's premises. In addition, the City may cause service to be discontinued due to:

(1) Violation of codes;

(2) Violation of health ordinance;

(3) Request of fire department due to fires or fire danger;

(4) Request from public works because of unsafe condition of structure or dwelling;

provided, however, that the City may determine to continue service or to reconnect service upon compliance with city codes and/or payment by the customer whose demand, use or bill was affected by such tampering, of the following, or any combination thereof, fees or charges at the city's election as determined by the city:

(1) The amount of any city revenue loss attributable to such tampering, with such amount loss determined by an estimate made by the water director or his/her designee;

(2) Cash deposit as determined by the Board of Aldermen; provided, however, that requests for such deposits shall be made only in the event that the customer does not currently have on file with the city a cash deposit in an appropriate amount; and

(3) The actual expenses incurred by the city in replacing and/or repairing the meter, service lines or wires, the making of any connection, and any bookkeeping and clerical expenses incurred in the preparation of the required billing.

(b) The City may discontinue service to a customer for any legitimate business reason including, but not limited to, the following:

(1) Nonpayment of a delinquent account.

(2) Failure to post required security deposit.

(3) Failure to comply with the terms and conditions of a settlement agreement relating to a current or prior utility account.

(4)Refusal to grant access at reasonable times to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement:

a. If access is not provided within fifteen (15) days of initial notice, a second notice will be delivered at the customer's address, of intent to discontinue service unless reasonable access is provided within three (3) business days from the date of the second notice.

b. Following the expiration of three (3) business days, the account shall be discontinued and legal proceedings undertaken to recover the city's equipment.

(5) Failure of an applicant to use applicant's correct name when applying for utility service.

(c) If a customer fails to inform the department of his intent to terminate utility services, or fails to respond to a delinquent notice, services may be discontinued and that customer's

service deposits utilized as payment of any delinquent accounts. The Utility Clerk shall establish a standard procedure for distribution of deposits to delinquent accounts, which procedure shall be approved by the Mayor. Any portion of the service deposits remaining after all amounts owed for any service have been deducted shall be refunded to the customer. Any person claiming such money, after transfer, may make proof of claim to the Board of Aldermen and the transferred amount shall be paid him, without interest, provided such claim has not been barred by limitation under the laws.

(d) The City may discontinue service between the hours of 8:00 a.m. and 4:00 p.m. on the date specified on the discontinuance notice, or within a reasonable time thereafter. Service shall not be discontinued on a day when the offices of the water department are not available to the public for the purpose of reconnecting discontinued service. Service shall not be discontinued pursuant to nonpayment of a delinquent account within five (5) working days after an account becomes delinquent. Notice of discontinuance must be served five (5) working days prior to discontinuance. Service of notice is complete upon mailing. Such notice shall give a telephone number and address at which such discontinuance may be contested. The City Clerk is hereby authorized to promulgate rules and regulations to establish an administrative procedure to handle such contests. The department shall maintain an accurate record of the date of mailing.

(e) A notice of discontinuance shall contain the following:
(1) Name and address of the customer.
(2) Clear and concise statement of the reason for the proposed discontinuance, and cost of reconnection.
(3) Date on, or after which service shall be discontinued unless action is taken by the customer.
(4) Terms under which discontinuance may be avoided by the customer.
(5) The telephone number, during working hours and after hours, where inquiry/complaint may be made.

(f) Immediately preceding the discontinuance of service, the employee of the city designated to perform such function shall make a reasonable effort to contact and identify himself to the customer or responsible person then upon the premises stating action taken, reason for action, and phone numbers where inquiries may be made. If no one is present on the premises, then a Notice of intent to discontinue should be attached to a door of the premises. The Notice will state that service will be discontinued within 5 days of the date of the Notice.

(g) Notwithstanding any other provisions of this section, the City may postpone the discontinuance of utility service to a residential customer for a time not in excess of twenty-one (21) days if the discontinuance will aggravate an existent medical emergency of the customer, a member of his/her family or other permanent resident of the premises where service is rendered.

(h) If the department is advised, prior to the date of discontinuance that any portion of bill is in dispute, the department shall record the date, place and time the complaint was made, and enter into the resolution process with the customer.
(1) The complaint may be initiated in person, by phone, or in writing.
(2) The department, in attempting to resolve the dispute in a mutually satisfactory manner, may employ those methods set forth by the finance director in the customer complaints process.

(i) Failure of the customer to enter into negotiation with the department to resolve a dispute or enter into a settlement agreement shall constitute a waiver of the customer's right to continuance of service and the city may then proceed to discontinue service as provided.

(j) When a complaint is made, the customer shall make payment of the nondisputed amount; if customer fails to make payment of the nondisputed amount within three (3) working days from the date of registering the complaint, the customer shall waive his right to continuance of service and discontinuance of service may proceed.

(k) Upon the customer's request, the city shall restore service promptly if the cause for discontinuance of service has been eliminated, applicable restoration charges paid and, if required, satisfactory credit arrangements have been made. At all times every effort shall be made to restore services upon the day restoration is requested, and in any event restoration shall be made no later than the day following the request.

90.100. Disconnect/Reconnection Fees
(1) A disconnection fee of fifteen dollars ($15.00) shall be charged a customer's account when a worker is dispatched to disconnect the customer's water or sewer service for nonpayment.
(2) A reconnection fee of fifty dollars ($50.00) shall be charged to customer's account when water or sewer service is reconnected.
[Ordinance No. 1224, adopted February 1, 2008.]

90.105. Additional Reasons for Termination of Utility Services. Any or all utility services may be terminated and disconnected for the following reasons:
1. Failure to pay utility service charges when due.
2. Violation of any City Ordinance, rule or regulation relating to any utility.

90.110. Disconnection.
Upon any disconnection of a consumer's utility service, any and all amounts owed to the City for such service shall become immediately due and payable. If the consumer fails to pay the amount due within seven (7) days of the disconnection, the City shall apply the deposit to pay the amount due and shall refund any excess deposit to the consumer without interest. If the deposit is insufficient to pay the amount due, the City shall render a final settlement of the consumer's account, which shall include a reasonable amount for estimated expenses to be incurred in collection of the account, and shall mail same to the consumer's last known address.

[Amended by Ordinance No. 1441; Adopted March 4, 2013]

90.120. Access to Private Property. The City and its officers and employees shall at all reasonable hours have free access to all parts of any private property of any kind to which any utility service is furnished for the purpose of installing, examining, repairing or removing any utility materials or appliances belonging to the City, and to read meters, turn on or off and disconnect service, and for any other purpose reasonably necessary or expedient to the operation of the City utilities.

90.130. Right to Change Utility Charges. The schedules of rates of charges for City utilities may at any respect be changed, and the right to make such expressly reserved.

90.140 Landlord Liability for Unpaid Utility Bills of Tenants.
[Repealed by Ordinance #1247, adopted May 5, 2008].

90.150. Waterworks System and Sewerage System Combined.
It is hereby found, determined and declared to be necessary for the public health, safety, welfare and benefit of the City of Hamilton, Missouri, and its inhabitants, that the existing waterworks system and the existing sewerage system of said City, and all future improvements and extensions thereto, be combined and that they shall henceforth be operated and maintained as a combined waterworks and sewerage system.
[Added Ordinance No. 1455; Adopted May 6, 2013]

Chapter 91 – Use of Public Water System, and Installation And Connection of Water Service

91.005 Penalties. It shall be unlawful for any person to violate any provision of this Chapter 91 and any person convicted of a violation hereunder shall be punished as provided in Chapter 13 of this Code, PROVIDED, the minimum fine for a violation of Section 91.500 by any commercial or business entity shall be fifty dollars ($50.00).

91.010.
Water Service Furnished Solely by City; Connections, Fees and Responsibility for Lines. No water shall be furnished in the City except through a service line installed or expressly authorized by the City. Such installation shall include necessary excavating, tapping the main, installing a service line to the meter installation, a meter box and lid or cover, a five-eighths (5/8) inch by three-fourths (3/4) inch meter and a meter connection fitting and backfilling the installation. The ownership of all lines, tiles, meters, fittings and other appurtenances so installed by the City shall remain with the City, and responsibility for maintenance and repairs to same will be the City's, provided, however, that responsibility for repair and maintenance of any meter over three-fourths (3/4) inch in size shall be the responsibility of the property owner. The owner of all houses, buildings, or properties used for human employment, recreation, residence or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located access to a public water system within 100 feet of the property line, is hereby required to connect to such facilities in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so.

WATER TAP FEES. The water tap fees for the City of Hamilton for water taps or connections to City owned water mains or extensions shall be as follows:

A. The intent of this Subsection to establish a water system user's fee imposed upon new connections to the City's water system and not to levy a "tax" or fee as such term is used in Article X, Section 22 of the Missouri Constitution. It is the intent of this Subsection to impose a water tap fee, payable prior to approval of a new water service connection, in an amount based upon the demand for water attributable to the new connection cost of constructing water service facilities needed to serve the new connection.

B. FEES.

1. In City Limits. The tapping fee for a ¾ inch waterline for service locations inside city limits will be $450.00 per tap. The fee for a 1 inch waterline will be $675.00. If the waterline requirements are greater than 1 inch, any additional costs for the installation and/or connection of the same will be at the sole expense of the user/consumer. The user/consumer will be solely responsible for any and all additional expenses related to the connection to the City's waterline, including but not limited to tapping saddle, piping to connect to the City's waterline, backfill, and road repairs caused by any digging and/or boring activities.
2. Outside City Limits. The tapping fee for a ¾ inch waterline for service locations outside city limits will be $550.00 per tap. The fee for a 1 inch waterline will be $775.00. If the waterline requirements are greater than 1 inch, any additional costs for the installation and/or connection of the same will be at the sole expense of the user/ consumer. The user/consumer

will be solely responsible for any and all additional expenses related to the connection to the City's waterline, including but not limited to tapping saddle, piping to connect to the City's waterline, backfill, and road repairs caused by any digging and/or boring activities.
3. Inspection Fees. Inspection fees are $50.00 for connections to serve locations inside city limits and $75.00 for connections to serve locations outside city limits.
[Amended by Ordinance No. 1638, adopted May 10, 2017]

91.012. Approved Materials and Methods. The size, alignment, material used in the construction of new or the replacement of the existing public water system, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the most recent edition (as amended from time to time) of the Missouri Department of Natural Resources (MDNR), Public Drinking Water Program, Design Guide for Community Public Water Supplies. A Permit to Construct, issued by MDNR, will be received prior to construction, alteration or extension of the water system.
[Ordinance No. 1207, adopted September 10, 2007]

91.020. Requirements for Tapping a Main. In tapping a main, a stopcock shall be inserted at the main (the "corporation cock"), and it shall be at least three (3) feet below the ground surface. The service line from the main shall conform to AWWA standards.

91.030 Unlawful acts pertaining to water. It shall be unlawful for any person to:

a. Turn on the water at any stopcock or meter or in any other manner take water from the water main except as expressly authorized by the City;

b. Be an owner or occupant of property at which water service has been discontinued or shut off at such property and thereafter cause or permit any water to pass through a City water meter or stopcock prior to written authorization of the Water Superintendent or his designee to restore water service to such property; or

c. Tamper in any manner with any City water meter, stopcock, line, main or other City water supply apparatus.
[Ordinance No. 1020, adopted June 2, 1997].

91.040. Use of Service Lines and Taps. Along streets where water mains are laid, no service line shall be allowed to run across any lot not owned by the owner of the property served by such line and such line must run from the main in front of the property or some point in the street adjacent to the same, except: (1) one service line may be used to supply all properties within sixty (60) feet on either side of such service line, but each property must have a separate curb stop and box, and (2) upon special application to the Board of Alderman sufficiently describing the properties and owners and occupiers involved and setting forth good reasons for exception to the foregoing, the Board may approve an exception upon such terms and conditions deemed necessary under the circumstances.

91.050. Use of Corporation Cocks. No corporation cock shall be inserted for the purpose of giving an increased supply to any property where one has been previously inserted except with a permit. No attachment shall be made to the main from any property previously supplied with water until the corporation cock previously used shall be drawn and the opening securely stopped with a brass plug at the expense of the property owner. No two (2) corporation cocks shall be inserted into any main within less than ten (10) inches of one another.

91.060. Prohibited Connections & Openings; Required Devices; Inspections.

1. Enforcement. The Water Department Superintendent shall be primarily responsible for enforcement of this Section. Upon learning of a claimed violation hereof, the Superintendent shall inspect that portion of the water distribution system claimed to be in violation and shall notify the water consumer in writing of each violation discovered and of the corrective measures required, noting thereon the date of delivery of a copy to the consumer. The consumer shall remedy the violations noted within thirty (30) days, and upon failure to do so, water service shall be discontinued to the consumer until the violations are corrected.

2. Definitions. The following definitions shall apply in the interpretation and enforcement of this Section 91.060:

a. "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

b. "Auxiliary water supply" means any water source or system, other than the City supply, that may be available in the building or premises.

c. "Backflow" means the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

d. "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system.

e. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system, and includes a tenant of rented or leased property.

f. "Containment" means protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility.

g. "Contamination" means an impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

h. "Cross connection" means any physical link between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

i. "Hazard, Degree of" means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

i. Hazard, Health - any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.

ii. Hazard, Plumbing - a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device.
iii. Hazard, Pollutional - an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
iv. Hazard, System - an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.
j. "Industrial process system" means any system containing a fluid or solution, which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional, or plumbing hazard if introduced into a potable water supply.
k. "Isolation" means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance, or system.
1. "Pollution" means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic uses.
m. "Public potable water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.
n. "Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
o. "Water purveyor" means the owner, operator, or individual in responsible charge of a public water system.
3. Cross-Connections Prohibited.
a. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumer's water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the Missouri Department of Natural Resources.
b. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Missouri Department of Natural Resources.
c. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety.
4. Survey and Investigations.

a. The consumer's premises shall be open at all reasonable times to the water purveyor, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
b. On request by the water purveyor or his authorized representative, the consumer shall furnish information on water use practices within his premises.
c. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system.
4. Type of Protection Required. The type of protection required hereunder shall depend upon the degree of hazard which exists and shall as a minimum comply with the following:
a. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
b. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
c. An approved air gap separation or an approved reduced pressure principle back flow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.
5. Where Protection is Required.
a. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
b. An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:
i. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Missouri Department of Natural Resources.
ii. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
iii. Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
iv. Premises having a repeated history of cross connections being established or reestablished.

v. premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
vi. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
vii: Premises where materials of a toxic or hazardous nature are handled such that if back siphonage or backpressure should occur, a serious health hazard may result.
c. The following types of facilities fall into one or more of the categories of premises where an approved air gap separation or reduced pressure principle backflow prevention device is required by the water purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources:
Aircraft and missile plants
Automotive plants
Auxiliary water systems
Beverage bottling plants
Canneries, packing houses, and reduction plants
Car washing facilities
Chemical manufacturing, processing, compounding or treatment plants
Film laboratories
Fire protection systems
Hazardous waste storage and disposal sites
Hospitals, mortuaries, clinics
Irrigation and sprinkler systems
Laundries and dye works
Metal manufacturing, cleaning, processing and fabricating
plants
Oil and gas production, storage or transmission properties
Paper and paper products plants
Plating plants
Power plans
Printing and publishing facilities
Radioactive material processing plans or nuclear reactors
Research and analytical laboratories
Rubber plants, natural and synthetic
Sewage and storm drainage facilities - pumping stations
Water front facilities and industries

6. Backflow Prevention Devices. Any backflow prevention device required by this section shall be of a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.
a. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

b. A double check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the water purveyor, and shall appear on the current "list of approved backflow prevention devices" established by the Missouri Department of Natural Resources.
Existing backflow prevention devices approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this section so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.
7. Installation. Backflow prevention devices required hereunder shall:
a. Be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer;
b. Be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection; and
c. Be located so as to be readily accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid.
8. Inspection and Maintenance.
a. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this ordinance are installed to have inspection, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
i. Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter.
ii. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty months.
iii. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.
b. Inspections, tests, and overhauls of backflow prevention devices shall be made at the expenses of the water consumer and shall be performed by a State of Missouri certified backflow prevention device tester.
c. Whenever backflow prevention devices required by this ordinance are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
d. The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections,
tests, repairs, and overhauls shall be made available to the water purveyor upon request.
e. Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the water purveyor.

91.065. Use of lead prohibited.

Section 1. Lead Ban – General Policy

A. Purpose.

1) To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and

2) To protect city residents from lead contamination in the city's public drinking water system and their own private plumbing systems.

B. Application. This ordinance shall apply to all premises served by the public drinking water system of the City of Hamilton.

C. Policy. This ordinance will be reasonably interpreted by the City. It is the City's intent to ban the use of lead based material in the construction or modification of the City's drinking water system or private plumbing connected to the City system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgment of the City or its authorized representative, lead based materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead free materials. If the lead base materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises.

Section 2. Definitions

A. The following definitions shall apply in the interpretation and enforcement of this ordinance.

1) "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system;

2) "Lead base materials" means any material containing lead in excess of the quantities specified in Section 2. A. 3;

3) "Lead free" means:

A. When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%) lead; and

B. When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 0.25 percent (0.25%) lead.

Calculation. The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (A)(2). For lead content of materials that are provided as a range, the maximum content of the range shall be used.

Exemptions

A. Pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for non-potable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption;

B. Toilets, bidets, urinals, fill valves, flush-o-meter values, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.
[Amended by Ordinance No. 1637, adopted May 10, 2017]

4) “Public drinking water system” means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources; and
5) “City” means the owner and operator in responsible charge of the public water system.
Section 3. Lead Banned from Drinking Water Plumbing
A. No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.
B. If a premises is found to be in violation of Section 3. A., water service shall be discontinued and shall have the water meter removed or otherwise have the service line severed from the public water system until such time that the drinking water plumbing is lead free.
C. If any person shall violate this provision and is convicted of such violation then the person shall be punished as provided in Chapter 13 of this Code. Each day that the violation continues shall be a separate offense.
[Amended by Ordinance No. 1531; adopted October 6, 2014]

91.070. Certain Consumers to Keep Reserve. All persons using City water for stearn engines or heating or refrigerating shall provide suitable tanks of capacity sufficient to afford a water supply for at least ten (10) hours in case the water should be shut off.

91.080. Meters Required. All water supplied by the City shall be charged and paid for by meter measurement and no water will be supplied except through a meter.

91.090. Meter Installation and Maintenance. All water meters shall be installed in an approved meter box provided with inside lugs or bolts by which an approved cast iron meter box cover or lid can be secured; the dial of the meter shall be between eight (8) and fourteen (14) inches from the top of the box, and the top shall not be lower than the surface of the ground nor more than one inch above the level of the ground; such box cover or lid shall be so constructed that it can be securely locked, sealed or seated so as to prevent injuries. All meter placements shall be at such location designated by the Superintendent of the City Water Department who shall consider and attempt to accommodate the customer's desires. All such placements shall be easily accessible to City employees and shall insofar as possible or practical be located at or near the street right-of-way boundary or in the space between the street pavement and the sidewalk. All new and all replacement water service lines shall be installed in such manner that the meter is located outdoors. Where water meters are now installed in buildings or basements and no other, more suitable location can be found, there may be installed around such meter an approved metal box or enclosure that can be securely locked or sealed. No unauthorized person shall open any meter box or lock or break any seal. The property owner and water customer shall keep meter boxes, locks and seals safe from molestation. Whenever water meters are furnished by the City, approved connections or yokes shall be furnished by the owner or water customer.

91.100. Duty of Plumbers Concerning Connections. All private plumbers installing extensions on new or replacement connections to the City water supply shall obtain a permit. All such plumbers shall make return in writing to the Water Superintendent before the water will be turned on of all connections made by them giving a description of the property, location of the corporation cock, length of service pipe, number of feet from the nearest permanent 2 monuments to the place where the tap in the main is located, and the names of all occupants and owners of the property. All such plumbers shall obtain a special permit before making any change in any connection made to the water mains and shall produce same for inspection upon demand of any City officer or Water Department employee.

91.110. Turn on Requires Order of Water Superintendent. No consumer or other person whose water service has been turned off shall turn on the water or resume service, or permit the same to be done by any person, except by order of the Water Superintendent.

91.120. Use of City Hydrants, Lines, and Water Supply Apparatus. No person shall take water for private use from any city hydrant, plug, draw cock, hose, line, pipe or fountain furnished for public use without the consent of the Mayor, and a special permit therefor having been paid for and obtained. The charge for said permit shall be based on an estimate of the cost of water used and expenses incurred by the City in providing necessary supervisory personnel and other services.

91.130. Interference With Waterworks Prohibited. No person shall injure or open any fire hydrant, remove or obstruct the stopcock cover of any fire hydrant, paint, mark or deface any fire hydrant or public or private stopcock, place or deposit any dirt or other material in any stopcock box or meter box, turn any public or private stopcock or commit any act tending to obstruct the use thereof, or in any manner tamper with or injure any water service apparatus or any portion of the City waterworks.

91.140. Contamination Prohibited. No person shall swim, bathe, or be in any City water reservoir or place anything whatever in any such reservoir or in any wall, aerator, filter or any opening or apparatus of any kind belonging to the City or perform any other act which shall or might contaminate the City water supply, PROVIDED, that fishing is permissible in the reservoir from the banks and from boats not having an internal combustion engine.

91.150. Sales at Water Plant. There is hereby established at the City water works plant for the purchase of water by the public a separate fill hose for tanks that have had any chemicals in them and a separate fill hose for drinking water tanks, which fill hoses shall be clearly marked and identified. No person shall fill a drinking water tank from the chemical tank fill hose or fill a tank that has had any chemicals in it from the drinking water tank fill hose.

91.200. City Water Meter Reader. The City Water Meter Reader shall be generally responsible for reading all water meters of the City not less frequently than once per month, and shall perform the following specific duties:

1. Inspect, read and record the readings for each City water meter one time per month under such schedule for reading meters in a given area as determined by the Board or by the City Collector if no schedule is set by the Board.
2. Report all meter readings made during a given day to the City Collector within twenty-four (24) hours of reading same.
3. Immediately report to the City Clerk and City Water Department all water line breaks and other defects in or damage to any part of the City water supply system.
4. Advise the City Collector of any irregularity in a consumer's water use including no use and excessive use, and advise the Collector of any suspected defects in any water meters and of any suspected tampering with or misuse of any water meter or part of the City water supply system together with the reasons supporting such suspicion. The City Water Meter Reader shall also perform such duties as may be imposed by the Board or City ordinance.
[Ordinance No. 865, adopted May 1, 1989.]

91.210 Inspections.
Section 1: The Mayor and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.

Section 2: While performing the necessary work on private properties referred to in Section 1 above, the Mayor or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the owner and the owner shall be held harmless for injury or death to the city employees and the city shall indemnify the owner against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the owner growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

Section 3: The Mayor and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public water system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
[Ordinance No. 1207, adopted September 10, 2007].

91.300. Sales of Water Outside City Limits.
(a) The Major is authorized to approve the sale of water by the City to persons located outside the corporate limits.

(b) Any person requesting water service outside the corporate limits shall enter into a contract for such service, in a form acceptable to the Mayor, provided that such contract will include:

1. The term of the Contract will be for a one year term, and may be renewed for successive one year terms;
2. All such customers shall be required to meet all city codes, rules, and regulations relating to water service within the City;
3. Water rates for out of town residential water customers are set at 158% of the in-town residential rates commencing August 1, 2017;
[Amended by Ordinance No. 1647, adopted July 12, 2017]
and
4. Such other terms and conditions as the Mayor deems proper and necessary.

(c) This Section shall not apply to sales at the water plant or to wholesale water customers. [Ordinance No. 1228, adopted March 3, 2008.]

91.500. Water Conservation During Shortages. The Water Superintendent shall implement and enforce the following water conservation plan whenever authorized by the Board and shall regularly report to the Mayor the City water reservoir level so that the Mayor may keep the Board advised of such level to aid the Board's determination of the continuing need for such plan:

Water Conservation Plan

This water conservation plan consists of voluntary and mandatory restrictions upon use of City water and is divided into three (3) stages as follows:
Stage I - When the City water reservoir is at or below thirty - six (36) inches from full all City water users are asked to observe the following restrictions in the hope that mandatory restrictions will not be implemented:
1. No person should use water to:
a Wash any sidewalk, driveway, parking lot, patio or paved areas.
b. Fill any swimming pool, except the municipal pool.
c. Wash any vehicle, boat, airplane or any structure.
d. Control Dust.
e. Flush any sewer main, except to eliminate a blockage.
2. No person should water any lawns, trees, gardens or other plants except from handheld containers.
3. Commercial and business users should reduce consumption of water by 30% based upon the average consumption per billing period over the last twelve (12) periods (or all full billing periods of less than twelve months.)
During Stage I the City will not sell water at the water plant for livestock watering and water plant sales will be made only from 8:00 am. until 2:00 p.m.

Stage II - When the City water reservoir level is at or below forty – eight (48) inches from full all City water users shall comply with all restrictions set forth in Stage I. The Water Superintendent shall notify the police department of implementation of Stage II restriction and the police shall enforce the same. The Water Superintendent shall also cause a notice to be published notice of such implementations as quickly as possible, which notice shall describe the restrictions and minimum penalties for violations.

Stage III - When the City water reservoir level is below the upper intake pipe (pipe entirely exposed), all Stage II restrictions shall continue and the Board shall meet as quickly as possible to consider and impose such additional restrictions as it deems necessary. Additional action may include shutting off water to nonessential businesses, reducing water pressure, reducing or eliminating sales at the water plant and increasing minimum penalties for water conservations plan violations.
[Ordinance No. 1158, adopted July 7, 2003]

91.600. Disconnection of Water Service. Whenever any bill for water service issued by the billing department is not paid in full by the 20th of the month for the prior month's water, the Clerk shall immediately notify the Water Superintendent of such fact and of the name and location of the delinquent water customer, and the Water Superintendent shall immediately cause the water service to such location to be terminated; provided, that the Water Superintendent or his employee making the disconnection shall, before making the disconnection, attempt to contact the customer and if able to contact such customer, shall tell the customer the total amount of the water bill and any penalties then due and shall give such customer until 4:30 p.m. of such day within which to pay such bill and thereby avoid disconnection. If the customer cannot be contacted then the water service shall be disconnected and a notice of the fact of such disconnection shall be left at the property receiving the disconnected service.
[Ordinance No. 864, adopted April 25, 1989.]

Chapter 92 -- Sewers and Drainage

92.005. Penalties. It shall be unlawful for any person to violate any provision of this Chapter 92 and any person convicted of a violation hereunder shall be punished as provided in Chapter 13 of this Code.

92.010. Definitions. In addition to those definitions in Chapter 11 of this Code, the following words and phrases when used in this Chapter 92 shall have the meanings hereinafter stated:
1. "BOD" means biochemical oxygen demand and is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.
2. "Building drain" means the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
4. "Combined sewer" means a sewer constructed to receive both storm and surface waters and sewage.
5. "Garbage" means solid waste from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
6. "Industrial wastes" means the liquid wastes from any industrial manufacturing process, trade, or business as distinct from sanitary sewage.
7. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body or surface or ground waters.
8. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
9. "Properly shredded garbage" means wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
10. "Public sewer" means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
The owner of all real property in the City used for human occupancy, employment, recreational or other purposes located within 100 feet of a public sanitary or combined sewer shall install suitable toilet facilities therein and connect such facilities directly to such sewer. If a public sanitary or combined sewer is not available then any building sewer on such property shall be connected to a private sewer system in full compliance with all requirements of the Missouri Department of Natural Resources applicable to same. When such a sewer becomes available to such property, connection shall be made to same in compliance with this Chapter, and any private sewer system shall be disconnected and filled with sand, rock or other suitable material and shall otherwise be made safe.
11. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and ground water are not intentionally admitted.

12. "Sewage" means any combination of water-carried wastes from any residences or buildings or other source, and includes industrial wastes, together with such ground, surface, and storm waters as may be present.
13. "Sewage treatment plant" means any arrangement and includes all portions of the devices and structures used for treating sewage.
14. "Sewer" means any pipe or conduit for carrying sewage.
15. "Slug" means any sewage which in concentration of any given constituent or quantity of flow exceeds during normal operation five (5) times the average twenty-four hour concentration or flow for fifteen minutes or longer.
16. "Storm drain" or "storm sewer" means a sewer which carries storm and surface waters and drainage, but excludes sewage other than unpolluted cooling water.
17. "Superintendent" means the City Water Superintendent and his agents.
18. "Suspended solids" means solid particles of matter that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
19. "Watercourse" means any channel in which water flows, whether continuously, occasionally or intermittently.

92.015. Use of City sewer required. All sewage disposed of in the City shall be deposited in the City Sewer and it shall be unlawful for any person to dispose of any sewage in the City in any manner other than into and through the City sewer system,
except as otherwise provided in this Chapter 92.

92.020. Discharge of polluted waste prohibited. It shall be unlawful to discharge into any natural outlet in or under the jurisdiction of the City any sewage or other wastes except as provided by this Chapter 92.

92.025. Construction of septic tanks, etc., unlawful; Connection to City sewer required when available. It shall be unlawful to construct, maintain or use any privy, privy vault, septic tank, cesspool, or other facility for the disposal of sewage.

92.030. Maintenance of private sewer systems. The owner shall operate and maintain the private sewer system in a sanitary manner.

92.040. Disturbance of sewer prohibited. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the Superintendent.

92.050. **Application for connections to public sewer; Permit required; Fees**. The owner of property to be connected to the public sewer shall make an application to the City Clerk for a connection permit on such form as required by the City Clerk. No sewer connection shall be made without a permit.
The sewer tap fees for the City of Hamilton for sewer taps or connections to City owned sewer mains or extensions shall be as follows:

A. The intent of this Subsection to establish a sewer system user's fee imposed upon new

connections to the City's sewer system and not to levy a "tax" or fee as such term is used in Article X, Section 22 of the Missouri Constitution. It is the intent of this Subsection to impose a sewer tap fee, payable prior to approval of a new sewer service connection, in an amount based upon the demand for sewer attributable to the new connection cost of constructing sewer service facilities needed to serve the new connection.

B. FEES.

1. In City Limits. The tapping fee to connect to the city sewer for service locations inside the city limits will be $100.00 per tap.
2. Outside City Limits. The tapping fee to connect to the city sewer for service locations outside the city limits will be $200.00 per tap.

All other costs and expenses incident to the installation and connection of the sewer shall be borne by the owner, who shall indemnify the City for any loss or damage directly or indirectly caused by the connection of the sewer to the public sewer.

92.060. Separate sewer for each building: Exception. A separate and independent building sewer shall be provided for every building; PROVIDED, where a building is so located that no public sewer is available then the sewer from such building may be connected to the nearest available building sewer.

92.070. Requirements for new building sewers. Existing building sewers may be used for connection with new buildings only when they are found by the Superintendent to meet all requirements of this Chapter 92.

92.080. Construction of sewers. The size, slope, alignment, material of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the City ordinances and requirements of the Superintendent. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor; if any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and applicable ordinances of the City. An applicant for a building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent. All excavations for building sewer installations shall be adequately guarded with barricades and light so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored to pre-excavation condition or better.

92.090. Prohibited connections with and discharges into sanitary sewer. No person shall make connection of roof down spouts, areaway drains, or other sources of surface or storm runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage,

uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.

92.100. Prohibited discharges into storm sewers. No person shall discharge anything other than storm water and unpolluted drain water into storm sewers. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

92.110. Prohibited discharges into any public sewers. No person shall discharge or cause to be discharged or permit discharge from any property owned or possessed by such person any of the following into any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other matter commonly found in sewers, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN (cyanide) in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than five and five-tenths (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups and milk containers, either whole or ground by garbage grinders.
5. Any waters or wastes having:

a. A five-day BOD greater than three hundred (300) parts per million by weight, or
b. More than three hundred fifty (350) parts per million by weight of suspended solids, or
c. An average daily flow greater than two (2) percent of the average sewage flow of the City.

6. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Centigrade).
7. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero and sixty-five (65) degrees Centigrade).
8. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
9. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
10. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that

any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
11. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction over and imposing upon the City any requirements governing City sewage or water discharges.
12. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal law or regulations.
13. Any waters or wastes having a pH in excess of nine and five-tenths (9.5).
14. Materials which exert or cause:
a. Unusual concentrations of inert, suspended solids including; but not limited to; Fuller's earth, lime slurries, and lime residues, or of dissolved solids including, but not limited to, sodium chloride and sodium sulfate, or
b. Excessive discoloration including, but not limited to, dye wastes and vegetable tanning solutions, or
c. Unusual ROD or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant, or
d. Unusual volume of flow or concentration of waters constituting slugs.
15. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over City sewer and water discharges.

It shall be an affirmative defense to any prosecution for a violation under subparagraphs 6 through 15 of this Section 92.110 if the defendant demonstrates by a preponderance of the evidence that the discharge in fact had no adverse effect upon the sewage treatment plant City sewer system or any portion thereof.

92.120. Remedies for Prohibited Discharges into Sewers. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain the substances or possess the characteristics described in Section 92.110, the Superintendent may:
1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers; or
3. Require control over the quantities and rate of discharge; or
4. Require payment to cover the additional cost of treatment; or
5. Terminate all utility services.

If the Superintendent requires and the owner agrees to the pretreatment or control waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable Ordinances and laws. Such preliminary treatment or flow-equalizing facilities shall be maintained continuously in satisfactory and effective operation. No utility service shall be

terminated unless the Superintendent shall have delivered a written specification of his objections and the person making or to make the discharge has failed to comply with the requirements of this Chapter 92.

92.130. Interceptors: Specifications. Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, any flammable wastes, sand, or other potentially harmful ingredients; provided, such interceptors shall not be required for sewers from real property used solely for residential purposes. All interceptors shall be of a type and capacity approved by the Superintendent and shall be readily and easily accessible for cleaning and inspection.

92.140. Requirements for manholes and meters. The owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be easily accessible and safely located, shall be constructed in accordance with plans approved by the Superintendent, and shall be maintained so as to be safe and accessible at all times.

92.150. Standards for analyses: sampling techniques. All measurements, tests, and analyses of the characteristics of water, sewage and wastes under this Chapter 92 shall be in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the absence of a special control manhole, the control shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of sewage constituents upon the sewage treatment plant and to determine the existence of hazards of life, health and property.

92.160. Agreements between City and industry. The City and any business generating industrial waste of unusual strength or character may agree that such waste shall be accepted for treatment upon such terms as are approved by the Board of Aldermen.

92.170. Destruction or damage to Sewer system prohibited. It shall be unlawful for any person to break, damage, destroy, uncover, deface, or tamper with any part of the City sewer system or sewage treatment plant.

92.180. Inspection powers and authority; Safety rules. The Superintendent shall be permitted to enter any real property for purposes of inspection, observation, measurement, sampling, and testing under the provisions of this Chapter 92, and shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries to the extent necessary to determine the kind and source of any discharge into the public sewers or waterways of the City. While performing such activities, the Superintendent shall observe all safety rules applicable to the property established by the owner.

92.190. Sewer, Rules and Regulations.

Article I. Section 1. The following Rules and Regulations are hereby adopted to govern the sewer services furnished by the municipality in a uniform manner for the benefit of the municipality and its sewer users. They are subject to change from time to time. All such changes must be approved by the State Director of the Rural Development, United States Department of Agriculture, or his successor, so long as the municipality has unpaid obligations which are held by or insured by the United States of America. If any portion of these Rules shall be declared invalid by competent authority, such voidance shall not affect the validity of the remaining portions.

Article II. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1. "BOD" (denoting Biochemical Oxygen-Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

Section 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Section 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Section 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Section 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Section 8. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Section 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Section 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Section 13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

Section 14. “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.

Section 15. “Sewage Works’ shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 16. “Sewer” shall mean a pipe or conduit for carrying sewage.

Section 17. “Shall” is mandatory; “May” is permissive.

Section 18. “Slug” shall mean any discharge of water, sewage or industrial waste which in concentration of any give constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Section 19. “Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 20. “Superintendent” shall mean the Superintendent of the Municipal Sewer Works of the City of Hamilton, Missouri, or his authorized deputy, agent or representative.

Section 21. “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Section 22. “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 23. “Municipality” shall mean the City of Hamilton, Missouri.

Section 24. “State Director” shall mean the State Director of Rural Development for Missouri, United States Department of Agriculture, or his successor.

Section 25. “Applicant” shall mean any individual, firm, partnership, corporation or other agency owning land within the municipality applying for a sewer service.

Section 26. “Board” shall mean the Board of Aldermen of the City of Hamilton, Missouri.

Section 27. “Inspector” shall mean the person or persons duly authorized by the City of Hamilton to inspect and approve the installation of building sewers and their connection to the public sewer system.

Article III. Section 1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Hamilton, or in any area under the jurisdiction of said City of Hamilton, any human or animal excrement, garbage or other objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within the City of Hamilton, or in any area under the jurisdiction of said City of Hamilton, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City of Hamilton and abutting on any street, alley or right-of-way in which there is now located or may be in the future be located a public sanitary or combined sewer of the City of Hamilton, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

Article IV. Section 1. Where a public sanitary or combined sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

Section 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Inspector. The application for such permit shall be made on a form furnished by the City of Hamilton, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Inspector. A permit and inspection fee of Ten Dollars ($10.00) shall be paid to the City of Hamilton at the time the application is filed.

Section 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within four (4) hours of the receipt of notice by the Inspector if received in the forenoon and within eighteen (18) hours of receipt of notice if received in the afternoon.

Section 4. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 5. At such times a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article IV, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Hamilton.

Section 7. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer of the State or County.

Section 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

Article V. Section 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Inspector.

Section 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City of Hamilton. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of _____ Dollars ($_____) for a residential or commercial building sewer permit and _____ Dollars ($_____) for an industrial building sewer permit shall be paid to the City of Hamilton at the time the application is filed.

Section 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City of Hamilton from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear or another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this ordinance.

Section 6. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and back filling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Hamilton. In the absence of code provisions, utilization of industry appropriate materials in a good and workmanship like manner and/or in a manner consistent with MDNR Regional Office guidance will apply.

Section 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 9. The connection of the building sewer into the public sewer shall conform to the requirements of the buildings and plumbing code or other applicable rules and regulations of the City of Hamilton or, in the absence of code provisions, utilize industry appropriate materials in a good and workmanship like manner and/or in a manner consistent with MDNR Regional Office guidance. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Inspector before installation.

Section 10. The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.

Section 11. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard, streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Hamilton.

Article VI Section 1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Inspector. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Inspector, to a storm sewer, combined sewer or natural outlet.

Section 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/1 as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having (1) a 5-day biochemical oxygen demand greater than 300 parts per million by weight or (2) containing more than 350 parts per million by weight of suspended solids or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary, in the opinion of the Superintendent, the owner

shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight or (2) reduce the suspended solids to 350 parts per million by weight or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 4. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Inspector that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Inspector will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials, of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150)^{o} F (65°C).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150)^{o} F (0 and 65° C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Inspector.

(d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Inspector for such materials.

(f) Any waters or wastes containing phenols or other taste – or odor – producing substances, in such concentrations exceeding limits which may be established by the Inspector as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Inspector in compliance with applicable State or Federal regulations.
(h) Any waters or wastes having pH in excess of 9.5.
(i) Materials which exert or cause:
    1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
    2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)
    3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment work.
    4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article and, which in the judgment of the Inspector, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Inspector may:

(a) Reject the wastes
(b) Require pretreatment to an acceptable condition for discharge to the public sewers
(c) Require control over the quantities and rates of discharge and/or
(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article.

If the inspector permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Inspector and subject to the requirements of all applicable codes, ordinances and laws.

Section 6. Grease, oil and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 8. When required by the Inspector, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Inspector. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times

Section 9. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, "published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples

Section 10. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Hamilton and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of Hamilton for treatment, subject to payment therefor, by the industrial concern.

Article VII. Section 1. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Article VIII. Section 1. The Inspector and other duly authorized employees of the City of Hamilton bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Inspector or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 2. While performing the necessary work on private properties referred to in Article VIII, Section 1 above, the Inspector or duly authorized employees of the City of Hamilton shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City of Hamilton employees and the City of Hamilton shall indemnify the company against loss or damage to its property by

City of Hamilton employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 8

Section 3. The Inspector and other duly authorized employees of the City of Hamilton bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Hamilton holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Article IX. Section 1. Any person found to be violating any provision of this ordinance except Article VII shall be served by the City of Hamilton with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding One Hundred ($100.00) Dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offence.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to the City of Hamilton for any expense, loss or damage occasioned the City of Hamilton by reason of such violation.

[Added by Ordinance No. 1351; adopted August 2, 2010]

Chapter 93 – Natural Gas

93.005. Penalties. It shall be unlawful for any person to violate any provision of this Chapter 93 and any person convicted of a violation hereunder shall be punished as provided in Chapter 13 of this Code.

93.010. Natural Gas Service Furnished Solely by City.
[Repealed by Ordinance No. 1634, adopted April 12, 2017]

93.015. Natural Gas Department Created; Superintendent.
[Repealed by Ordinance No. 1634, adopted April 12, 2017]

93.020. Application for Service.
[Repealed by Ordinance No. 1634, adopted April 12, 2017]

93.030. Metering.
[Repealed by Ordinance No. 1634, adopted April 12, 2017]

93.040. Pilot Lighting.
[Repealed by Ordinance No. 1634, adopted April 12, 2017]

93.050. Customer Piping, Service Lines, and Permits.
1. The customer's piping begins at the outlet side of the gas meter. The piping stub out must be of proper height and location to permit proper installation of the meter. Gas piping must be constructed of proper materials and shall not be used as a ground or conductor for any electrical or telephone device. The customer shall have sole liability and responsibility for the customer's gas piping.
[Subsection 2. repealed by Ordinance No. 1634, adopted April 12, 2017]
[Subsection 3. repealed by Ordinance No. 1634, adopted April 12, 2017]
4. It shall be unlawful for any person to construct, install, alter, repair or otherwise undertake any gas piping or other work, or install any gas appliance, without first obtaining a permit to do such work; provided, that in case of an emergency arising where an immediate repair may be necessary, such repair may be made if the emergency is immediately reported to the City and a permit secured for such repair before noon of the next business day.
5. A gas permit may be issued to any person to do gas work in a single-family dwelling used exclusively for living purposes, including accessory buildings and quarters in connection with such building, provided the person is the owner of such building and the dwelling will be occupied by said owner, that said owner shall personally purchase all material and perform all labor in connection with the issued permit.
6. All gas work on residential and commercial buildings and rental properties shall be done only by licensed contractors. Residential work may be done by the home owner, if the owner lives in said home and is approved by the Superintendent as qualified to do the work.
7. It shall be the duty of the holder of a permit to give at least twenty-four (24) hours notice to the City when work is ready for inspection.

8. The City shall have the authority to enter any building, structure or premises upon reasonable advance notice there practicable at any reasonable hour for the purpose of making inspections. In cases of an emergency, the City shall have the right of entry without notice at any time.

93.060. Gas Main Extensions.
[Repealed by Ordinance No. 1634, adopted April 12, 2017]

93.070. Building/House Piping.
1. All pipe used for the installation, extension, alteration or repair of any gas piping shall be standard weight black steel pipe (.5 PSI system) or stainless steel tubing (2 PSI system). Brass, copper, galvanized, plastic, aluminum or cast iron shall not be used. Sizing and construction shall conform with Chapter 13 of the 1996 International Mechanical Code, except as noted within these regulations.
2. All material shall be new and clean, except that existing black steel pipe can be left in place.
3. Piping shall be cleaned and inspected.
4. All joints in the piping system, unless welded, shall be screwed joints, having standard pipe threads. Such screwed joints shall be made up with a threat compound applied to the male threads only.
5. If an inspection shall show that defective materials have been used, or that defective workmanship has been performed in the installation, alteration or repair or extension of any gas pipe, fixture or appliance in or on any customer's premises, such defective materials or work shall be replaced by the permit holder within a period of time not to exceed seven (7) days after notification, and the inspection shall be repeated.
6. All gas piping shall be supported at intervals of not more than six (6) feet, by straps or hooks capable of withstanding four (4) times the weight of the pipe being supported.
7. All joints concealed in any walls, floors or ceilings, shall be accessible.
8. Bushings and right and left couplings, shall not be used. Piping may be jointed by threaded fittings, valves, couplings or ground-joint unions, or by welding.
9. All outlets shall be properly connected to appliances and capped or plugged with screw-joint fittings.
10. Pipes shall not be bent, except for minor offsets. Fittings shall be installed to prevent any air or oxygen from entering the gas piping.
11. A shutoff valve and union shall be installed adjacent to every gas appliance. The union shall be between the valve and appliance and accessible for use in emergency situations.
12. Piping laid under concrete, tile or composition floors shall be protected against corrosion. Piping laid in concrete, cement, masonry, etc., shall be laid in a conduit or a tunnel left in the solid work. Gas piping shall not run through hot-air furnace pipes, cold-air ducts or elevator shafts.
13. Piping and tubing shall be of a size and so installed as to provide service sufficient to meet the maximum demand without undue loss of pressure between the meter and the appliance or appliances.
14. The hourly volume of gas required at each outlet shall not be less than the maximum hourly rating, as specified by the manufacturer of the appliance or appliances.

15. Where the manufacturer's rating of an appliance is given in B.T.U.'s per hour, this rating shall be divided by 1,000 to obtain the corresponding gas demand in cubic feet per hour.
16. In no case, shall a supply line to any gas appliance be installed having a diameter smaller than the inlet connection of that appliance.
17. Service shut-offs shall be installed at the meter on all new and replacement services.
18. It shall be unlawful to remove or disconnect any gas appliance without capping or plugging, with a screwed joint fitting, the outlet from which said gas appliance was connected.
19. Before any gas piping is put in service or returned to service, following repair or modification, it shall be tested and inspected. Where any part of the system is to be enclosed or concealed, this test shall precede the work of closing in. New gas piping systems must stand a pressure of at least ten (10) inches of mercury (five (5) p.s.i.g.), for a period of not less than fifteen (15) minutes, without showing any drop in pressure. For this test, the piping may be filled with air or inert gas, but not with any other gas or liquid. In no case, shall oxygen ever be used. This test must be witnessed by the Inspector. For repairs and modifications, the Inspector may require a pressure test as described above, or may test using a soap solution on all joints. Maximum test pressure will be twenty-five (25) lbs. for inside piping. Existing piping that is opened for repairs or modification, will be required to be brought up to the City of Hamilton Utilities' specifications.
20. No person shall install or use any device intended as an adjunct or addition to a gas appliance or to be suspended above, or to wholly or partially enclose any burner of a gas appliance in such a manner as to reduce the effectiveness of the ignition of the gas issuing from the burner or to impair the combustion of said burner. No person shall cause the gas supplied to bypass the meter.
21. Drip legs shall be installed. Drip legs shall not be less than six (6) inches in length, unless approved by the inspector.

93.080. Gas Appliances.
1. The construction and performance of all gas-burning appliances shall be safe to persons and property.
2. The presence of a valid seal of approval of a nationally recognized testing laboratory showing conformity of a construction and performance of gas-burning appliances with applicable requirements, which have been approved by the American Standards Association or the American Gas Association, shall be prima facie evidence that such construction and performance are safe to persons and property.
3. Appliances shall be installed so that their continued operation will not create a hazard to persons or property. The gas supply to any appliance shall not be set, rating as determined by the manufacturer.
4. No filter, or other obstruction, shall be placed in a flue passage of any appliance. This shall not preclude baffles and other standard parts built into an appliance by the manufacturer.
5. No appliance shall be installed in a room or space in which the facilities for ventilating do not permit the proper combustion of gas under normal conditions of use. All air ducts or permanent openings supplying air for combustion, shall be acceptable to the Inspector.

6. All appliances shall be connected with rigid piping, provided that appliances which are necessarily portable, or which require a vibration joint, may be connected with flexible stainless-steel tubing. On such appliances, the shut-off shall be in a solid connection on the piping and not on the appliance. Only approved tubing shall be used, and it shall be securely attached at each end. Flush-to-wall models of domestic gas ranges may be connected with stainless-steel tubing connectors approved by the American Gas Association Testing Laboratory or the Inspector.
7. Every appliance shall be located so that it will be readily accessible for operation and servicing.
8. Gas appliances shall not be installed in any location where flammable vapors are likely to be present, unless the design, operation and installation eliminate the possible ignition of the vapors.
9. Gas appliance pressure regulators requiring access to the atmosphere for successful operation, shall be equipped with a vent pipe leading to the outer air or into the combustion chamber adjacent to a constantly burning pilot.
10. Gas-fired water heaters shall not be installed in bathrooms or bedrooms, except as a replacement in a bathroom where they are properly vented and are supplied with adequate combustion air specifically authorized by the Inspector. Gas-fired water heaters shall not be installed closer to combustible materials than six (6) inches, provided that under fired, insulated automatic storage heaters may have a clearance of not less than two (2) inches, and units with one or more flat sides and listed for installation flush to the wall may be installed without the specified clearances. A temperature and pressure-relief valve shall be installed on all water heater installations or replacements. The temperature and pressure-relief valve shall meet the specification requirements of the American Gas Association or the American Standards Association. The valve shall be installed either directly in the tank, in a tapping provided for this purpose, or not over six (6) inches down from the top of the tank, and as close to the tank as possible. Pressure-relief discharge shall be set at one hundred twenty-five (125) lbs. and shall be rated to limit the pressure rise, by thermal expansion, for any given heat input, to ten (10) percent of the pressure at which the valve is set to open; however, the setting must not be in excess of the rated working pressure of the tank. Temperature-relief discharge shall be set to open at two hundred ten (210) degrees and shall have a B.T.U. temperature-relieving capacity rating at least equal to the gross heat input of all connected heaters to prevent any further rise in temperature. A length of PVC or copper tubing, approximately four (4) feet in length, shall be fitted to the pressure-relief valve in a downward position to control discharge flow. The outlet of a temperature and pressure-relief valve shall not be connected to the drainage system of the building as a direct waste.
11. Before natural gas supply is furnished to a consumer who has been previously using liquified petroleum gases, the appliances shall be properly adjusted to ensure safe operation of burners and proper combustion of the gas.
12. All heating appliances which are converted to gas shall be cleaned and installed in accordance with accepted engineering practices for the installation of domestic gas conversion burners.

93.090. Venting of Gas Appliances.

1. Every fuel-burning appliance shall discharge its products of combustion to a vent, factory-built chimney, masonry chimney or metal chimney, except that appliances which have been tested for use with a special vent system shall be vented in accordance with the manufacturer's installation instructions. The chimney or vent shall be designed for the type of appliance being vented. A chimney or vent shall not be required for appliances that are tested for unvented use. Unvented appliances shall be used and installed in accordance with the manufacturer's installation instructions. All appliances must be vented when installed in bathrooms, unventilated rooms or rooms used for sleeping.
2. The vent connection shall not be less in diameter than the vent outlet of the gas appliance which it serves. Unless the appliance manufacturer's installation instructions indicate otherwise, every vent connection shall have a rise of not less one-half (1/2) inch per foot of length. The horizontal run of the connector shall be as short as possible, and the appliance shall be located as near the flue or vent as practicable. The maximum length of horizontal run shall not exceed seventy-five (75) percent of the height of the flue or vent.
3. A rectangular or oval vent may be used, provided its internal cross-sectional area is not less than that of the vent outlet of the appliance which it serves; provided that the ratio of its width-to-depth in cross-sectional area is not less than that of the vent outlet of the appliance it serves; and provided that the ratio of its width-to-depth, in cross-section, does not exceed three to one (3-1). In no case, shall any vent or portion thereof have a cross-sectional area of less than twelve (12) square inches or a minimum internal diameter of less than two (2) inches.
4. Every vent, thimble and inlet shall have a clean and unobstructed cross-sectional area at least equal to the area of the outlet on the gas appliance which it serves.
5. Except as otherwise provided, the area of any vent serving more than one appliance shall be not less than the area of the largest vent connection, plus fifty (50) percent of the areas of all additional vent connections.
6. All metal joints shall be secured by screws.
7. Vents shall, as a minimum, conform to the recommendations of the manufacturer of the appliance being vented.
8. Type "B" gas vents shall not be used with gas appliances which produce flue gas temperature in excess of five hundred fifty (550) degrees. They shall not be used for venting:
    a. Incinerators, or
    b. Appliances which are or may be converted to the use of solid or liquid fuel, or
    c. Boilers and high-heat-producing furnaces.
9. Type "BW" gas vents shall be used only with approved, recessed or wall gas heaters listed for use with such vents.
10. Type "C" gas vents shall be used only for runs directly from the space in which the appliance is located. Such vents shall not pass through any attic or concealed space, nor through any roof or floor, and shall not be used to vent a gas appliance directly to the outside atmosphere.
11. Combustible material, within twelve (12) inches vertically and six (6) inches horizontally of any vent connection, shall be protected by approved fire-resistant material. These distances shall be measured at right angles to the vent connection.

12. Every vent, thimble and inlet extending into or through any wall, partition, floor, ceiling or roof of any building, shall have a perforated and ventilated sleeve extending the full length of such space between the ceiling and floor above or through any partition or wall. Such sleeve shall provide at least a three-quarter (3/4) inch air space at every point around the vent. Such sleeves or air space may be omitted in non-combustible construction.
13. The flue or vent shall extend high enough above the building or other neighboring obstruction, so that wind from any direction will not strike the flue or vent from an angle above horizontal. Flues or vents must extend at least two (2) feet above roofs or two (2) feet above the highest part of wall parapets and peaked roofs within twenty (20) feet horizontally, except that gas vents need not comply with the provision when equipped with an approved devise which eliminates downdrafts.
14. Where two (2) or more inlets are provided in any vent or chimney, such inlets shall be offset in such a manner that no section of any inlet shall be opposite to other inlets in such vent and shall be at different levels.
15. Vent inlets not in use, shall be tightly closed by means of an approved cap.
16. Every flue-connected appliance, except an incinerator (unless its construction serves the same purpose), shall be equipped with an effective draft hood which either (1) has been approved as part of the appliance, or (2) complies with nationally-recognized standards for draft hoods.
17. The draft hood shall be attached to the flue collar of the appliance, or as near to the appliance as conditions permit, and in a position for which it is designed with reference to horizontal and vertical plains. The draft hood shall be so located that the relief opening is not obstructed by any part of the appliance or adjacent construction.
18. The installation of an approved vent cap or top, which will prevent precipitation from entering the vent, may be installed. An approved vent cap or top shall be so constructed that it cannot slip down and block the vent opening. A vent cap or top installed on the vent at its terminus, shall have a free, open area equal to the cross-sectional area of the vent pipe on which it is installed.
19. Any chimney which has a clean-out at the bottom, is of solid non-porous construction, and the interior of which has a straight line opening from top to bottom, need not be lined for use as a gas vent, provided it is properly cleaned.
20. All other chimneys, including block-flue pipe, shall be provided with a fire-clay flue liner or other approved corrosion-resistant liner.
21. No person shall vent any gas appliance into a vent or chimney which serves as a solid fuel appliance.

93.100. Forms Applicable to Gas Services.
[Repealed by Ordinance No. 1634, adopted April 12, 2017]

Chapter 102 -- Open Meetings and Public Records

102.010. Meeting. Records and Votes Open; Exceptions. All meetings, records and votes are open to the public except the Board and the governing body of any subunit of the City (hereinafter collectively "the City") may close any meeting, record, or vote for any purpose permitted under RSMo §610.021 or other applicable state or federal statute.
[Amended by Ordinance No. 1651, adopted August 9, 2017]

102.020. Records Closed; Closing Meetings. All records that may be closed are hereby deemed closed records unless voted to be made public. Before closing a meeting to "the public, a majority of a quorum of the Board or other governing body must vote to do so in a public vote. The vote of each member of the Board on the question of closing the meeting or vote and the reason for closing the meeting by reference to a specific exception shall be announced at a public meeting and entered into the minutes.

102.030. Notice of Meetings; Access. City Clerk shall give notice of the time, date, place and tentative agenda of every meeting. If a meeting is to be closed in whole or part such fact shall be stated together with the reason for closing same by reference to a specific exception under Section 102.010. No business not directly related to the specific reason for closing the meeting shall be discussed. The notice shall be placed on the east door at City Hall at least 24 hours prior to the meeting. If an emergency makes it impossible to give 24 hours notice, the reason must be reflected in the minutes. Notice shall also be given to any representative of the news media who requests notice of a particular meeting. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. When it is necessary to hold a meeting on less than twenty-four hours notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

102.040. Optional Notice For Meetings of Subunits of City. A formally constituted subunit of the City may conduct a meeting without notice during a lawful meeting of the Board, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the Board meeting and the subject of the meeting reasonably coincides with a subject discussed or acted upon by the Board.

102.050. Maintenance of and Access to Records; Charges.
A. The City Clerk is the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
B. The custodian shall provide public access to all public records as soon as possible but no later than the third business day following the date a request is received by the custodian. If

additional delay is necessary, the custodian shall give an explanation for the delay and a date when the record will be available for inspection. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian.

C. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

D. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.

E. The custodian shall charge ten cents ($.10) per page for any paper copy not larger than nine by fourteen inches, and an hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff. Further, research time required for fulfilling records requests shall be charged at the actual cost of research time. The custodian shall produce the copies using employees of the City that result in the lowest amount of charges for search, research, and duplication time. The custodian may require payment prior to duplicating documents and a reasonable cash deposit prior to searching for documents. Upon request, the public governmental body shall certify in writing that the actual cost of document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body.

[Amended by Ordinance No. 1651, adopted August 9, 2017]